

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 18<sup>th</sup> June 2019

The House met at 2.30 p.m.

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

### PRAYERS

### MESSAGE

#### THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2 BILL) SENATE BILL NO.7, 2017

**Hon. Speaker:** Hon. Members, pursuant to the provisions of Standing Order No.41, I wish to report to the House that I have received a Message from the Senate conveying the decision of the Senate on the County Governments (Amendment) (No.2 Bill) Senate Bill No.7, 2017.

Hon. Members, you will recall that the County Governments (Amendment) (No.2 Bill) Senate Bill No.7, 2017 was passed by the National Assembly with amendments on Tuesday, 26<sup>th</sup> March 2019. The Message from the Senate reads as follows:

“On Thursday, 30<sup>th</sup> May 2019, the Senate considered and rejected a Motion to consider the National Assembly amendments to the County Governments (Amendment) (No.2 Bill) Senate Bill No.7, 2017 to Clauses 2 and 3.”

The import of the Senate’s decision is that the Bill is now required to proceed to mediation, pursuant to the provisions of Article 112 of the Constitution, and Standing Order No.149 of the National Assembly Standing Orders.

Hon. Members, in light of this, I have, therefore, appointed the following Members to represent the National Assembly in the Mediation Committee on this Bill, in accordance to the provisions of Article 113 of the Constitution:

1. Hon. Amos Kimunya, EGH, MP.
2. Hon. Peter Kaluma, MP.
3. Hon. Didmus Barasa, MP.
4. Hon. Edward Oku Kaunya, MP.
5. Hon. (Ms.) Halima Mucheke, MP.

The Members are advised to liaise with their Senate counterparts so as to expeditiously embark on the process of developing an agreed version of the Bill.

Thank you, Hon. Members.

## PETITIONS

### ALLEGED SALE OF MIDLANDS LIMITED

**Hon. Speaker:** Hon. Members, I wish to convey the following Petition.

Standing Order No. 225(2)(b) requires the Speaker to report to House any petitions other than those presented by a Member. I, therefore, wish to report to the House that my Office has received a Petition submitted by, one Mr. Samuel Matheri Hongu, on behalf of Midlands Limited as a shareholder.

The Petitioner is praying that the House investigates the conduct of the Registrar of Companies and the Registrar General. The Petitioner claims that by knowingly ignoring the fact that the above mentioned company has not held any annual general meeting since 13<sup>th</sup> January 2013, the two public officers are in breach of Article 48 of the Company's Articles of Association, which states that annual general meetings should be held within a maximum interval of 15 months, and Section 277 of the Companies Act, 2015 which provides for the convening of an extraordinary general meeting.

Hon. Members, the Petitioner is of the opinion that the aforementioned public officers are keeping an illegitimate board of directors in office by denying calls to convene an extraordinary general meeting. The Petitioner is sceptical of the board's intentions to transfer the farmers' company to an offshore entity, Primestar Holdings in the West Indies and raises concerns regarding the underlying intentions of the sale and the consequences it may inflict on the 12,000 rural households that are shareholders in the company.

Given the circumstances around the sale, the Petitioner is apprehensive that there is intent by the public officers and the alleged illegitimate board to commit fraud that could have dire consequences on the citizens or shareholders of the company and occasion greater and far reaching consequences for agro processing in general.

The Petitioner prays that the House investigates the conduct of the Registrar of Companies and the Registrar General in relation to the matters raised in this Petition, identifies the owners of Primestar Holdings Limited and conducts an inquiry into the intended sale of Midlands Limited to the overseas entity.

Thank you, Hon. Members.

### GAZETTEMET OF NDRAGWA CONSTITUENCY AS HARDSHIP AREA

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Speaker. I wish to present the following public Petition that I had done before, but lapsed before the Committee could look at it. It is a petition regarding gazettement of Ndaragwa Constituency as a hardship area.

I, the undersigned, on behalf of the residents of Ndaragwa Constituency draw the attention of the House to the following:

That, the then Cabinet Secretary for Public Service, vide a circular dated 21<sup>st</sup> October 2009, approved the rationalisation and harmonisation of hardship areas and payment of hardship allowances to teachers and civil servants.

That, the circular outlined and approved criteria for establishing the designation of a hardship area and undertook to gazette a new list of hardship areas and areas degazetted due to development that had taken place since they were last gazette.

That, the Government approved and effected as increment of Kshs10,000 for civil servants working in areas classified as 'extreme hardship areas' and Kshs5,000 for civil servants in areas classified as 'moderately developed areas'.

That, Ndaragwa Constituency, though classified as a hardship area as per the said circular, has not and does not benefit from Government support accorded to such areas;

That, Ndaragwa Constituency borders Laikipia County and have similar climatic conditions and civil servants, especially teachers, prefer working in Laikipia County where they benefit from such hardship allowances.

That, the residents of Ndaragwa Constituency feel discriminated and disadvantaged because of this omission by the Government for they are denied the services of trained personnel posted to the area, among other attendant Government support.

That, the then Minister for Public Service, Hon Dalmas Otieno, in response to Question No.388, filed by Hon John Mbadi, tabled a Ministerial Statement in Parliament on 12<sup>th</sup> October 2010, which included a Government circular dated 21<sup>st</sup> October 2009, assuring Parliament that the affected areas would benefit from Government support accorded to such hardship areas;

That, this has occasioned non-provision of other support programmes such as school feeding programmes, leading to low enrolment especially in primary schools as parents prefer to take their children to schools bordering Ndaragwa and Laikipia Constituencies where feeding programmes are provided to school-going children.

That, efforts to resolve the matter with the relevant Ministry have been futile, and

That, the issues in respect of which this Petition is made are not pending before any court of law, constitutional or statutory body.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Administration and National Security.

(i) Causes the Cabinet Secretary for the Ministry of Public Service, Youth and Gender Affairs to accord and treat Ndaragwa Constituency as a hardship area and implement the said Government Circular of 12<sup>th</sup> October 2009, and

(ii) Makes any other order or direction that it deems fit in the circumstances of this Petition.

And your Petitioners will ever pray.

**Hon. Speaker:** Let us now hear the Member for Igembe Central.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Speaker for giving me this opportunity to comment on that Petition. I support the Petition because there are very many areas in this country that were forgotten during the original demarcation. There are areas which should be considered arid and others which should not be considered because of the parameters which were being used then. Maybe, they were looking at the counties or provinces. There are constituencies which have areas that are marginal while others do not. For that reason, civil servants working in those areas get a lot of hardships. It is important that a review is carried out as per constituencies so that those areas that were not considered are, at least, captured appropriately.

In my constituency, there is an area which borders Isiolo. It is as remote as any other part of north eastern Kenya and so it should be captured as a hardship area. I support this Petition and beg that the relevant Departmental Committee criss-crosses the country to check all the possible

hardship areas and classify them as such. That will benefit the people who work for the Government, especially teachers and other civil servants whose lives are normally endangered in those circumstances. They even stay without water and their travelling is a problem.

I support the Petition.

**Hon. Speaker:** The Leader of the Minority Party, you have the Floor.

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, while supporting this Petition on issues of hardship, allow me to say two things which I think the Committee needs to deal with. We need to take a decision and agree that a survey needs to be done afresh in this country. Some of these areas classified as hardship areas do not make sense at all. You would find in the same constituency areas that are worse than the ones classified as hardship. Even when it comes to paying hardship allowances, you would find some public servants are paid while others are not. For example, I was in Mfangano, and despite the fact that teachers there are paid hardship allowance all other Government officers working in that Island do not get hardship allowance. The question is: Why some personnel working for the Government are paid while others are not? You will also find a place which is, say, 100 meters from tarmac in Mbita Constituency is considered for hardship allowance just because, theoretically, the place used to be an island. There are other areas in Mbita which are more disadvantaged because they do not have roads and water and yet the personnel there are not considered for hardship allowance.

As the Committee deals with this issue which Hon. Kioni has brought forth, there is need to redo the assessment of hardship areas in this country. Based on what is happening, we are not even sure how these areas were classified. Probably some people were influencing the classification and that is not right.

Thank you. I support.

**Hon. Speaker:** Let us hear the Member for Mwea.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Speaker, for giving me a chance to comment on this very important Petition. I want to agree with the speaker who has spoken before me that we need to look at this hardship demarcation afresh. We realise that the zoning of hardship areas was done some time ago. There are some areas that fall within constituencies that may not be seen as hardship areas, but within them are very critical hardship areas.

In Mwea Constituency which I represent, I have areas called South Ngariama and Wamumu which could pass for hardship areas. In that respect, I would like to propose that any policy aimed at equalisation in the country should be area-focused and not county or constituency-focused. Otherwise, we have left out some marginalised areas within constituencies or counties that are not, historically, referred to as Arid and Semi-Arid Lands (ASAL) or hardship areas.

I support the Petition.

**Hon. Speaker:** Yes, the Member for Kitui South.

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Thank you, Hon. Speaker, for giving me a chance to comment on this Petition that has been brought by Hon. Kioni. As the Committee handles this Petition, it is important to note that there are constituencies which are classified as hardship and are receiving the benefit that others are getting.

I would like to give an example of my constituency. We have teachers getting hardship allowance whereas the other civil servants are not getting. They include police officers who go deep into areas that have border issues, agricultural officers and generally all other civil servants. This is a matter of concern. It is important that as the committee handles this matter, they ensure

that there is synchronisation of benefits. If some civil servants are getting hardship allowance, then all of them should get it.

In Kitui South, Mutomo and Ikutha, teachers benefit, but the other civil servants – who I believe do equally difficult work – are not receiving it. I would like to ask the Committee to consider this as they consider the constituency that has been raised by Hon. Kioni.

Thank you.

**Hon. Speaker:** Member for Marakwet East, you have the Floor.

**Hon. Kangogo Bowen** (Marakwet East, JP): Thank you, Hon. Speaker, for giving me this opportunity to comment on this Petition. One, I want to ask the committee, as they look into this Petition, not only to focus on Ndaragwa Constituency. As we have heard, many members are raising issues because the classifications that were done before were skewed. If you check the Equalisation Fund, you will find that there are some areas that benefit from it while there are areas under similar conditions and environment that do not benefit from it.

Hon. Nyamai said something important that this Petition requires a multi-agency approach. That includes the Salaries and Remuneration Commission (SRC) so that they can classify and clarify why some civil servants receive hardship allowance while others do not.

There is also need for the ministries to reclassify areas afresh based on constituencies. When you talk about counties, where I come from in Kerio Valley, it is a hardship area. This is the case and yet we do not benefit from the Equalisation Fund.

Baringo, which is the same as Kerio Valley does not benefit, but other counties that are better than Elgeyo Marakwet benefit. There is need for this Petition to be looked into, not only for Ndaragwa constituency, but the entire country.

I support.

*(Hon. Kimani Ichung'wah consulted with the Speaker)*

**Hon. Speaker:** I am sorry Hon. Members. As you know, the Budget and Appropriations Committee has been meeting since morning and there are certain things that need to be sorted out. Maybe, we can hear one more contribution. Based on diversity, let us have the Member for Ndhiwa Constituency.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Speaker, for this opportunity. Perhaps it will require that we define what hardship is. In my constituency, as we speak, rivers are not passable and kids are cut off from school. The poverty level is high and the household income is too low.

*(Hon. Aden Duale spoke off record)*

Hardship is not only pegged on dry seasons. What I am saying is that we need to define what hardship is and then we can do mapping of where it is.

My suggestion is that this hardship allowance should be given to constituencies so that it is evenly and equitably distributed. If that is not done, other areas will suffer than those that were classified as hardship areas then although they are now not hardship areas. So, my submission is that we need to relook into that and map out those areas. This will be better done through constituencies.

Thank you.

**Hon. Speaker:** Hon. Members, the person who presented the Petition, Hon. Jeremiah Kioni, sought that it be referred to the Departmental Committee on Administration and National Security. That is what I understood he wanted. However, there were suggestions that the matter be referred to a different committee of the House. I can only grant his wish. His wish is that the matter be referred to the Departmental Committee on Administration and National Security, which I hereby do.

Is there another Petition?

Let us move on to the next Order.

### PAPERS LAID

**Hon. Peter Mwathi** (Limuru, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Tuesday, 18<sup>th</sup> June 2019.

Report of the Departmental Committee on Defence and Foreign Relations on the vetting of six nominees for approval as Ambassadors/High Commissioners.

Thank you.

**Hon. David Pkosing** (Pokot South, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Tuesday, 18<sup>th</sup> June 2019.

Report of the Departmental Committee on Transport, Public Works and Housing on the inquiry into the proposed Kenya Airways Privately initiated Investment Proposal (PIP) to the Kenya Airports Authority.

Thank you.

**Hon. (Ms). Rachael Nyamai** (Kitui South, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House today, Tuesday, 18<sup>th</sup> June 2019.

The consideration of a Petition by Mr. John Bernard Nduku regarding rectification of land parcel No.Igembe/Ndoleli/Athiru/Ruujine/2554, and

The inquiry into a complaint by Kamiti Anmer Forest Squatters Association regarding allocation of land LR No.8390 in Kamiti Anmer Forest.

Thank you.

**Hon. Speaker:** To the Chairperson of the Departmental Committee on Lands, I read through your two Reports. I suggest that, with regard to the second Report, you consider to amend the second recommendation by deleting the word “the date of tabling” and replacing it with “the date of adoption”. If the 60 days you have given begin running from today and the House does not consider and approve the Report or, indeed, if the House does not agree with you, there is a danger of having it that way. I had proposed in writing and I do not know if you saw it when you were moving the Report.

*(Hon. Rachael Nyamai spoke off record)*

Very well.

Then we can move on to the next Order.

### NOTICES OF MOTION

APPROVAL OF NOMINEES FOR APPOINTMENT  
AS AMBASSADORS/HIGH COMMISSIONERS

**Hon. Peter Mwathi** (Limuru, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Defence and Foreign Relations in its Report on the vetting of six nominees for the approval of Ambassadors/High Commissioners laid on the table of the House today, Tuesday 18<sup>th</sup> June, 2019 and pursuant to Article 132(2) (e) of the Constitution and Section (8) of the Public Appointment Parliamentary Approval Act, 2011, this House approves the appointment of the following persons as Ambassadors/High Commissioners:

- |    |                             |   |                            |
|----|-----------------------------|---|----------------------------|
| 1. | Purity Wakiuru Muhindi      | - | Ambassador to Senegal      |
| 2. | Jackline Lumumba Yonga      | - | Ambassador to Italy        |
| 3. | Hon. Halima Abdille Mohamud | - | Ambassador to Kuwait       |
| 4. | Lemaronn Kaanto             | - | Ambassador to Germany      |
| 5. | Andrew Maina Kihurani       | - | Ambassador to Switzerland  |
| 6. | Eliphas Mugendi Barine      | - | High Commissioner to Ghana |

Thank you.

**Hon. Speaker:** Chairperson of Departmental Committee on Lands.

ADOPTION OF REPORT OF INQUIRY INTO ALLEGATIONS OF  
IRREGULAR ALLOCATION OF L.R. NO.8930

**Hon. (Ms). Rachael Nyamai** (Kitui South, JP): I am sorry about that delay, Hon. Speaker.

I beg to give notice of the following Motion:

THAT, the House adopts the Report on the inquiry into a complaint by Kamiti Anmer Squatter Forest Association regarding allocation of land LR No. 8390 in Kamiti Anmer Forest laid on the Table of the House today, Tuesday 18<sup>th</sup> June, 2019.

Thank you.

**Hon. Speaker:** Chairperson of Departmental Committee on Transport and Public Works and Housing, Hon Pkosing, you have the Floor.

ADOPTION OF REPORT OF INQUIRY INTO PIP TO KENYA AIRWAYS

**Hon. David Pkosing** (Pokot South, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Transport and Public Works and Housing on the inquiry into the proposed Kenya airways privately initiated proposal famously known as PIP to Kenya Airways Authority laid on the table of the House today, Tuesday 18th June, 2019.

Thank you.

**Hon. Speaker:** Next Order!

**ORDINARY QUESTIONS**

**Hon. Speaker:** Hon. Members, the first Question is by the Member for Bonchari, Hon. Oyoo Oyioka. He has written to me requesting that the Question be dropped because the issue he was inquiring into has since been addressed by the Executive Arm of the Government to his satisfaction. So, the Question stands dropped.

*Question No.268/2019*

PENSIONS MANAGEMENT SYSTEM OUT OF ORDER

*(Question dropped)*

**Hon. Speaker:** Hon. Members, let us move to the next Question by the Member for Igembe Central.

*Question No.270/2019*

CONSTRUCTION OF POWER LINE IN NYAMBENE FOREST

**Hon. Kubai Iringo** (Igembe Central, JP): Hon. Speaker, I beg to ask the Cabinet Secretary for Energy:

(i) whether he is aware that Kenya Power obtained wayleave from the Kenya Forest Service in 2012 to construct a power line in Nyambene Forest stretching a distance of 4.2 kilometres, following which trees and vegetation were cleared.

(ii) whether he could provide reasons behind the delays in construction of the power line and further state the amount that had been earmarked for the project, and

(iii) whether he could provide a clear timeline on when the project will commence and its expected date of completion?

Thank you.

**Hon. Speaker:** The Question will be responded to before the Departmental Committee on Energy.

The next Question is by the Member for Garsen.

*Question No.271/2019*

MEASURES TO IMPROVE GARSEN-ASSA-KONE ROAD

**Hon. Ali Guyo** (Garsen, JP): Hon. Speaker, I beg to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development:

(i) whether he is aware that the Garsen-Assa-Kone Road (C25) that links Kitui and Garsen Constituencies is in a deplorable state which worsens during the rainy seasons.

(ii) whether he is further aware that the Gamba-Sailoni-Masalani Road was earmarked for tarmacking in 2017 but has not undergone any upgrading since then despite its massive importance to the region, and

(iii) what measures the Ministry is putting in place to improve the state of the said roads.

Thank you.

**Hon. Speaker:** The Question will be responded to before the Departmental Committee on Transport, Public Works and Housing.

Next is the Question by the Member for Matuga, Hon. Kassim Tandaza, who is out of the country on official duty. He has requested that the Question be deferred to Thursday, next week. I will only accede to the deferment. Thursday may be subject to any other business that may have been placed before him. The Question stands deferred.

*Question No.272/2019*

DAMS CURRENTLY UNDER CONSTRUCTION IN KENYA

*(Question deferred)*

**Hon. Speaker:** The last Question is by the Member for Gatundu North, Hon. Annie Wanjiku Kibeh.

*Question No.273/2019*

MEASURES TO REHABILITATE MANG'U-GAKOE-FLYOVER ROAD

**Hon. (Ms.) Wanjiku Kibeh** (Gatundu North, JP): Hon. Speaker, I beg to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development:

(i) whether he is aware that the Mangu-Gakoe-Flyover Road (D1315) is in a dilapidated state and has become a major security concern to motorists who are being attacked along the road.

(ii) whether he could explain the reasons why the road was degraded from Class C to Class D yet it connects the Counties of Kiambu, Nyandarua and Nakuru, and

(iii) what measures the Ministry is putting in place to ensure that the said road is rehabilitated and completed to the required standard within the stipulated time frame?

Thank you.

**Hon. Speaker:** The Question will be responded to before the Departmental Committee on Transport, Public Works and Housing.

Hon. Members, that concludes that stage of consideration of business.

Before we move to the next Order, allow me to recognise the presence, in the Public Gallery, of students and pupils from the following institutions: Etono SDA Primary School from North Mugirango Constituency, Nyamira County; Fountain Gate Preparatory School from Kanduyi Constituency, Bungoma County; Riomego Boarding Primary School from North Mugirango Constituency, Nyamira County; and Cheptuiyet Hill View Primary School from Sigowet/Soin Constituency, Kericho County. They are all welcome to observe proceedings in the House.

Hon. Members, before we proceed to the next Order, allow me to give this guidance.

As you are aware, the House is now proceeding to consider the Estimates for Financial Year 2019/2020 in the Committee of Supply, to supply resources to the various Votes in State Ministries, Departments, Agencies, Constitutional Commissions and Independent Offices.

Several amendments have been proposed by Members on the said Estimates as published in the Order Paper. You will note that under each of those amendments, there is a disclaimer indicating "the amendment is subject to the provisions of Article 114(2) of the Constitution." This is because, as required, under the said Article and Sub-Article of the Constitution, I have forwarded the proposed amendments to the Budget and Appropriations Committee for

consideration and guidance on how the House may proceed. We may look at the provisions of Article 114(2) which say:

“If, in the opinion of the Speaker of the National Assembly, a motion makes provisions for a matter listed in the definition of “a money Bill”, the Assembly may proceed only in accordance with the recommendation of the relevant Committee of the Assembly after taking into account the views of the Cabinet Secretary responsible for finance”.

It is in accordance with that that I have formed the opinion that all those amendments make reference to matters designated as ‘money Bills’ and therefore, I have referred all of them to the Budget and Appropriations Committee to consider and the various proponents to appear before the Committee taking into consideration the views of the National Treasury.

In this regard, may I at this juncture, request the Chairperson of the Budget and Appropriations Committee to pronounce the recommendations of the Committee as contemplated in Article 114(2) of the Constitution in respect of each amendment before I give further guidance.

Hon. Chair of the Budget and Appropriations Committee, you have the Floor.

**Hon. Kimani Ichung’wah** (Kikuyu, JP): Thank you, Hon. Speaker. In line with your directives, I wish to make the pronouncements on the decisions of the Budget and Appropriations Committee as follows.

Pursuant to Article 114(2), the following proposed amendments were forwarded to the Budget and Appropriations Committee. The committee during its sitting held today, met with the affected Departmental Committee Chairpersons and the respective movers of Motions that sought to amend the proposed amendments.

In this regard, the Committee proposes that the Committee of the whole House proceeds further to consider the following amendments.

*(Hon. (Ms.) Fatuma Gedi consulted loudly)*

**Hon. Speaker:** Order Members! Member for Wajir, Hon. Fatuma Gedi, you are hyperactive. Please, just take your time. Relax in the House. You are moving all over. I do not want to say where else you may fall. Just relax. Allow the Chair of the Budget and Appropriations Committee to make his pronouncements.

**Hon. Kimani Ichung’wah** (Kikuyu, JP): In respect of the amendments, the Budget and Appropriations Committee considered the following amendments, as follows:

1. In order to realign the First Schedule with the allocations proposed, the Budget and Appropriations Committee recommends:
  - (a) Vote 1064, State Department for Vocational and Technical Training.
  - (b) Vote 1065, State Department for University Education.
  - (c) Vote 1107, Ministry of Water and Sanitation
  - (d) Vote 1071, National Treasury.
2. In order to effect the transfer of coffee value addition project:
  - (a) Vote 1165, State Department for Crop Development.
  - (b) Vote 1173, State Department for Cooperatives.
3. Amendments by the Chairperson of Labour and Social Welfare Committee, Hon. Ali Wario - I believe that is why Hon. Fatuma Gedi is around him... That transfers

- Kshs150 million from the Vote to 2141- National Gender and Equality Commission to Vote 1212 - State Department for Gender.
4. Amendments by Hon. George Murugara, the Member of Parliament for Tharaka that proposed that the allocations under Vote 1095 - State Department for Public Works towards the construction of headquarters be shared equitably among the Lamu, Isiolo, Nyandarua, Tana River and Tharaka Nithi counties.
  5. Amendments by Hon. Daniel Maanzo of Kshs80 million from e-government services to the Film Development Services Programme under Vote 1122 - the State Department for Information Communication and Technology.
  6. Amendments by Hon. Julius Melly of the Departmental Committee on Education in respect of transfer of Kshs500 million from Vote 1064 - State Department for Vocational and Technical Training to Vote 1065 - State Department for University Education.

Further the Committee recommends that the House does not consider the following amendments.

- i. The proposed amendments by Hon. Stephen Mule affecting Vote 1081 - Ministry of Health as the proposed increments could not fit within the prescribed fiscal framework and in a big way, interfere with the Division of Revenue Bill on the conditional allocations to county governments.
- ii. The proposed amendment by the Chairperson, Departmental Committee on Health, Hon. Sabina Chege, affecting Vote 1081 and Vote 1185 - State Department for Social Protection, Pensions and Senior Citizens affairs as the proposed increments could not fit within the prescribed fiscal framework.
- iii. The proposed amendment by Hon. Sabina Chege, affecting Vote 1212 - State Department for Gender as this had not gone through the requisite Departmental Committee.
- iv. The proposed amendments by Hon. Adan Keynan affecting Vote 1071 - the National Treasury; Vote 2041 - Parliamentary Service Commission and Vote 2042 - the National Assembly and the request be made through rationalisation within Vote 2041 - the Parliamentary Service Commission and Vote 2041 - the National Assembly, and this be reflected in the itemised budget.
- v. The amendments by Hon. George Murugara affecting Vote 1065 - the State Department for University Education as the proposed increments could not fit within the prescribed fiscal framework.

Thank you, Hon. Speaker.

**Hon. Speaker:** Just a minute. You have read Vote 2041 twice. I thought one of them should be 2042.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): The proposed amendment by Hon. Adan Keynan on Vote 1071- the National Treasury, Vote 2041 - Parliamentary Service Commission and Vote 2042 - the National Assembly. It is the rationalisation of Vote 2041 in Vote 2042.

Thank you, Hon. Speaker.

**Hon. Adan Keynan** (Eldas, JP): On a point of order, Hon. Speaker.

**Hon. Speaker:** Correct. What is out of order? Hon. Keynan, if you are opposing anything, it is not at this stage. We are not yet in the Committee of Supply. He is making his pronouncements pursuant to Article 114. It is good for everybody to understand the budget-making process and more so, even Standing Orders.

We want to make progress, and as you know, even your own Standing Orders say that a sitting of the Committee of Supply must not be in excess of three hours. So, it is important that we make progress with regard to proceeding into Committee of Supply. It is also important for the House to know that you are required to have completed the process of supply before the 26<sup>th</sup> of this month which is Wednesday, next week.

You have also to pass the Appropriations Bill 2019/2020 on the 26<sup>th</sup> day of this month, which is Wednesday, next week.

Hon. Members, when we get to this point, I would encourage you to look through your Standing Orders, particularly Nos. 239 all through to 244, if you are looking through some of the old Standing Orders.

Hon. Wario, you can do this consultation when we go into the Committee of Supply. Order Members, those of you who are up standing, take seats so that we can conclude this.

You will make the consultations later on. Hon. Kilonzo Charles, please let us clear this particular part. It looks like this thing about why the Hon. Ali Wario is being chased by the Member for Wajir has a lot of interest. I can see Hon. Members have already got thirsty because of consultations. I will ask the Serjeant-at-Arms to provide sufficient water here because I can see Hon. Members are ready for heavy business.

Order, Hon. Members! I think it is good to listen to this.

Member for Samburu East, you are in the National Assembly, and not in Samburu East.

### COMMUNICATION FROM THE CHAIR

#### PROCEDURE FOR CONSIDERATION OF BUDGET ESTIMATES FOR THE FY2019/2020 AND COMMITTEE OF SUPPLY

Hon. Members, may I now remind the House that, in keeping with the provisions of Article 221 of the Constitution and Standing Order 240(9), the entire process of Supply and the passage of the legislation necessary to authorise the withdrawal of funds from the Consolidated Fund ought to be concluded by 26<sup>th</sup> June. The Supply process which you are about to commence ought to take not more than 6 days, each day being not more than three hours. This implies that the House ought to conclude the Supply process by end of Thursday, this week.

Hon. Members, following the Statement of the Chairperson of the Budget and Appropriation Committee, the House may proceed to consider only the following amendments in Committee of Supply:

1. Amendments proposed by the Chairperson, Budget and Appropriation Committee;
2. Amendments proposed by the Chairperson, Departmental Committee on Education;
3. Amendments proposed by the Chairperson, Departmental Committee on Labour;
4. Amendment proposed by the Member for Tharaka (Hon. George Murugara) with respect to Vote 1095 only; and finally,
5. Amendments proposed by the Member for Makueni (Hon. Daniel Maanzo) as indicated by the Chair of the BAC.

Hon. Members, the rest of the proposed amendments, therefore, fall and will not be considered in the Committee of Supply.

The House is thus accordingly guided.

**Hon. Aden Duale** (Garissa Township, JP): On a point of order.

**Hon. Speaker:** Yes, Hon. Leader of the Majority Party. What is your point of order?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, thank you for your guidance which I do not want to challenge. However, there is an amendment on page 888 by Hon. Aden Keynan on behalf of the Parliamentary Service Commission (PSC).

We want you to clarify for us whether that amendment is also subject to Standing Order No.114 or you allow the Chair of BAC to explain clearly and deeply. If what he is telling me informally can be on record. If he wants us to do that amendment on the Appropriations Bill, then he must record his sentiments on the HANSARD. If that is not the case, we are not going to legislate in vain this afternoon.

Again, the other matter will be coming on Wednesday and I have told the Budget Office to create for me an amendment. There is no way you can put Kshs500 million for oversight for the Members of the other House in domestic and international travel. It is illegal, unless we have counties outside this country which the Senate will go and oversee. I know all the 47 counties are in Kenya and within our borders. This includes Migingo Island. I will bring an amendment to remove it. If that is the case, we should give the oversight money to all the MPs because we enjoy mileage. The PSC pays us money to go to our constituencies. So, if Members of another House will get extra money for oversight, then that money must be put in the Division of Revenue Bill and the county governments must bear that and not the PSC.

Hon. Speaker, I do not want Hon. Keynan representing the PSC and the Chair BAC to do this thing as if they are having a cup of tea at the lounge. We are in the Chamber and they must go on record. If he goes on record the issue can be resolved at the Appropriations Bill stage, we are ready. But he must go on record so that when the time comes...

*(Loud consultations)*

My Chairman is changing. Hon. Speaker, as the Chairman of PSC allows us to discuss the amendment of Hon. Keynan this afternoon, we will vote on it.

*(Applause)*

**Hon. Speaker:** Hon. Members, it is good for us to resolve this matter. First of all, since we are not yet in the Committee of Supply, any decisions that should be made within Supply will not be made by the whole House, as a House sitting in Plenary.

I know that a lot of the issues that you are raising can be properly canvassed during supply processes. Maybe Hon. Members have not given the BAC sufficient time because I am aware that the Committee has been sitting the whole morning up to a few minutes ago, considering many of those proposed amendments. It will only be fair that the Chair of the BAC and Members of that Committee, when you get back to consider, they have the opportunity to explain what it is that they have agreed on. I am fully aware that Hon. Keynan is also the Chair of the Finance Committee in the Commission and so he will obviously have matters to explain to the House.

However, I will not be chairing the Committee of Supply. I would rather Chair the Commission and then get what the House will have resolved at the appropriate time.

Maybe Hon. John Mbadi wanted to say something as the Member of the BAC.

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, I do not think that we, in the BAC would make a decision that would not make sense or add value to the process that we are engaged in. We agreed and modified the proposal by Hon. Keynan, such that instead of re-

allocating money from one ministry to the vote of Parliament, we do internal rearrangements of Parliament's vote. We can still do this in the Budget and Appropriations Committee. This House is the one which will be passing the Appropriations Bill to the President. I do not think we will do so without taking into consideration enough money to finance some of the activities. Parliament will not ask for money from outside, we will look at the internal budget lines of Parliament and rearrange because we do not want a situation where Parliament will increase the size of its budget. This is because this will send a wrong signal. We will definitely rearrange the internal lines of the budget to provide. This is because there were concerns that there are certain budget lines which the Budget and Appropriations Committee had underprovided and maybe overprovided others.

We are fully in control of this. I know we did not call Keynan to explain to him, but be least assured this will be done definitely.

Thank you.

**Hon. Speaker:** Yes, Hon. Keynan. But do not take too long.

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Speaker. While appreciating and I want Members to listen to this very carefully because at the end of the day...

**Hon. Speaker:** That is why I said, do not take too long. When you start by telling everybody to keep quite so that...

**Hon. Adan Keynan** (Eldas, JP): Hon. Speaker, the truth be told. We had an opportunity to consider the proposal by the Budget and Appropriations Committee in our own Committee. If we go by what the Chair of Budget and Appropriations Committee has suggested, seconded by Hon. Mbadi, some of the things we proposed and resolved at the *Kamukunji* last week will fall flat on your faces. This is because there will be no provisions at all.

Therefore, you have to make a decision in your own wisdom because we are being asked to go back to what has already been voted and relooked at. I do not want to mention some of the issues. But I want somebody to come out clearly and say where the rearrangement will come from. This is because every item in the budget has already been allocated to a particular area. So, unless this comes out, I am sorry and hesitant to say there will be no provision for some of the things we anticipated. I do not want to mention some of those things here. So, let us be very frank to the Members so that this does not become a Commission issue.

**Hon. Speaker:** Yes Hon. Ichung'wah.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Speaker, I think the Leader of the Minority Party, who is a Member of the Committee, has explained what the Budget and Appropriations Committee has sought to do. The only assurance I want to give to the House is that within the Parliament Budget we have adequate resources to cater for the issues that have been mentioned which I do not want to go into.

Hon. Speaker, what we sought to do, and this is the clarification I want to make on the issue of the Appropriations Bill, is that when we get to the itemised items, the Parliamentary Service Commission will be able to amend and reallocate resources adequately. What the Budget and Appropriations Committee has said as the Leader of the Minority Party has clearly articulated is we refused to allow further resources to be allocated to Parliament.

I do not need to belabor what Hon. John Mbadi has said. This is all a question of strategy and timing. We are the budget-making House. I want to assure the House as the Chair of the Committee that the PSC budget is adequate. Let me not elaborate beyond that.

**Hon. Speaker:** Hon. Makali, do you want to say something on this?

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Speaker. I just want to confirm that we held a *Kamukunji* as Hon. Members where we came up with very clear resolutions. We all agreed with the resolutions so, I want to assure Hon. Members that they will be implemented as agreed and there are no short-cuts to this. We are aware of that matter as the Budget and Appropriations Committee. So, I want to assure you as a Member of that Committee that we will implement your resolutions as passed during the *Kamukunji*.

Thank you, Hon. Speaker.

**Hon. Speaker:** Order Members! Order Members! We are not yet in Committee of Supply. The Member for Murang'a, what is it?

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Thank you, Hon. Speaker. This is with regard to a ruling on what will be discussed in the Committee of Supply. The Chair has already mentioned part of what we had requested as the Departmental Committee on Health and there were two amendments; one from a Member and another from the Committee. The reason he has given for what the Committee requested is not very clear. Therefore, if it will not be discussed I want to request reconsideration of what the Committee had recommended.

**Hon. Speaker:** Order Members! Order Members! Let us make progress. The Member for Eldama Ravine; the Chair for Kenya Women Parliamentary Association (KEWOPA), you are all over again; you cannot push the Deputy Speaker. You do not even know who you are...

Hon. Members, I am in consultation with the Budget and Appropriations Committee. I have heard what you have said and the concerns raised by Hon. Keynan. Let them remain there at this point. The Budget and Appropriations Committee is fully seized of the matter. We will request the Chair of the Committee of Supply, Hon. Deputy Speaker or any other person who takes over from him, Hon. Soipan, Hon. Mariru or Hon. Omulele today that they should not get to Supply Votes 2041 and 2042. I hope this is clear and instead of going to other places just refer to Vote 2041 and 2042. That is enough.

Hon. Members, this will allow for consultation between today and indeed tomorrow morning because we are likely to continue with Committee of Supply until possibly tomorrow afternoon or Thursday afternoon. So, there is absolute clarity to Members. I want to assure you as a plenary that the Budget and Appropriations Committee of the National Assembly is fully seized of this matter. I believe you are the same House which is going to look into and pass the Appropriations Bill.

Just like the Leader of the Minority Party has said, you will be able to go through it with a toothcomb to ensure that what the Chair of the Departmental Committee on Finance and National Planning or the PSC presents is put into effect. Hon. Members, I hope that is understood because we cannot revisit the issues stated by the Chair of the Budget and Appropriations Committee with regard to the other proposed amendments.

The Constitution requires that the Assembly may only proceed and this is in black and white in Article 114(2). It states that ... the Assembly may only proceed in accordance with recommendations of that Committee. So it is not even open to me to start saying that you can consider this or that. Even, what I have just said about the rest is about looking into the various reallocations within the same institution.

Hon. Members, I think we should proceed to the Committee of Supply. For the Members who may not understand supply, it is supplying to everybody. Also those Members who are going to court to stop this House from legislating merely because of a speech and yet it is within your power to come here and pursued your colleagues that we should not pass this particular proposal, it is like you do not know where you are. I am told some Members of this House have

gone to court to oppose what was contained in a speech and yet they could vote here in the House. I do not understand Members. Surely, how can you take a speech to court?

*(Laughter)*

We have not seen the Bill, and even if it is published, it is within the powers of this House to approve it or not. As it is now, the Bill has not been published. So, you are actually in court to challenge a speech. Surely, you can go to television stations and challenge the Bill, but to go the extent of going to court to challenge a speech, that is taking the joke too far. Is it not?

Hon. Members, I think we now should proceed to Committee of Supply. I urge as many of you as possible to take part. This is a very crucial part of making laws and, of course, budgeting and being able to state your views on what is being proposed to be supplied to a ministry, MDA, commission or independent office. It is important, Hon. Members.

Read the next Order.

### COMMITTEE OF SUPPLY

*(Order for Committee read being the First Allotted Day)*

*[The Speaker (Hon. Muturi) left the Chair]*

### IN THE COMMITTEE

*[The Chairman (Hon. Moses Cheboi) took the Chair]*

**Hon. Chairman:** Order, Hon. Members! We are now in the Committee of Supply, the First Allotted Day. What is it? We have not even started, Hon. Baya.

**Hon. Owen Baya** (Kilifi North, ODM): I am asking that the document be provided in hard copy. Sometimes it is not easy to cross-reference when it is in soft copy. So, we will just be passing things that we are not seeing. If Parliament can make arrangements that this document be done in hard copy, it would really assist us to follow.

**Hon. Chairman:** Since not many Members are asking what you are asking, the best is for you to get it for yourself. It is easy for you to get it. You know we are moving to a paperless Parliament. We really do not want to bring in a lot of papers again. Just make sure you get one if, probably, like a few other Members, you are technologically not very effective.

### VOTE 1011 – THE PRESIDENCY

THAT, a sum not exceeding Kshs11,320,261,970 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30th June, 2020 in respect of Vote 1011 (The Presidency).

**Hon. Chairman:** Hon. Members, you must concentrate because this is fairly a new phenomenon.

*(Programmes 0702000, 0704000,  
0734000 and 0703000 agreed to)*

*(Vote 1011 agreed to)*

VOTE 1021- STATE DEPARTMENT FOR INTERIOR

THAT, a sum not exceeding Kshs139,194,117,587 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30th June, 2020 in respect of Vote 1021 (State Department for Interior).

*(Programmes 0601000, 0602000, 0603000,  
0216000 and 0605000 agreed to)*

*(Vote 1021 agreed to)*

VOTE 1023 - STATE DEPARTMENT FOR CORRECTIONAL SERVICES

THAT, a sum not exceeding Kshs27,063,291,941 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30th June, 2020 in respect of Vote 1023 (State Department for Correctional Services).

*(Programmes 0604000 and 0623000 agreed to)*

*(Vote 1023 agreed to)*

VOTE 1024 - STATE DEPARTMENT FOR IMMIGRATION AND CITIZEN SERVICES

THAT, a sum not exceeding Kshs3,511,400,000 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June 2020, in respect of Vote 1024 (State Department for Immigration and Citizen Services).

*(Programme 0605000 agreed to)*

*(Vote 1024 agreed to)*

*(Hon. William Cheptumo consulted loudly)*

**Hon. Chairman:** Order, Hon. Cheptumo! Order, the two Members in front of me here!

*(Hon. (Ms.) Odhiambo-Mabona consulted loudly)*

I am talking about Hon. Millie Odhiambo. Order, Hon. Millie Odhiambo!

VOTE 1032 – STATE DEPARTMENT FOR DEVOLUTION

THAT, a sum not exceeding Kshs8,392,499,933 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June 2020, in respect of Vote 1032 (State Department for Devolution).

*(Programmes 0732000, 0712000 and 0713000 agreed to)*

*(Vote 1032 agreed to)*

VOTE 1035 - STATE DEPARTMENT FOR DEVELOPMENT OF THE ASAL

THAT, a sum not exceeding Kshs4,919,812,570 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June, 2020 in respect of Vote 1035 (State Department for Development of the ASAL).

*(Programme 0733000 agreed to)*

*(Vote 1035 agreed to)*

VOTE 1041 – MINISTRY OF DEFENCE

THAT, a sum not exceeding Kshs121,610,082,600 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June 2020, in respect of Vote 1041 (Ministry of Defence).

*(Programmes 0801000, 0802000,  
083000 and 0805000000 agreed to)*

*(Vote 1041 agreed to)*

VOTE 1052 – MINISTRY OF FOREIGN AFFAIRS

THAT, a sum not exceeding Kshs19,246,110,000 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June 2020, in respect of Vote 1052 (Ministry of Foreign Affairs).

*(Programmes 0714000, 0715000, 0741000 and 0742000 agreed to)*

**Hon. (Dr.) Robert Pukose:** On a point of order, Hon. Chairman.

**Hon. Chairman:** What is it Hon. (Dr.) Pukose, the Member for Endebess in Trans Nzoia County?

**Hon. (Dr.) Robert Pukose:** Thank you, Hon. Chairman. I support the allocation of money in the programmes in the Ministry of Foreign Affairs and International Trade, but I have an issue. We have approved the money for State Department for Immigration and Citizen Services. We have Kenyans who work in India and others are students. We are migrating to e-citizen. I was discussing this issue with the Departmental Committee on Defence and Foreign Relations.

As we speak, our High Commissioner in India has not started processing the e-passports for our citizens who are in India. This is a very major concern considering that we are already in June and everybody is expected to have migrated to the new e-citizen passport by September. This is a very big concern. The Ministry of Foreign Affairs and International Trade, together with the State Department of Immigration and Citizen Services, need to look into the issue in India and our citizens who are living there. As we approve their money, this is a matter they should treat with urgency.

Thank you, Hon. Chairman.

**Hon. Chairman:** Ordinarily, what you are saying should have been said earlier because we are in the Committee of Supply. Therefore, we need to be brief. However, you have made your point. I see no other interest on this Vote. So, I put the Question.

*(Vote 1052 agreed to)*

#### VOTE 1064 – STATE DEPARTMENT FOR VOCATIONAL AND TECHNICAL TRAINING

THAT, a sum not exceeding Kshs31,617,884,601 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent and Development) during the year ending 30<sup>th</sup> June 2020 in respect of Vote 1064 (State Department for Vocational and Technical Training).

#### *Programme 0505000 – Technical Vocational Education and Training*

**Hon. Chairman:** I can see there is some interest here. Hon. Omulele, I want to ask you one question before I give you the Floor. Do you want to contribute to the proposed amendment? At this point, we will get the Mover to move an amendment on the Programme and then after that, if you wish to speak, I will give you an opportunity.

**Hon. Christopher Omulele** (Luanda, ODM): I will speak after the amendment has been moved.

**Hon. Chairman:** That is perfect. So, let us have the Mover to move the amendment on the Programme.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Chairman, I beg to move:

(i) THAT, the proposed allocation under the Programme in respect of Recurrent Estimates, Kshs22,530,102,734 be deleted and substituted thereof with the figure Kshs18,230,102,734;

(ii) THAT, the proposed allocation under the Programme in respect of Development Estimates, Kshs6,829,000,000 be deleted and substituted thereof with the figure Kshs7,129,000,000.

This amendment will affect Vote 1064, which is the State Department for Vocational and Technical Training, Programme 0505000 – Technical Vocational Education and Training and Programme 0504000 – University Education in Vote 1065. The amendment seeks to re-allocate from Recurrent Expenditure to Development Expenditure a figure of Kshs300 million and the other one is to realign...

**Hon. Chairman:** The Chair of the Budget and Appropriations Committee, I hope you are accurate with the figures because we want to capture them. Let us get the figures because they are important.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Let me read them as they are in the Order Paper.

THAT, the proposed allocation under the Programme 0505000 – Technical Vocational Education and Training in respect of Recurrent Estimates, Kshs22,530,102,734 be deleted and substituted thereof with the figure Kshs18,230,102,734;

(ii) THAT, the proposed allocation under the Programme in respect of Development Estimates, Kshs6,829,000,000 be deleted and substituted thereof with the figure Kshs7,129,000,000.

That is the Kshs300 million that I mentioned, which is being re-allocated from Recurrent Expenditure to Development Expenditure. This relates to Vote 1065 - State Department for University Education and Research, Programme 0504000 - University Education...

**Hon. Chairman:** Let us stop at Vote 1064. You are already going to Vote 1065.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Yes.

**Hon. Chairman:** You are jumping the gun. I gave you an opportunity to only consider Vote 1064.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): We need to consider Votes at different times.

**Hon. Chairman:** Let us finish with Vote 1064 first. The Chair of the Departmental Committee on Education and Research should prepare because we will have another amendment in this Vote.

*(Question of the amendment proposed)*

Any Member who has an interest should press the intervention button. Let me give this opportunity to Hon. Makali Mulu.

**Hon. Makali Mulu** (Kitui Central, WDM- K): Thank you, Hon. Chairman. I support the amendment but I want to make the following observations. Technical and Vocational Education and Training Institutes (TVETs) are very important in this country. We need to see fair distribution in terms of regional balance. We need to make sure that constituencies get these TVETs in a fair manner. So far, it looks like there is a biased way of distributing them and yet this is public money. There should be fairness.

**Hon. Chairman:** I did not get whether you are supporting or opposing the amendment.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Hon. Chairman, I said that I support the amendment, and made some observations.

**Hon. Chairman:** Let us hear the Member for Wajir North, Hon. Ibrahim Abdisalan.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Hon. Chairman, I also rise to support the amendment. There are TVETs that were started a long time ago to which the National Government Constituencies Development Fund (NG-CDF) contributed Kshs10 million. However, the manner in which the Ministry is supervising and monitoring TVETs is quite wanting. We want them to go a notch higher and ensure that proper implementation of TVETs is done. I strongly believe that funds have been allocated to stalled projects. The Chair of the Departmental Committee on Education and Research should move fast and ensure that those projects are completed.

Thank you.

**Hon. Chairman:** Having heard from two Members, I will put the Question.

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Programme 0505000 as amended agreed to)*

**Hon. Chairman:** Let us move on to the next one before we sum it up. Let us have the Chair of the Departmental Committee on Education and Research.

*Programme 0505000 - Technical Vocational Education and Training*

**Hon. Julius Melly** (Tinderet, JP): Hon. Chairman, I beg to move:

THAT, the proposed allocation under the programme in respect of the Recurrent Estimates, Kshs22,530,102,734, be deleted and substituted thereof with the figure, Kshs22,030,102,734.

I am proposing that because when we had no space in public universities, the Government asked private universities to admit students. They took in 16,000 students and the Government gave capitation of Kshs2 billion. Currently, the student population in private universities stands at 40,000. In respect of the increased population, the capitation for students is not enough. The capitation for technical education had been allocated Kshs5 billion. In this case, if we remove Kshs500 million, it will suffice technical education capitation and students in private universities will not be sent home when their counterparts in public universities have enough capitation.

I ask that the amendment be accepted because students in private universities have a shortfall of Kshs1.5 billion. We now allocate them Kshs500 million.

**Hon. Chairman:** For Members to understand, you are proposing to reduce what is supposed to be for the capitation for Technical, Vocational Education and Training (TVETs) and take it to capitation in universities. We are dealing with the first bit. The universities will be sorted out after you go through this one, and when we reach the issue of education.

**Hon. Julius Melly** (Tinderet, JP): That is right. Thank you.

*(Question of the amendment proposed)*

**Hon. Chairman:** There are two Members who want to speak to this. Let us start with Hon. Kioni.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Chairman. There is another Member here who wants to speak, but this is my opportunity.

I have heard what the Chairman of Departmental Committee on Education and Research has proposed. His intention is to provide for more funds to students in private universities. By doing so, he proposes to remove some money from TVETs where we really want to admit many young people. I have difficulties opposing my good friend. In fact, I have never opposed him before.

The TVETs are going to play a very crucial role. They will absorb many young people who are idle in constituencies. We need to give them a lot of support. The Chairman needs to persuade us further, but from what I heard from him, he has persuaded me to say “No” to that kind of reduction. I want more money allocated to students in private universities. But by removing it from the TVETs, we will hurt an area that is very crucial in the country.

**Hon. Chairman:** Let us have Hon. Lessonet. It seems we have very serious issues on this one and, therefore, I will give a chance to two more Members. But they should be very brief.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Thank you, Hon. Chairman. I also need to be convinced that the 10 per cent of students in universities, which we have even had an opportunity to donate to private universities, require the additional capitation. As explained by the Chair of the Committee, we know that public universities are facing serious challenges. I am sure if the Chair of the Committee was to speak about the infrastructure needs in public universities, development needs and extra students in public universities... The fact is that the proposed increase of capitation for students in private universities is coming from TVETs, a sector we want to seriously promote. The Chair needs a lot of time to convince us that, that is correct. For that matter, I lobby Members not to agree to the amendment.

**Hon. Chairman:** Hon. Iringo, you have the Floor. Hon. Members, I do not want to give a chance to many Members to contribute to this. Four will be enough.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you Hon. Chairman for giving me this opportunity to add my voice to this. With a lot of respect to my good friend Chairman Melly, I oppose the amendment.

We are in need of TVETs. We are yet to achieve the 290 in number as per the constituencies, and yet we have many young people who never qualified to go to universities and we have nowhere to take them. So, the Chair should look for funds from elsewhere and not from TVETs.

**Hon. Chairman:** Let us now hear Hon. Shamalla. After, Hon. Shamalla, I will give a chance to the Departmental Committee on Education and Research to state something. It will be either the Chair or his Vice-Chair because they are seated together. I will briefly give the Chair of the Budget and Appropriations Committee a chance and that will be it. We cannot open it further than that. I can see there are many Members like Hon. Chepkut, Joyce and Hon. Malulu, among others who are interested in this.

**Hon. (Ms.) Shamalla Jennifer** (Nominated, JP): Thank you, Hon. Chairman. I am not entirely convinced about this amendment. The Chairman will have to explain to us why he wants to take money from TVETs to sponsor students in private universities. Technical and vocational education is an area that we must look at very carefully as a country. Countries like Switzerland or Pakistan have expertise in technical experience either in spinning carpets or making Swiss clocks. It is an area for the poorest of the poor in the country who may not have an advantage of

a good education to go to university. So, what do we do with that large bracket? It is important we train them and give them the highest skills possible. Taking money away from TVETs to the universities...

**Hon. Chairman:** Let us not debate. You have made your point, Hon. Shamalla. I want to get from the Chair of the Departmental Committee on Education and Research whether I should give a chance to his Vice-Chair, Hon. Malulu or Hon. Nzambia. All of them are members of the Departmental Committee on Education and Research. Who do we give a chance? All are your Members. Do not tell us anything yourself. Give us the Member you want to speak. If you speak, then none of them will speak.

**Hon. Julius Melly** (Tinderet, JP): I will give the chance to the Vice-Chairman and then Hon. Malulu Injendi.

**Hon. Chairman:** Let us hear Hon. Kimunya. Only one Member of the Committee will speak.

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Chairman. I thank my Chairman for giving me this opportunity.

I hear the concerns of Members. Let me explain. We have 183,000 students in TVETs with a capitation of Kshs30,000. We required about Kshs5.4 billion. We allocated part of the money that had been set aside for labs for the DLB and Kshs1.5 billion towards capitation.

The Budget and Appropriations Committee was generous enough to add more money and we ended up with Kshs6 billion. But we also realised at that point that we had a huge shortage due to previous commitments because students have already been placed within the universities. They have already started some programmes. It will be very unfair to now tell a student in second year in a private university to go and look for a certain public university because there is no money. So, in looking at the numbers, we are convinced as a Committee that we will have enough money for capitation by donating Kshs500 million to go towards alleviating the problem that has been created by the admission in the past of those students. We also agreed with the Ministry that they must now look, going forward, at a policy in terms of placing students in private universities while we have gaps in public universities. The ongoing rationalisation programmes in universities will address that problem.

I want to ask Members to look at this as a short-term problem and, going forward, it will balance out. We have already taken care of our students within the TVETs. We believe we can donate some money to alleviate the problem so that our students are not sent home.

**Hon. Chairman:** In one minute, Chair, Budget and Appropriations Committee.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Chairman, I do not think I have anything more to add to what has been very well articulated by Hon. Kimunya. The only thing I want to draw Members' reference to was what was contained in the Report of the Departmental Committee on Education and Research. The Education and Research Committee is cognisant of the fact that our public universities are suffering, especially on infrastructural development. We have made effort to ensure that we have allocated - although not enough - adequate resources to help in the infrastructural development in our public universities. They had a policy recommendation which the Budget and Appropriations Committee also adopted as one of the recommendations in the Report that, moving forward, there should be a cap on the number of government-sponsored students who are being sent to private universities. But for those who are already in private universities, it will be very unfair, as Hon. Kimunya has said, to have no allocation because we cannot force children in second year or third year to move out of private universities to public universities.

Let me also give an assurance that the resources that we had increased for TVET institutions were more than adequate by Kshs500 million. That is why we are leaving Kshs6 billion that will be adequate to cater for the projected numbers in TVET.

**Hon. Chairman:** You said you did not have a lot to add, but you have ended up adding more than what Hon. Kimunya had stated. Hon. Members, let us be clear on this because we are now taking your vote. It is up to you to make the decision.

In the meantime, Hon. Chepkut can be speaking as I make some decision here.

**Hon. William Chepkut** (Ainabkoi, Independent): Hon. Chairman, I support TVET. TVET is a catalyst and, at the same time, an equaliser in the socio-economic development of any country. You have talked about capitation. I want the Chairman, Hon. Melly and *Waziri* Kimunya to come out clearly and convince us. That is because 290 constituencies will want plumbers and skilled personnel. We have a population where over 50 per cent constitute young men below the age of 35. I want Hon. Melly to come out and convince us.

Thank you.

**Hon. Chairman:** We have a small technical issue there. What has happened is that Hon. Melly is proceeding on a figure that does not exist. The House has made a resolution on the first amendment. Therefore, there is already a reduction from Kshs22 billion to Kshs18 billion. I do not know if you get it, Hon. Melly. You cannot be on the Kshs22 billion because it is not there. That money has already been reduced. That has been resolved by the House. So, we should be looking at where to get the Kshs500 million.

This is an issue which needs some consultations. The original figure which Hon. Ichung'wah succeeded in prosecuting was a reduction of Kshs22, 530,102,000 to Kshs18, 230,102,734. So, the figure which Hon. Melly is proceeding on does not exist. It has been reduced. So, where we should be starting from is Kshs18,230,102,734. What Hon. Melly should be telling us is where he intends to get that money. From which figure are we getting the money from? That is where the issue is now. There are few choices. Either you get a way to get that money or the amendment falls on the face. Hon. Melly, can I hear from you, please?

**Hon. Julius Melly** (Tinderet, JP): Thank you, Hon. Chairman. The issue is about cleaning up, which came up when we were in the Budget and Appropriations Committee. Further, I want to state that the figure is Kshs18,230,102,734. We are reducing that figure by Kshs500 million and substituting therefor with the figure Kshs17,730,102,740.

**Hon. Chairman:** Now you are being clear. So, you are reducing Kshs500 million from Kshs18,230,102,734 to what figure?

**Hon. Julius Melly** (Tinderet, JP): To Kshs17,730,102,734.

**Hon. Chairman:** That is perfectly Kshs500 million.

**Hon. Christopher Omulele** (Luanda, ODM): On a point of order, Hon. Chairman.

**Hon. Chairman:** What is your point of order, Hon. Omulele?

**Hon. Christopher Omulele** (Luanda, ODM): Hon. Chairman, as much as the Chair, Departmental Committee on Education and Research is trying to change his figures, what we have on the Order Paper and which this House is seized of in his proposed amendment is Kshs22 billion. He cannot change it here by himself. It cannot happen!

**Hon. Chairman:** That is not right, Hon. Omulele. This is what has happened. We have dispensed with the first amendment by Hon. Ichung'wah.

**Hon. Christopher Omulele** (Luanda, ODM): Yes. Hon. Ichung'wah has reduced it from Kshs22,530,102,734 to Kshs18,230,102,734. So, as we speak, there is no Kshs22 billion. We are at Kshs18 billion and Hon. Melly wants to reduce it further by Kshs500 million.

**Hon. Christopher Omulele** (Luanda, ODM): Hon. Melly's proposed amendment has been published, and this House is seized of it. So, when we pass the one by Hon. Ichung'wah, the Chairman of the Budget and Appropriations Committee, what we have on the Order Paper, the proposed amendment by Hon. Melly, still reads Kshs22 million.

**Hon. Chairman:** As far as I am concerned, what is on the Order Paper is a technicality. But as far as we are concerned, the figures as they are flowing are correct, right from the Ksh22 billion with some amount on top to Kshs18 billion, and then finally to Kshs17 billion.

*(Hon. Omulele spoke off record)*

Technically, yes. The Order Paper has been amended. It is the business of the House to amend some of these things. What Hon. Melly is doing is reducing by Kshs500 million, which he will eventually introduce to the Vote on Education. So, it is up to the Members to accept or reject it. It is up to the Members to make a decision. Members, are you clear?

Are Members clear that Hon. Melly is proposing to reduce from Kshs18 billion...Allow me to read out the correct figures. These are the correct figures. Hon. Melly is proposing to reduce Kshs18,230,102,734 by Kshs500 million to Kshs17,730,102,734. So, we will be having some amount hanging somewhere of Kshs500 million. Now, Members, make your decision, and make it clear so that I do not have to strain.

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Programme 0505000 as amended agreed to)*

*(Programmes 0507000 and 0508000 agreed to)*

**Hon. Chairman:** If there are Members who want to speak to this one, I will be happy to give them an opportunity. Yes, I had promised Hon. Omulele. Hon. Omulele, it is not normal to see you speak a number of times. This must be of interest to the people of Luanda Constituency.

**Hon. Christopher Omulele** (Luanda, ODM): Hon. Chairman, the people of Luanda Constituency are interested in this one. Because those are TVET institutions, we need clear criteria on how funds are allocated to different constituencies. My constituency, Luanda, was one of the very first constituencies that set aside land and Kshs10 million. That was one of the requirements for allocation to build them. But my understanding is that these allocations are done willy-nilly outside the Ministry of Education. I have been asking these questions many times in this House, and I have never been lucky to receive a response from the Ministry of Education on how they do the actual allocation and distribution of those resources. We need that list to come to this House with a clear definition of the constituencies and counties that have received those funds. We need an explanation why Luanda has been excluded up to this point.

In passing these sums – and that is why I was opposing the reduction of even Kshs1 from this vote – I am hopeful, and so are the people of Luanda Constituency that we will receive our allocation this time. I hope that out of this Kshs17 billion that we shall be giving this Ministry

today, the people of Luanda Constituency will be favoured to have a TVET institution built in their constituency. We should also have clear criteria so that we distribute these resources across the country as equitably and fairly as possible.

Thank you, I support.

**Hon. Chairman:** Hon. Omulele, having known you for a long time, you are opposing it out of emotions because what was being reduced was capitation. It did not touch specifically the development budget. However, I can feel you. I know what you are saying. So, if you are going to be the next one to receive the money, surely, it will not affect you at all. I do not think it will affect you. Hon. Members, we can now proceed. This is fairly straight forward. When I go to the global question, I want you to be keen on the figures because they have reduced. The original figure was Kshs31,617,884,601, but now it is Kshs27,117,884,601.

*(Vote 1064 as amended agreed to)*

VOTE 1065 - STATE DEPARTMENT FOR UNIVERSITY EDUCATION

THAT, a sum not exceeding Kshs.113,559,239,253 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30th June, 2020 in respect of Vote 1065 (State Department for University Education).

**Hon. Chairman:** On this one, we have an amendment by the Chair of the Budget and Appropriations Committee. I also see an amendment by Hon. Murugara which has been dropped for reasons that have been clearly spoken to by the Speaker. But we will have a second one by the Chairperson, Committee on Education and Research, which I think should be a fairly straightforward one. That is because it is consequential to the one that has been passed. Let us start with the Chair of Budget and Appropriations Committee.

**Hon. Moses Lessonet** (Eldama Ravine, JP): On a point of order, Hon. Chairman.

**Hon. Chairman:** What is your point of order, the Member for Eldama Ravine Constituency, Baringo County?

**Hon. Moses Lessonet** (Eldama Ravine, JP): Hon. Chairman, we were in the same school with you at A-Levels and you must be remembering that I was very good in mathematics. When we reduced the Vote on Vocational Training, the figure changed for University Education. It is not the Kshs113 billion you are reading. We passed an amendment to increase it by about Kshs4 billion.

**Hon. Chairman:** Well, I surely remember you Hon. Member for Eldama Ravine so do I remember Hon. Murugara, Hon. Kioni and Hon. Omulele. They were equally good mathematicians. I might have been better in other things other than mathematics, but I am very keen in what I do. What has happened is that the figure is up there in the air. We have passed that, but it has not been effected. That is why we have the Chair of the Departmental Committee on Education and Research bringing an amendment to fix it here. You see, this is not about adding and subtracting. It is also about some certain sets of rules and I am sure you might also remember that yours truly here, was good with rules, laws and legislations. So, I think you will have to go with what I am doing because I sit here and you sit there. Allow me to proceed. But just to be very clear, the figure has been reduced in Vote 1064, but it has not been effected to Vote 1065. That is what we are now intending to do. If you will follow me keenly - as you know

what I did and studied; and you know I did well - is that at the point of the global figure, this will definitely be factored in.

Of course, I can confirm that you are a guru in mathematics. Proceed, the Chair of Budget and Appropriations Committee. You should also remind him that you are an Alliance Alumni.

**Hon. Kimani Ichung' wah** (Kikuyu, JP): Actually, that is just what I wanted to remind him. As much as you went to Kabarak High School, I am an Alumni of the Alliance High School. Therefore, when it comes to figures, let him not doubt.

**Hon. Chairman:** Honestly, there are not many of them here. That tells you the more successful lot. You know, you would not be very sure whether a person who goes to school in his locality, went by merit or by the quota system.

*(Laughter)*

*Programme 0504000 - University Education*

**Hon. Kimani Ichung' wah** (Kikuyu, JP): Thank you, Hon. Chairman. The same way you went to Kabarak in the vicinity of Eldama Ravine and Nakuru counties.

Hon. Chairman, I beg to move:

THAT, the proposed allocation under the programme in respect of recurrent estimates of Kshs101,785,692, 842 be deleted and substituted therefore with a figure of Kshs105,785,692,842.

This is a clean-up because it is money for TIVET students as the Vice-Chair of the Departmental Committee on Education and Research had mentioned. It is besides the capitation that we were speaking about in the earlier amendment under Vote 1064. They get loans through Higher Education Loans Board (HELB). This money had been put under TIVET and, therefore, we are just moving it to HELB which is under University Education with a caveat that it is strictly for giving loans to those TVET students to enable them get a maximum of Kshs40,000 to access education.

I beg to move.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

**Hon. Chairman:** We will skip the amendment by Hon. Murugara. Never mind that he went to the same school that I mentioned. I will proceed to Hon. Melly, whom I will not be able to attest the specifics. He will be doing a further amendment on the new figure. After the amendment by the Chair of Budget and Appropriations Committee, the new figure is Kshs105,785,892, 842. That is the new figure which you were trying to amend.

**Hon. Julius Melly** (Tinderet, JP): Hon. Chairman, I beg to move:

THAT, the proposed allocation under the programme in respect of Recurrent Estimates, Kshs105,785,692,842, be deleted and substituted thereof with the figure, Kshs106,285,692,842.

**Hon. Chairman:** Correct. Please do not take much time on that because Members were following you.

**Hon. Julius Melly** (Tinderet, JP): I think for reasons discussed and agreed by the House, we were moving it from TVET to University Education.

**Hon. Chairman:** Hon. Members, this is fairly straightforward. It is the figure you voted for. It is now being factored there.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Programme 0504000 as amended agreed to)*

**Hon. Chairman:** We have two more programmes before we put the global Question.

*(Programmes 0506000 and 0508000 agreed to)*

**Hon. Chairman:** I am proceeding to put the global Question, and you should be keen on the figures because they have changed.

*(Vote 1065 as amended agreed to)*

#### VOTE 1066 - STATE DEPARTMENT FOR EARLY LEARNING AND BASIC EDUCATION

THAT, a sum not exceeding Kshs96,478,580,993 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30th June, 2020 in respect of Vote 1066 (State Department for Early Learning and Basic Education).

**Hon. Chairman:** I see a member who has his feet up! You have the Floor.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you very much Hon. Chairman. I am just concerned. I take this to the Departmental Committee on Education and Research to take it up with the relevant Ministry on the issue of capital expenditure with respect to school infrastructure.

I echo the sentiments of Hon. Omulele when he mentioned the issue of skewed distribution of infrastructure funding. We have so many constituencies like Funyula where the enrolment in both primary and secondary schools has increased by almost 35 per cent in the last two years and the physical infrastructure is being constrained considerably. May the concerned

Departmental Committee ask the Ministry to be equitable and fair in the distribution of capital expenditure on school infrastructure.

I thank you Hon. Chairman.

**Hon. Chairman:** Okay. I do not want to engage in debate, but I thought the Ministry of Education is nowadays paying infrastructure under capitation. You have had your point and I will not engage in debate.

Is that Hon. Dr. Tuitoek? Hon. Ichung'wah, you may be interested to know that Hon. Dr. Tuitoek has an interest in the school that was mentioned earlier. He did not go there himself, but he has a real serious interest. Proceed.

**Hon. Daniel Tuitoek** (Mogotio, JP): Hon. Chairman, I was only interested in the university part. I was the founder of Kabarak University.

**Hon. Chairman:** You should be very clear. He has participated in the university side and he also has other interests that I do not think are parliamentary. Please proceed.

**Hon. Daniel Tuitoek** (Mogotio, JP): Hon. Chairman, thank you for giving me this opportunity. On this issue about infrastructure for secondary schools, I would like to also support my colleague Hon. (Dr.) Oundo. This issue should be looked into very seriously. Some of our constituencies never received the infrastructure funds. So, when it comes to supporting the 100 per cent transition, we were meant to understand that the infrastructure funds were to come in to assist. The funds were to support the building of classrooms, laboratories and extra streams.

So, we ask the Ministry to look into it. We may have to bring it here and pass a law to ensure that all that money is equitably distributed. I thank you.

**Hon. Chairman:** Okay. Having heard from two Members, allow me to put the Question.

*(Programs 0501000, 0502000, 0503000 and 0508000 agreed to)*

*(Vote 1066 agreed to)*

VOTE 1068 - STATE DEPARTMENT FOR POST TRAINING AND SKILLS  
DEVELOPMENT

THAT, a sum not exceeding Kshs200,500,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30th June, 2020 in respect of Vote 1068 (State Department for Post Training and Skills Development).

*(Programs 0508000, 0512000 and 0513000 agreed to)*

*(Vote 1068 agreed to)*

VOTE 1071 - THE NATIONAL TREASURY

THAT, a sum not exceeding Kshs115,911,642,056 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30th June, 2020 in respect of Vote 1071 (The National Treasury).

**Hon. Chairman:** Hon. Members, the Chair has sharp ears. If there is only one Member who votes and says Ayes, it is taken. Actually they were three. You Members might be just looking at the decibels. I look at both the decibels and the movements of the mouth.

*(Programmes 0717000, 0718000, 0719000 and 0720000 agreed to)*

*[The Chairman (Hon. Moses Cheboi) left the Chair]*

*[The Temporary Deputy Chairman  
(Hon. Christopher Omulele) took the Chair]*

*Programme 0718000 - Public Financial Management*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Mover, I can see there is a proposed amendment to this. The Member for Kikuyu, you have the Floor.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Chairman, I beg to move:

(i) THAT, the proposed allocation under the programme in respect of Recurrent Estimates, Kshs8,404,347,204, be deleted and substituted thereof with the figure, Kshs9,504,347,204;

(ii) THAT, the proposed allocation under the programme in respect of Development Estimates, Kshs35,502,692,696, be deleted and substituted thereof with the figure, Kshs34,402,692,696.

This is just a clean-up and reallocation from an amount that had been put under recurrent but is meant for development.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Programme 0718000 as amended agreed to)*

*(Programmes 0719000 and 0720000 agreed to)*

*(Vote 1071 as amended agreed to)*

VOTE 1072 - STATE DEPARTMENT FOR PLANNING

THAT, a sum not exceeding Kshs55,863,417,639 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June, 2020 in respect of Vote 1072 (State Department for Planning).

*(Programmes 0706000, 0707000, 0708000 and 0709000 agreed to)*

*(Vote 1072 agreed to)*

VOTE 1081 - MINISTRY OF HEALTH

THAT, a sum not exceeding Kshs92,724,636,820 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June, 2020 in respect of Vote 1081 (Ministry of Health).

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. (Dr.) Makali Mulu, you may say something on this.

**Hon. (Dr.) Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Chairman. Even as I support this budget for the Ministry of Health, I want to make the following observations. Through our interaction with the Committee, a number of issues cropped up. I think that is why you saw the Chair and a Member of the Committee were trying to move some amendments. This is one of the sectors where I would really encourage the Departmental Committee on Health to do proper oversight. It looks like this Ministry has a lot of resources which are just being used left, right and centre. I think it is important for a clear framework to be prepared, more so, on the use of the money which is going to Level 5 hospitals.

Again, on the issue of universal healthcare, since we did piloting for four counties, it would be important that the reports are shared with this House so that they inform the rolling out of that programme. Even the counties are raising issues. As you know, health is devolved. But if you look at the budget we are discussing, you will find that Kshs92 billion seems to be too high for a devolved function. I think the Departmental Committee on Health needs to do serious oversight on this Ministry.

I support.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Let us hear Hon. Pukose.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Temporary Deputy Chairman. The Ministry of Health is getting more than Kshs92 billion. It is a huge amount of money and, as you are aware, we have the Managed Equipment Service Programme, which has been ongoing. If you move around many of the health facilities, it is actually a disappointment. You remember the President launching ICU and High Dependency Unit in Machakos Level 5 Hospital and up to today it is not operational. Patients who should be admitted in ICU in Machakos Level 5 Hospital are still being referred to Kenyatta National Hospital (KNH), almost two or three years down the line. There are many other things.

If you also look at line items, you are talking of promotive health care, which is a function of county governments. So, we really have to know whether the Ministry has the capacity at the Ministry Headquarters to do promotive healthcare and whether that money is actually going to the right course. These are the issues that the Committee needs to come out very clearly and address this House. This is because when we appropriate money and the money is not making the serious impact which it should make down there, then it becomes a concern.

Lastly, many Members of Parliament here will tell you that almost every weekend, they are contributing to funerals. If you look at the number of patients dying out there, you will find that it is alarming, and I think something needs to be done urgently.

Thank you, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): You have spoken as a doctor. Next is Hon. Oundo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Temporary Deputy Chairman, while I support the allocation to the Ministry of Health, I want to raise my concerns. I raise my concern coming from a constituency on the border between Kenya and Uganda. We have a serious problem with healthcare provision to a point our members are actually going to neighbouring constituencies or districts in Uganda for medical care.

Sincerely, for the national Government to retain a whopping Kshs92 billion for a devolved function and yet we do not see the support they offer to county governments, is in a way sabotaging devolution and undermining the spirit of the Constitution. I urge the Departmental Committee on Health to have a serious discourse with the Ministry of Health to see to what extent they can support counties in the provision of healthcare. If they do not trust counties, let them trust Members of Parliament with some allocation on top of the National Government Constituencies Development Fund (NGCDF) to do basic things.

We have to get money out of our pockets to even buy anti-rabies for kids bitten by dogs in the constituencies. We also have to get money to buy high blood pressure drugs. I think it is becoming an unbearable burden. The Ministry of Health together with the Council of Governors need to have a sober discussion around this issue because, as my colleague has said, almost 90 per cent of salaries goes towards meeting funeral expenses for preventable diseases. A substantial part of our salaries actually goes to pay for medical care for members of our constituencies who cannot afford to pay for the National Hospital Insurance Fund (NHIF). We have to pay from our pockets. It is becoming an unbearable burden. The Government and this House needs to come to the rescue of Members of Parliament.

Thank you.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Those are very valid observations. Next is Hon. Kioni.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Chairman, for giving me this opportunity. I echo the sentiments of my good friend. Even before that, I think it is important that, as Members of Parliament, we do not engage in this issue of debate from a point of fear. This is because, as we sit here, one of our Members is being sought after by officers from the Criminal Investigation Department (CID) for a reason that one made a statement in a political rally. That kind of thing will not help us make informed decisions on the issues that are before us. That is the Country Women Representative for Nyeri.

Let me say this on the issue of health. I am told, and I have seen, that we have allocated almost Kshs45 billion to the Ministry of Health, so that they can undertake some exercises in the Ministry - for lack of wanting to go into the detail - to perform some functions that are intended to be devolved, perhaps, for good reasons. I think to understand this this was really one of the reasons why we gave ourselves a new Constitution. If you take Kshs45 billion from the 47 counties, you are really undermining the counties and the functions that they are supposed to do. It is not just the Ministry of Health. It actually goes to the issue of implementing this Constitution. If you start clawing back some funding that is supposed to go to the functions that are devolved, you are really clawing back on the gains of this Constitution. I support this vote.

Even as we pass it, we need to start doing soul-searching. I think we are slowly eating back what we gave ourselves in 2010. We need to support county governments and devolution. I know we have issues with governors, but we should not allow Kenyans to lose the gains of devolution just on account that money is being lost or some of us do not agree with governors.

I support this vote.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Let us now hear the Member for Bomet.

**Hon. (Ms.) Joyce Korir** (Bomet CWR, JP): Thank you very much, Hon. Temporary Deputy Chairman. I echo the sentiments that have been made by my colleagues on this issue of health. You can bear with me, having been a member of the county assembly and you being the speaker by that time a county assembly... You know the budget that is always given to counties is very small to the extent that even planning for a number of things pertaining to health is an issue. That is why when you visit every dispensary and health centre, you will get many complaints that there are no drugs and facilities. That becomes a big problem.

I really support the issue of giving monies to those counties so that, at least, they can be in a position to assist in terms of buying more amenities that will assist members of the public down there.

Thank you.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): The Member for Igembe Central, you have the Floor.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Temporary Deputy Chairman, for giving me this opportunity. I also echo and support what my colleagues have said. Sometimes, when we give monies to the Ministry of Health or any other arm of the national Government, we tend to blame county governments. But we do not give them that money. That is because they are on the ground and they are the ones who are feeling the heat of serving our people, patients and paying salaries.

The national Government sits on a lot of money and we do not know what that money does. My humble request is that the Ministry should get a good tabulation of how that money will be used. This money will remain here. The counties will suffer and Members of Parliament will suffer by giving handouts here and there. That money needs to be used to cater for cancer patients who are suffering left, right and centre. We should start a kitty using that money so that if one contracts cancer and the family cannot afford treatment, that money can be used instead of coming to us as Members of Parliament. Nobody asks the Ministry for that money. Most of the time, the money goes back to the Exchequer having not been spent.

*(Programmes 0401000, 0402000, 0403000 and 0404000 agreed to)*

*(Vote 1081 agreed to)*

#### VOTE 1091 - STATE DEPARTMENT FOR INFRASTRUCTURE

THAT, a sum not exceeding Kshs186,416,600,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent and Development) during the year ending 30<sup>th</sup> June 2020 in respect of Vote 1091 (State Department for Infrastructure).

*(Programme 0202000 agreed to)*

*(Vote 1091 agreed to)*

VOTE 1092 - STATE DEPARTMENT FOR TRANSPORT

THAT, a sum not exceeding Kshs93,831,100,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent and Development) during the year ending 30<sup>th</sup> June 2020 in respect of Vote 1092 (State Department for Transport).

*(Programmes 0201000, 0203000, 0204000 and 0205000 agreed to)*

*(Vote 1092 agreed to)*

VOTE 1093 - STATE DEPARTMENT FOR SHIPPING AND MARITIME

THAT, a sum not exceeding Kshs2,382,000,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent and Development) during the year ending 30<sup>th</sup> June 2020 in respect of Vote 1093 (State Department for Shipping and Maritime).

*(Programme 0220000 agreed to)*

*(Vote 1093 agreed to)*

VOTE 1094 - STATE DEPARTMENT FOR HOUSING AND URBAN DEVELOPMENT

THAT, a sum not exceeding Kshs31,524,000,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent and Development) during the year ending 30<sup>th</sup> June 2020 in respect of Vote 1094 (State Department for Housing and Urban Development).

*(Programmes 0102000, 0105000 and 0106000 agreed to)*

*(Vote 1094 agreed to)*

VOTE 1095 - STATE DEPARTMENT FOR PUBLIC WORKS

THAT, a sum not exceeding Kshs4,433,000,000 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June 2020, in respect of Vote 1095 (State Department for Public Works).

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): I see there is a proposed amendment to this by Hon. Murugara.

*Programme 0103000 - Government Buildings*

**Hon. George Gitonga** (Tharaka, DP): Hon. Chairman, I beg to move:

THAT, the proposed allocations for the following items under the Programme in respect of Development Estimates, be amended as follows-

(a) The figure of Kshs125,000,000 under Item 1095100601 - Isiolo be deleted and substituted thereof with the figure Kshs100,630,436.80.

(b) The figure of Kshs125,000,000 under Item 1095100602 - Lamu be deleted and substituted thereof with the figure Kshs100,630,436.80.

(c) The figure of Kshs125,000,000 under Item 1095100603 – Nyandarua be deleted and substituted thereof with the figure Kshs100,630,436.80.

(d) The figure of Kshs125,000,000 under Item 1095100604 – Tana River be deleted and substituted thereof with the figure Kshs100,630,436.80, and

(e) The figure of Kshs3,152,184.80 under Item 1095100605 – Tharaka Nithi be deleted and substituted thereof with the figure Kshs100,630,436.80.

The rationale of the amendment is to rationalise and equalise amounts given by the Budget in the Estimates for purposes of developing county headquarters in equal measure.

Thank you.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Yes Hon. Makali Mulu.

**Hon. Makali Mulu** (Kitui Central, WDM – K): Hon. Temporary Deputy Chairman, I want to support that amendment. It is important to note that, for almost the last three years, we have been giving money for construction of those county headquarters and there has been very slow pace in implementation. It is high time this Ministry facilitates completion of those construction works. Unless we complete them, prices will be increasing as years pass by. As we support this amendment, proper monitoring of implementation should be done.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Abdisalan, you have the Floor.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Hon. Temporary Deputy Chairman, I rise to oppose this amendment. Indeed, it is targeting the most vulnerable and under-developed areas like Isiolo County, Tana River County, Nyandarua County and Lamu County. The development level of counties is not the same. The objective should be improving the under-developed counties. That is one of the main reason the Ministry has decided to give special consideration to those counties. In view of this, I strongly oppose this amendment. I want to urge my colleagues to oppose it.

Thank you.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Pkosing, this is your department. I will give you the last opportunity to contribute. Let the Member for Ndaragwa speak.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Chairman. I want to also oppose that proposed amendment because the Mover is trying to move money from

Nyandarua County to his county and he has not even told us the reason. Two, if it is the issue of county headquarters, I am sure the Ministry had good reasons to allocate Kshs300 million. Maybe, it is near completion.

You know that our Governor is one of the most high-fliers. He was the Head of Government and Public Service and now he is in a “carton” in form of an office which is really demeaning. It is important that we allow the allocations as they are. Let those county headquarters be developed. With the money which has been allocated in my county, we will move to a point where we can move into offices. I agree with what *Mheshimiwa* Makali Mulu has said that monitoring on the implementation of projects is key. We do not want this money to be misused at the county level.

Thank you.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Yes the Member for Maara.

**Hon. Kareke Mbiuki** (Maara, JP): Thank you, Hon. Temporary Deputy Chairman. I stand here to support this amendment because the Mover has moved it so that there can be equity. I really want to confirm that the County Headquarters for Tharaka Nithi County is incomplete. It is halfway to go. The purpose of this amendment is to rationalise the amount of money which is available under this Vote.

Hon. Temporary Deputy Chairlady, I support. I am sorry. It is “Hon. Temporary Deputy Chairman”.

*(Laughter)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): The Member for Maara, I have never thought of changing my gender. However, it is understandable. It is quite well.

The Member for Igembe Central, you have the Floor.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Temporary Deputy Chairman. Forgive my brother for mistaking your gender. I stand to support my brothers from Tharaka Nithi County. When you hear of Tharaka Nithi County or Meru County, you think that you are in Canaan. Tharaka Nithi is worse than Lamu County which you are talking about. More so, they have a new headquarters at Kathwana which started from scratch and, to date, they are still putting it up. Why do we give monies to some counties while others are left without money to complete their headquarters? I know that Meru County was given peanuts and has not done much with that money. So, let us rationalise those funds. Once we get this money, we should get it across the board so that some counties do not feel marginalised.

I support my brothers from Tharaka Nithi County.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Let us now hear Hon. Pkosing.

**Hon. David Pkosing** (Pokot South, JP): I thank you, Hon. Temporary Deputy Chairman. On behalf of the Committee, I want to support this amendment. I want to plead with the Members of the Committee to join the Budget and Appropriations Committee which proposed the amendment. The reason of the amendment is to rationalise the money that is going to build county headquarters. There are counties which were not even district headquarters. They did not have a small structure where the governor’s office would be. The counties which have been mentioned were considered.

What happened in this Budget was abnormal. How can you allocate, in your own reasoning, one county headquarter to be completed with Kshs3million? Tharaka Nithi was allocated that amount and then another county was given more than Kshs300million. That is why we want to support this rationale from the Budget and Appropriations Committee. It is not marginalisation. Every county headquarter is getting more than Kshs100million. That is equitable share of resources.

An Hon. Member has said that we should monitor implementation of those projects. It is the responsibility of the Departmental Committee on Transport, Public Works and Housing to monitor the implementation. We, on behalf of the House, will do this diligently. I support the amendment because it is rational.

I thank you, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Let us hear Hon. Kipkoech, the Member for Sotik.

**Hon. Dominic Koskei** (Sotik, JP): Thank you, Hon. Temporary Deputy Chairman, for giving me this opportunity to contribute. I also rise to support the amendment. This issue came to our Committee. We looked at it and then we discussed with the Budget and Appropriations Committee. We said that it is important that we rationalise the funds. We support the amendment. I have been to Tharaka Nithi County. They need those funds. So, I urge the House to support this amendment.

Thank you, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Kandie Joshua, Member for Baringo Central.

**Hon. Joshua Kandie** (Baringo Central, MCCC): Thank you, Hon. Temporary Deputy Chairman, for giving me this opportunity to contribute. I rise to strongly oppose this amendment. One, if we say that we want to give counties money, we should give all of them.

*(Loud consultations)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Let the Hon. Member for Baringo Central contribute because it is his right.

**Hon. Joshua Kandie** (Baringo Central, MCCC): What we are dealing with here is a lot of money. I strongly say that this amendment should not be supported by any Member.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Jimmy Angwenyi, you have the Floor.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): Thank you, Hon. Temporary Deputy Chairman. We must be very careful how we allocate our resources. Areas which have missed development should be given more funds than areas which are already developed. If we want to build in Nyandarua, then let us also build in Kiambu and in Kisii. But a place like Tharaka Nithi needs it. So, I support the amendment.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Let us hear the Chair, Budget and Appropriations Committee.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Chair, it is important for Members to get the genesis of this. It was a conditional allocation to the five particular counties identified; counties that ideally had no county headquarters. So, it is not just on the basis of marginalisation like my brother was saying. It is based on a programme that was to be done over three years. So, it just happened that this year, Tharaka Nithi had been left out, but it is among the counties that

have received money in the last two years. The money that was allocated is what the Chair of the Committee has agreed with.

The Budget and Appropriations Committee considered the proposal by Hon. Murugara and we agreed with him that, indeed, because they deserve like they have in the last two years, there is no opportunity for any other county to get into that programme or to remove one county and get another.

It is good we vote on that basis.

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Programme 0103000 as amended agreed to)*

*(Programmes 0104000, 0218000 and 0106000 agreed to)*

*(Vote 1095 as amended agreed to)*

#### VOTE 1107 - MINISTRY OF WATER SERVICES AND SANITATION

THAT, a sum not exceeding Kshs62,504,483,666 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent and Development) during the year ending 30th June, 2020 in respect of Vote 1107 (Ministry of Water Services and Sanitation).

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Abdisalan, you have the Floor.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Hon. Chairman, as much as I support Vote 1107, I want to remind the Chair that there are areas that are in extremely difficult situation where schools were closed due to lack of water. In the same area that I am talking about, the lives or livelihood of the population are in a very difficult situation. The mortality rate of livestock is very high. I can confirm that three schools were closed in my constituency due to lack of water. The priority ranking at the departmental level is not coming out clearly. I want the area to be given unique and special consideration such that we can read from the same script and allow children to access schools. It is painful that in some parts of this country, children cannot access schools due to lack of water.

I ask the Chairman to give unique consideration to such areas so that schools can reopen. Thank you.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Yes Hon. Oundo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Chairman for giving me this opportunity. I stand to support with reservations.

Water is a devolved function. I see the Ministry of the national Government retaining a substantial amount of funds. Of course, the question everybody is asking is: What does the money that is retained by the national Government used for? Kenya, and especially my constituency of Funyula, is a water-scarce area. We do not have enough water for domestic use.

We wonder where that money goes. We hope the departmental committee responsible, when having a discussion with the relevant Ministry will try to ensure there is equitable distribution of national Government projects to ensure that every area is covered.

I am aware that the Ministry of Water and Sanitation has a big problem in implementing projects. There is a litany of stalled projects. Do they have the capacity, if I may ask, to absorb the development float or budget for the Financial Year 2019/2020?

Thank you.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Yes Hon. Jeremiah Kioni.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Chairman. Let me have a quick one on this, and add on to what my colleagues have said. I want to speak more to the Committee.

This is one area - even as we support that devolved functions must move with funds - which the Committee seems to have gone asleep. In my area where the Ministry has had one or two boreholes, we have seen the county government owning them. That is a clear route that can be used for corruption. We want better monitoring of those resources. What has been done by the national Government, let it be clearly labeled as such.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Washiali, you have the Floor.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Temporary Deputy Chairman. I have heard what Hon. Oundo has said. As a Member of the Departmental Committee on Environment and Natural Resources, it is a shared programme. We have water as a devolved function and also in the national Government. The national Government only deals with mega projects that are county trans-boundary in nature. That is why the national Government must also have a budget.

In future, we also need to audit where the projects are because I do not think there is fairness in the way we distribute mega projects. Even after this Budget goes through, we need to audit and see where the projects are so that come subsequent budgets, we can try to spread them out. If it is a matter of education, all Kenyans are farmers and they require education in farming.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Nduati, the Member for Gatanga, you have the Floor.

**Hon. Joseph Nduati** (Gatanga, JP): Thank you, Hon. Temporary Deputy Chairman. Although I support, I wanted to say that I come from a constituency which has a lot of water, but we have none to drink. When Ndakaini Phase 1 was being done, our people in Ndakaini Location did not get any water. I wanted an assurance from the Chairman of the Committee that since they are doing a new project - the Northern Collector Tunnel - this time our people will get water. Otherwise, we will oppose this project. We will not agree that water is extracted from our place, multibillion projects are done and where the dam is located people have no drop of water to drink.

Thank you.

*(Programme 1001000 agreed to)*

*Programme 1004000 - Water Resources Management*

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the proposed allocation under the programme in respect of Development Estimates, Kshs7,172,350,000 be deleted and substituted thereof with the figure Kshs9,570,350,000.

These are just reallocations from recurrent to development expenditures. It is just a clean-up.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Programme 1004000 as amended agreed to)*

*Programme 1017000 - Water and Sewerage Infrastructure Development*

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the proposed allocation under the programme in respect of Development Estimates, Kshs38,969,537,900 be deleted and substituted thereof with the figure Kshs37,519,537,900.

Again, just like the other one, this is just a clean-up of reallocation of Development Expenditure versus Recurrent Expenditure.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Programme 1017000 as amended agreed to)*

*Programme 1015000 - Water Storage and Flood Control*

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the proposed allocation under the programme in respect of Development Estimates, Kshs10,746,000,000 be deleted and substituted thereof with the figure Kshs9,798,000,000.

Again, this is a clean-up exercise.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Programme 1015000 as amended agreed to)*

*(Vote 1107 as amended agreed to)*

VOTE 1108 - MINISTRY OF ENVIRONMENT AND FORESTRY

THAT, a sum not exceeding Kshs17,380,243,400 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent and Development) during the year ending 30<sup>th</sup> June, 2020 in respect of Vote 1108 (Ministry of Environment and Forestry).

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): I can see interest from Hon. Kandie, the Member for Baringo Central.

**Hon. Joshua Kandie** (Baringo Central, MCCP): Thank you, Hon. Temporary Deputy Chairman. I support the allocation to the Ministry of Environment and Forestry, but I have some reservations because Baringo Central is one of the areas where we have a lot of forestry cover. The Ministry of Environment and Forestry has not done enough. People are destroying our forests because of lack of personnel. This is one area I want the Chairman of the Budget and Appropriations Committee to come out clearly. In my constituency, forest cover is being destroyed every day. I have even been requested by my people to start employing people yet I do not have any money.

So, I want the Chairman of this Committee to come out clearly and tell us what they are doing to increase the number of personnel.

*(Programmes 1002000, 1010000, 1012000 and 1018000 agreed to)*

*(Vote 1108 agreed to)*

VOTE 1112 – MINISTRY OF LANDS AND PHYSICAL PLANNING

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, a sum not exceeding Kshs6,613,800,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent and Development) during the year ending 30<sup>th</sup> June, 2020 in respect of Vote 1112.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Hon. Temporary Deputy Chairman, I am not very sure that money for land compensation is under this Vote. As the representatives of the people, people are crying out there over land compensation. This week, we have seen serious demolitions of houses which have been constructed by Kenyans, and yet they have not been compensated. If the money is here, it is high time we demanded that Kenyans be compensated before their houses are demolished. It is very painful to see the houses coming down.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Makali Mulu, I presume that compensation should be provided for before demolitions or people's properties are taken up by the State.

*(Program 0101000 agreed to)*

*(Vote 1112 agreed to)*

VOTE 1122 - STATE DEPARTMENT FOR INFORMATION  
COMMUNICATION AND TECHNOLOGY AND INNOVATION

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, a sum not exceeding Kshs28,234,000,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent and Development) during the year ending 30<sup>th</sup> June, 2020 in respect of Vote 1122 (State Department for Information Communication and Technology and Innovation).

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): I can see interest from Hon. Oluoch, the Member for Mathare.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Temporary Deputy Chairman. I support this amendment as a member of this Committee. If that money would have been removed, it would have affected the ongoing contractual obligations. You may very well know that the Kenya Films and Classifications Board (KFCB) has been doing renovations of some of our facilities such as Nairobi Cinema. This has helped some artists to access and use state of the art equipment and their contractual obligation that involves the provisions of equipment, refurbishment and other things.

Secondly, as a representative of Mathare Constituency, where we have young people with issues of unemployment, the film industry is one of the ways in which they can engage themselves in meaningful employment. The refurbishment and takeover of our cinemas is supposed to be cascaded to the constituencies. Therefore, taking away this money would have placed the KFCB in a very awkward position where ongoing contracts, obligations and plans it had made to cascade these programmes down to the constituencies would be affected.

Therefore, I support.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Let us now hear Hon. Osotsi.

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Temporary Chairman for the opportunity to contribute to this. I am also a Member of the Departmental Committee on Communication, Information and Innovation. A substantial amount of this Budget is going towards the development at Konza City. This is a major milestone in ICT development. We are

hoping that we will see serious activities happening at Konza City with the amount we have given them. We have also allocated money for consultancy.

In the Supplementary Estimates, we allocated money to pay all the pending bills. So, we expect to get value for money in this project so that we can have a proper techno city as desired by Kenyans.

For that reason, I support.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Kiarie, the Member for Dagoretti South, you have the Floor.

**Hon. John Kiarie** (Dagoretti South, JP): Thank you, Hon. Temporary Deputy Chairman for the opportunity. I rise to support that if this allocation were to be removed as it had been suggested earlier, it would affect a number of projects that are quite dear to me. I think they should also be dear to Members of this Parliament.

One of the biggest issues is the fact that we are talking about the Big Four Agenda. One of the things in the Big Four Agenda is manufacturing, but we have come to think of manufacturing as the making of solid goods only. When you think about it, creative economy in itself is manufacturing. This emerging trend of creation of content is manufacturing in itself. So, when we remove budgets from organisations like the KFCB, we are injuring the creative industry.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Kiarie, are you speaking to the next programme or are you supporting this one? The one you are speaking to has no amendments.

**Hon. John Kiarie** (Dagoretti South, JP): Hon. Temporary Deputy Chairman, when you gave me the opportunity, I presumed that is the one.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): I will give you an opportunity when we get there.

**Hon. John Kiarie** (Dagoretti South, JP): Thank you. I will not anticipate further.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Yes, Hon. Jeremiah.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Hon. Temporary Deputy Chairman, I rise to support this Vote as it is, but I want to say one thing about the Ministry.

We are aware that a Government Circular was issued to the effect that all ICT equipment must be bought through this Ministry for all Government ministries and agencies including constitutional independent offices. If we are not careful, this is a source of trouble.

First, it is not going to be efficient because we already have complaints from some organisations.

Secondly, we have independent offices such as the Independent Electoral and Boundaries Commission (IEBC). If equipment that will be used for the 2022 elections is bought through an executive order, I think we are already courting disaster and trouble. We need to allow independent constitutional offices to operate independently including being allowed to use allocated money for whatever they intended that money for. This is an intrusion of that independence. I think the Ministry needs to rethink that approach.

**The Hon. Temporary Deputy Chairman** (Hon. Christopher Omulele): Let us have Hon. (Dr.) Oundo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): As much as I support, I have listened to my colleagues in the committee's justification for the whooping extraordinary high amount of money. This is a country where people are dying of hunger, have no water and medicine. I am afraid as we have always said, at times corruption is engineered at the budgeting stage. I am not

so sure and I do not know if there is any ministry in this country that has capacity to absorb a whopping Kshs22 billion in less than nine months knowing that there is slow disbursement of funds from the Treasury, complications to do with procurement, issues of counter-checking and audit in respect of pending bills and the rest. I am apprehensive and I hope I will be proven wrong in due course. We hope no other scandal will emerge from this Ministry as has been in the past.

Thank you.

*(Programmes 020700 and 021000 agreed to)*

*Programme 0217000 – E-Government Services*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): I see there is a proposed amendment to this. Yes, Hon. Kitonga.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the proposed allocation under the programme in respect of Development Estimates, Kshs2,964,614,114 be deleted and substituted thereof with the figure Kshs2,884,614,114.

Under Programme 0221000 - Film Development services, the proposed allocation under...

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Kitonga, just deal with the first one alone. You will deal with the other one later on.

**Hon. Daniel Maanzo** (Makueni, WDM-K): The justification is that an amount had been interchanged with the two programmes earlier on and it is in the Report of the Committee. One of the issues which had not been considered is that the Film Development Services had already been subcontracted and there was an on-going refurbishment of the film operation areas and theatres.

This being a legal body because it is body corporate, then by moving it to the general ministry, the contracts will have a problem. Therefore, even if there is still room for any changes in future, for now, this institution is already tied up.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Kitonga, you are speaking to which institution? There are two amendments under two different programmes. For purposes of order, I would like you to just deal with the first one and then we will give you an opportunity again to move the other one.

**Hon. Daniel Maanzo** (Makueni, WDM-K): We have the E-Government services and the Film Development Services. What I am trying to say is that the amounts be retained as has been proposed because they have rectified that anomaly.

*(Question of the amendment proposed)*

**The Hon. Temporary Deputy Chairman** (Hon. Christopher Omulele): I see interests from the Member for Dagoretti South. I will give you the first go.

**Hon. John Kiarie** (Dagoretti South, JP): Thank you, Hon. Temporary Deputy Chairman. You did flag out that I was anticipating this in my earlier contribution.

I wish to support the amendment that has been proposed by Hon. Maanzo for the simple reason that even as we make these budgets, we have to rationalise how we allocate the money. We realise that without having these reduction done, we would be denying some money a critical organisation, namely, the Kenya Film and Classification Board, at a time when they have already made some contractual obligations that are in support of some of the big programmes that we talk about here.

One of these programmes that we are very passionate about is the Big Four Agenda. We talk about it as carrying one of the components - manufacturing. However, people always think that manufacturing is creating and making hard solid goods. We are in an area where we are looking forward to having a creative economy that is content driven. The artists who are creating content can employ themselves and employ other people in the creative industry.

So, I am in support of the proposal by Hon. Maanzo for the reason that when we reallocate this money back to the Kenyan Film and Classification Board, it will push the agenda of the creative economy. It will push for the artists to put their creative talent into use thus creating employment.

More so, the issue of ongoing contractual obligations that these organisations have already entered into would suffer terribly if we were to reduce their budget and only leave them with the recurrent budget. This would deny them the development budget that is responsible for such projects as has been spoken earlier on. These are Nairobi Cinema and Nairobi Performance District on Mama Ngina Street, which is currently on-going.

Thank you very much. I support the amendment by Hon. Maanzo.

**The Hon. Temporary Deputy Chairman** (Hon. Christopher Omulele): Very well. Let us have the Leader of the Minority Party.

**Hon. John Mbadi** (Suba South, ODM): I support the amendment. As Members of BAC, when these issues come before us, especially amending the Budget Estimates and the budget lines, we are usually very apprehensive, especially when it comes to individual Members.

However, on this matter, we had to consult with the Chair of this Committee. Remember the amendment that is being done is to reverse what the Committee had done earlier on. The Chair was in agreement with us that he addresses the issue with the Member because there are some contractual obligations that have already been agreed on.

In that case, I think this House can agree and support the amendment.

**The Hon. Temporary Deputy Chairman** (Hon. Christopher Omulele): Very well. Hon. Oluoch, the Member for Mathare, you have the Floor.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Temporary Deputy Chairman. I support this amendment. One of the things this House has had to deal with is a directive by the President about on-going bills that we continue to accumulate. If we had allowed this money to be removed from the Kenya Films Classification Board on on-going contractual obligations, the only thing we would have been doing as a House is to compound on-going questions of accumulations of bills. This has been contrary to the directive of the President.

I cannot reiterate enough that the creative industry is the place to go for the youth in the absence of a clear framework from the Government on how it will create employment in a tangible way for them. The firm industry is the place to go. This is where young people can get employment.

I support.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Let us now hear Hon. Makali Mulu.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Chairman. I also support this amendment, but as I do so, I think we have not exploited the potential in terms of film development in this country. This department needs to take up that challenge so that we have more of our young people being employed in the sector.

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Programme 0217000 as amended agreed to)*

*Programme 0221000 – Film Development Services*

**Hon. Daniel Maanzo** (Makueni, WDM-K): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the proposed allocation under the programme in respect of Development Estimates, Kshs60,000,000 be deleted and substituted thereof with the figure Kshs140,000,000.

These two are related. The Film Development Services had lost some amount, but the two programmes are now balanced. The reason is the amount which had been deducted to the E-Government Services has now been returned to the rightful organisation for development of film services. This is because this is an area which is growing in Africa.

In Kenya, we are making some films, short scripts and theatre. This is where contractual obligations were. I believe with this reversal, this will be met.

Thank you. I urge the House to support.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): I will give the first opportunity to Hon. Osotsi.

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Temporary Deputy Chairman. I support this amendment. The facts are that the allocated amount is Kshs140 million. This means Kshs60 million will go towards the establishment of the Kenya Film School under the Kenya Film Commission (KFC). But we also thought that management is important because film making is a process which starts with content generation.

So, Kshs80 million will go towards the refurbishment and improvement of Nairobi Cinema under the Kenya Film Classification Board, which is engaged in what we call proactive regulation. They want to start regulating from the content processing to the final manufacturing of film. So, Kshs80 million is justified to go towards KFCB.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Yes, Hon. Kiarie.

**Hon. John Kiarie** (Dagoretti South, JP): Thank you, Hon. Temporary Deputy Chairman. As you know, this is an area I am very passionate about. First, I would like to congratulate Hon. Maanzo for bringing this amendment to the Floor of the House.

I am very passionate because as we speak, the KFCB falls under the Ministry of Information and Communication Technology. We all understand that most of the film work that is done is mostly cultural. It is thought that most of the issues done by the KFCB should fall under the Ministry of Sports, Culture and Heritage. However, pursuant to an executive order by the President, KFCB is now under the Ministry of ICT. We would not like them to feel like they have been condemned to a ministry where they shall be suffering from irrational budgets.

We have come straight from the Kenya National Drama Festivals at the national level. We always ask ourselves what will happen to the actors when they leave the stage at the nationals. Here is a solution being offered by KFCB. They are saying that they shall be investing some Government money in creating platforms where young people can create films out of their stage plays. These will be staged to a ready audience of over 17 million young children in schools.

On movie nights during Saturdays, instead of them watching Nigerian, American or Bollywood movies, they can watch local content by talent grown by our students and produced to movies, so that we can start recreating our own local stars. Ultimately, we will be pushing forward the agenda of growing a national values conversation through our content creation done by our children.

Eventually, this will create a lot of employment in film manufacturing. It will push the Big Four Agenda and Vision 2030. Ultimately, it will go all the way up to the African Union (AU) Vision of 2063. I passionately support this amendment by Hon. Maanzo.

Thank you for the opportunity.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): The Member for Mathare, Hon. Oluoch, you have the Floor.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Temporary Deputy Chairman. As I support, I want to say that the budget-making process is supposed to help sustain our ministries and enable them to plan properly from their budgets. Even as we pass this, it is important to say this for the record. Before this, the KFCB was in the Ministry of Sports, Culture and Heritage. The reason I am bringing this is because parent ministries where these programmes are housed should know that when we budget, we do so, so that these programmes can go on without interruptions.

In the last financial year, we allocated money to this programme under Film Development Services, and the Ministry of Sports, Culture and Heritage took close to Kshs11 million, which was to go to cinema *mashinani* or programmes similar to those my friend, Hon. Kiarie was talking about. They took it and used it for a national public holiday. So, how does a programme like this plan and have certainty when the parent ministry can divert money without referring the matter back to Parliament?

As I support, I ask for fiscal discipline in our ministries. When we allocate money to programmes, they should not remove it because they will make the programmes suffer. There are constituencies which should benefit from this like Dagoretti and Mathare, and other places where cinema *mashinani* will keep our people from crime. They will benefit from it.

I support.

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place)*

*thereof be inserted, put and agreed to)*

*(Programme 0221000 as amended agreed to)*

*(Vote 1122 as amended agreed to)*

VOTE 1123 – STATE DEPARTMENT FOR  
BROADCASTING AND TELECOMMUNICATIONS

THAT, a sum not exceeding Kshs5,159,800,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June, 2020 in respect of Vote 1123 (State Department for Broadcasting & Telecommunications).

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Jeremiah Kioni, you have the Floor.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): I believe this is where we also have the Kenya Broadcasting Corporation (KBC). If I am wrong, I need to be guided. We have members of staff of these corporations who have gone without salary for the last six months. I do not understand what these corporations do with the budgets that they are allocated. If they have not paid for the last six months, there is something very wrong.

However, even as I support this Vote and allocation, a country without a national broadcasting institution is poor. We leave ourselves at the mercies of private investors. It is important that we continue supporting this institution. I do not think we are giving it necessary attention. I hope we will wake up to that requirement as a nation. It is very easy to be driven by private entities and private interests when they control the media. That way, as a nation, we can easily lose it to other interests. We need to support these institutions better.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Yes, Hon. Kiarie.

**Hon. John Kiarie** (Dagoretti South, JP): Thank you very much, Hon. Temporary Deputy Chairman. I would like to support that we pass this budget as it is, noting that there is a sizable allocation that will be going to the struggling national broadcaster. However, even as we make this allocation, I think I should join the Member for Ndaragwa, Hon. Jeremiah Kioni, in reading the riot act to people who are sitting on the board and the secretariat of the national broadcaster.

At this moment, this is a struggling entity. It is struggling not for any other reason, but for lack of leadership. In a time when the national broadcaster should be providing leadership in our journey towards the new and emerging media, we find that they are not even showing up in what we call tracking of ratings in the country's broadcasting scene. When we are talking about a viewership of below 2 per cent with such a heavy investment by the Government, then I think it is time we did a complete overhaul not only of the secretariat as we did with the new appointment of a managing director, but also checking who sits on these boards and what are their interests.

They cannot have conflict of interest by sitting at the helm in the board of the national broadcaster while pushing private businesses that end up in a predicament like we saw last year where the national broadcaster was not even able to broadcast the World Cup. This means that someone had cut a deal to go and make money out of the World Cup. Even as we pass this budget, the onus is on the people who are leading this organisation all the way from the Ministry

down to the board and the management of the national broadcaster. They should be held personally accountable for every single coin that we shall be allocating.

Thank you very much, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Very well spoken, the Member for Dagoretti. We shall have contribution from the Member for Seme, Hon. Nyikal.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Deputy Chairman. While I support this and also support what my colleagues have said, I have noted that, if you look at this budget, you will realise that one item of Information and Communication Services actually takes the lion's share. My major concern is that mass media skills development, where I think a national broadcaster should put more money into to develop its skills so that it can do what my colleagues are saying is allocated very little money. So, I support my colleagues that there is need to look at this area and see what development plans they have for expansion. They should be the lead broadcaster in the country.

I support.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Oundo, you have the Floor.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Temporary Deputy Chairman, thank you for this opportunity again. Those of us who have been around for some time have nostalgic memories of KBC, VoK and Sauti ya Kenya. It pains me a lot when I can hardly ever stand watching the boring presentation by KBC. I sincerely urge the Committee in charge of this particular aspect to have a thorough surgical review in respect of KBC. As we say, it should always be a moderator, but of course, we do not expect it to get to the era of KANU na *baba* that literally stifled everything and made it practically impossible.

We need KBC to disseminate information to do with development because private broadcasters are only interested in viewership and profits. The national broadcaster should be the moderator, the standards setter and the benchmark to enable us get factual information about the development of this country.

I totally agree that it has failed because of mismanagement. All over the world, countries have national broadcasters. The BBC has remained in the forefront all these years without any problem. The Voice of America has remained steadfast despite the onslaught from private broadcasters. The South African Broadcasting Corporation, despite the changes, has remained strong and vibrant. We need to get to the bottom of this matter. In the fullness of time, we might have to seek an interdisciplinary committee to investigate the happenings at the KBC.

Thank you.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Let us now hear Hon. Osotsi.

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Temporary Deputy Chairman, for the opportunity. I appreciate the comments from Hon. Kioni on the performance of the KBC. I want to tell him that as the Departmental Committee on Information and Communications, we appreciate the problem. One of the challenges that we have noted at the KBC is that it entered into an agreement with Multichoice. It owns 40 per cent of Multichoice. For every reason, Multichoice is making a lot of money, but KBC is making loses. As a Committee, we have initiated a process to do an inquiry into the operations of Multichoice. We want to know how much money Multichoice is making and how much money is due to KBC. I am sure almost every household and entertainment spot has DSTV, but we are being told that we cannot even be told the number of subscribers of the DSTV. We have instituted an inquiry into

Multichoice. I am also happy that the new Managing Director of KBC has asked the Auditor-General to move in and audit the books of Multichoice.

We hope that if that is done, KBC will start making profit. We are also looking into the operations of KBC. I ask Members to pass this budget because the Committee is already doing something about KBC.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Yes, Hon. Jomo Washiali

**Hon. Benjamin Washiali** (Mumias East, JP): Hon. Temporary Deputy Chairman, allow me to rise on a point of order and just remind my colleagues, who are generally doing very well, that we are in a Committee of Supply. When we are in such a Motion, usually the comments are limited because Parliament has oversight committees that look into the details and administrative issues of the departments that we are currently appropriating money to.

Hon. Temporary Deputy Chairman, will I be in order - given the fact that we have timelines on the Motion that we already have on the Committee of Supply for three allotted days, and given the fact that if all Members were to comment elaborately on each Vote, it may easily go beyond the period that is allocated - to ask that we limit ourselves in terms of what Members comment on each Vote?

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Washiali, you are well within your rights to make the observation that we should devote ourselves to the particular endeavour that we are now undertaking - which is the Committee of Supply - within the lines of what is provided for. We should not go into extra explanations as if we were in the Second Reading. That should have happened at the point when we were debating the Estimates during the Second Reading proceedings.

Member for Ndaragwa, you seem not to agree with Hon. Washiali.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Chairman. I am happy that you have said Washiali and not yourself because I cannot disagree with the directions that you were about to give.

There is a tendency in this country where many of the institutions that were previously vibrant have become rubberstamps. I sympathise with my Whip because the time that is given to this august House to discuss anything is too short. You wonder why you never went elsewhere to do something else.

*Mheshimiwa* Washiali is used to this. He does very well and it is part of his script. I ask for his indulgence that when Members have time to ventilate on these issues, let it be. If it is not said here, where else do you want Members to go and say it? The issue of limiting the time for Members to contribute to these issues is not very useful. I sympathise with him because he has been sent to ensure that we pass it by a given day. However, let him allow us to exercise our oversight and legislative mandate without any intimidation.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Very well put, Hon. Jeremiah. I just want to remind Hon. Washiali that as much as I had agreed with him that we should limit ourselves to discussions of what the budget lines provide under the programmes, I do not think any of these Members have gone on what in law we call off-tangent. Most of them have been true to the score.

I will give this opportunity to the Member for Mathare to contribute.

**Hon. Anthony Oluoch** (Mathare, ODM): In the spirit of trying to balance what Hon. Washiali was saying and what my Chair, Hon. Kioni, has said, there is need for us to ventilate on

these issues and properly oversee for the people to hear our voice as we pass the Budget. I hear what Hon. Washiali has said. We have timelines, but there has to be a balance.

I only want to add two things to what has been said on this issue. I support the budget and the State broadcaster to the extent that every nation needs a broadcaster that must be funded by the taxpayers. On the issue of management of the broadcaster, there is one thing that Hon. Osotsi said about the audit being done by the Auditor-General. I only want to add one more thing. On the issue of Multichoice making profits of hundreds of millions of shillings on a contract they made with KBC, this has the footprints of criminal elements and criminal activities, and I dare say insider trading. There is no way Multichoice, which is anchored to our national broadcaster, the KBC, can make profits as KBC registers corresponding losses. This has criminal elements. In addition to the Auditor-General coming into this issue, I suggest and propose that the Directorate of Criminal Investigations (DCI) also comes in to investigate the matter.

With those remarks, I support.

*(Programmes 0207000, 0208000 and 0209000 agreed to)*

*(Vote 1123 agreed to)*

#### VOTE 1132 – STATE DEPARTMENT FOR SPORTS

THAT, a sum not exceeding Kshs15,160,190,000 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June 2020, in respect of Vote 1132 (State Department for Sports).

*(Programme 0901000 agreed to)*

*(Vote 1132 agreed to)*

#### 2<sup>ND</sup> ALLOTTED DAY

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Members, I wish to communicate to the House that the three hours that had been allocated for the First Day of the Committee of Supply started at 2.45 p.m. and ended at 6.45 p.m. The First Allotted Day has lapsed. We are now in the Second allotted Day, which started at 6.45 p.m. We are now proceeding with the Second allotted Day. What is out of order, the Member for Saku?

**Hon. Ali Rasso** (Saku, JP): Thank you very much, Hon. Temporary Deputy Chairman. We are now starting the Second allotted Day. As good practice, there are Chairs for the different departmental committees. We are considering the Budget, and like Hon. Kioni said, we will not wait for those chairs to just flock into the House. We have to do what we need to do. It would be necessary for the chairs to be here in future as we raise pertinent issues as Members have done hitherto.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): The Member for Saku, you are right. This is the purpose of chairs. The discussion on the Budget is the most important

process in this House. It would have been good and absolutely proper that the chairs be here to know what Members are saying about the budget lines. It is proper.

Let us hear the Member for Kitui Central.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Hon. Temporary Deputy Chairman, I totally want to agree with you and the Member for Saku. I do not think we will be demanding too much as Members. Even if not all chairpersons sit here, at least, when we are discussing a Vote, the chairperson of the committee that oversees that Vote should be present so that he can pick the issues we are raising and move with them in terms of monitoring of the budget and noting the concerns of Members.

They can go to the HANSARD and read, but you do not get the feeling of the Member when you read the HANSARD. You get it when they are talking. I really want to plead with you, Hon. Temporary Deputy Chairman. As you have said from tomorrow we need to put an order that when we are discussing this Report, the Serjeant-at-Arms can go out there and look for the chairpersons of committees and bring them to the House.

I submit, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): The Member for Kitui Central, you are on point. The Member for Bomet, do you want to add your voice on to this?

**Hon. (Ms.) Joyce Korir** (Bomet CWR, JP): Thank you very much. I also want to agree with the Members. On behalf of the Chair of the Departmental Committee on Labour and Social Welfare, I am here as the Vice-Chair of that Committee.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Congratulations on staying the course. We must also take note that Hon. Pkosing, the Chair of the Departmental Committee on Transport, Public Works and Housing was here. Hon. Melly was here when we were discussing the budget for education. We must congratulate those Members. Hon. Kioni is also here for the Constitutional Implementation Oversight Committee (CIOC).

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Instead of the Majority Whip whipping us to finish, he should whip the chairs to come to the House.

*(Laughter)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Washiali, do you have something to say to that?

**Hon. Benjamin Washiali** (Mumias East, JP): Hon. Temporary Deputy Chairman, I want to seek your protection. Hon. Kioni seems to have a beef with me this evening. I want to say that I stand advised. I am sure by this evening and tomorrow in the morning, I will have notified all the chairs, especially those whose Votes have not been tackled, so that we can have them in the House.

Additionally, I stand to be advised on how we will move from the current Order to the next one because the current Order No.8 is on Committee of Supply (1<sup>st</sup> Alloted Day). I need to be advised on how we are moving to the 2<sup>nd</sup> Alloted Day without proper communication on the Standing Order. We were supposed to debate Committee of Supply on 1<sup>st</sup> Alloted Day this afternoon. This is very clear. We need to be advised on the matter of going to the 2<sup>nd</sup> Alloted Day.

Thank you.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Washiali, if you look at your Standing Order No.237, you will see the definition of an allotted day there. It says that:

“For the purposes of this part, a day shall be deemed to consist of any period of not more than three hours prior to 1 p.m., or of not more than three hours between 2.30 p.m. and 7.30 p.m. or not more than three hours after 7.30 p.m.”

We have run one day and we are going to start the second one. As per the definition, we are in the 2<sup>nd</sup> Alloted Day.

Hon. Members, all of us are in order. We had our commercial break. I will, therefore, ask Members that we now proceed with the business at hand, so that we can move to the next programme for debate.

VOTE 1134 - STATE DEPARTMENT FOR CULTURE AND HERITAGE

THAT, a sum not exceeding Kshs3,570,200,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent and Development) during the year ending 30<sup>th</sup> June 2019 in respect of Vote 1134 (State Department for Culture and Heritage).

*(Question proposed)*

*(Programmes 0902000, 0903000,  
0904000 and 0905000 agreed to)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Members, even if we are in the 2<sup>nd</sup> Alloted Day, you must remember that this is the work that we must do. We will proceed.

*(Vote 1134 agreed to)*

VOTE 1152 - STATE DEPARTMENT FOR ENERGY

THAT, a sum not exceeding Kshs77,419,000,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent and Development) during the year ending 30<sup>th</sup> June 2020 in respect of Vote 1152 (State Department for Energy).

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Oundo, what is out of order?

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): In view of the comments my colleagues have made in respect of the presence of chairpersons of various committees in the House, I just want to get an assurance from the Majority Whip that the Chair of the Departmental Committee on Energy is present or if he is not present, he has delegated him to take brief on his behalf. This is considering the great importance this sector has as an enabler of the Big Four Agenda. This is the agenda for the welfare of the people of Kenya. Colossal amounts of money have been allocated to this State Department.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Oundo, the House is not yet seized of this business. Allow me to propose the Question.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): I see a lot of interest on this. Before Hon. Rasso takes the Floor, let Hon. Oundo express his reservations.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you for the timely guidance, Hon. Temporary Deputy Chairman. I was raising a point of concern that my colleagues had raised. We are ventilating on very critical national issues that will shape the implementation of the budget and probably inform the future budget-making process, yet the respective chairpersons who oversee various State Departments are not in the House. The best they can do to know what we are saying is to go and get second hand information from the HANSARD. That is why I was seeking guidance, through you, from the Majority Whip. I wanted to know whether he has express authority from the chairpersons of the respective committee to listen to our concerns, note them and hopefully pass them over to the relevant Ministry and State Departments so that they can take note of them.

The amount being given is substantial. The role and importance of energy as an enabler of the Big Four Agenda cannot be over-emphasised. The concerns that we have about the high cost of energy and the loss in the distribution of energy are important. It would be practically unfair to the country not to discuss such issues even during this allotted day.

I seek your guidance, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Rasso, you have the Floor.

**Hon. Ali Rasso** (Saku, JP): Thank you very much, Hon. Temporary Deputy Chairman. I do not want to repeat what Hon. Oundo has just said.

Energy is an important sector in this country and the Big Four Agenda is one of the centres of that sector. I come from Marsabit and one of the issues of concern is the Turkana Wind Power Project, where the Government has put a lot of money. When is the Turkana Wind Power Project going to generate power to the national grid? It is supposed to generate about 360 megawatts of power to the national grid.

Those of us from the peripheral areas are not included in the national power grid. We use diesel generators to run most of our towns. The question we need to raise with the chairperson or with those who are concerned is when we are going to be considered and connected to the national grid.

Marsabit, with a population of about 60,000 people and Moyale with a population of 150,000, are major towns. We are concerned that we tend to legislate more in vain when chairpersons are not present in the House to shed light on some of these critical issues.

Thank you very much, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Let us hear Hon. Nyikal.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Deputy Chairman. This is extremely important. Apart from supporting what my colleagues have said, I want to raise two points.

Alternative energy technologies have been given relatively little funding. We should look at that because that is where the future is. With regard to transmission, there is a big problem of power outages in western Kenya, particularly west of Kisumu. The reason is that there is a 220 KV transmission line from Kesses to Kisumu that should be done, but is yet to be done. I hope it will be done. This is why we wanted Members of the Committee to be present. They ought to

have been here to explain more about the line needs. The western part of Kenya should get regular and reliable power supply.

I support.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Oundo, we had expressed ourselves on the need to have our chairpersons in the House when we are having this debate on the Committee of Supply on allocations for different lines and departments. There is no provision in the Standing Orders that they should be here. But it is a matter of sense and good practice that it is the real business of the House to allocate funds for the work of the people of Kenya. They have been given duties to chair departmental committees. Hon. Washiali had undertaken that he will speak to all the remaining chairpersons of committees to always be present. We will continue tomorrow.

We, in the House Rules Committee, will probably take it up so that we seek to amend our Standing Orders to make it a requirement that chairpersons of committees should be in the House to properly take cognisance of debates.

*(Programmes 0211000, 0212000, 0213000 and 0214000 agreed to)*

*(Vote 1152 agreed to)*

#### VOTE 1162 - STATE DEPARTMENT FOR LIVESTOCK

THAT, a sum not exceeding Kshs6,987,200,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30th June, 2020 in respect of Vote 1162 (State Department for Livestock).

*(Programme 0112000 agreed to)*

*(Vote 1162 agreed to)*

#### VOTE 1164 - STATE DEPARTMENT FOR FISHERIES, AQUACULTURE AND THE BLUE ECONOMY

THAT, a sum not exceeding Kshs6,665,653,928 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30th June, 2020 in respect of Vote 1164 (State Department for Fisheries, Aquaculture & the Blue Economy).

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): I see interest from Hon. Oundo.

**Hon. Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Chairman, for this opportunity again. I represent Kenyans who are fishermen along Lake

Victoria and River Sio. The point of concern is that there is inadequate allocation of funds to allow the Kenya Marine and related security organs to supervise or oversee the territorial waters leading to harassment, torture, arrest and detention of our fishermen.

As we have always said, fish is born in Kenya, migrates to Uganda to eat, but it does not have to require a visa. I do not know whether the relevant department can take up the matter with the Ministry to ensure that we have enough surveillance and support services to allow protection of breeding areas, minimise pollution of the lake and the rivers so that our people can benefit from the lake resources, fishery and related products.

Thank you.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Chairman. Under the management of His Excellency Mwai Kibaki, in the 10<sup>th</sup> Parliament, the Economic Stimulus Programme (ESP) was introduced in this country.

One of the aspects that was funded was fishing or fisheries. A lot of fishing was promoted in areas that are not traditional areas that rear fish. Areas like Central Kenya among many other areas benefitted from the programme. What is important is that, that programme transformed the lives of Kenyans. Since that time, because of inadequate support, some of the areas have gone back to their traditional ways of doing things. My request is for this ministry to look at ways and means of growing the interest in fish farming in areas that are traditionally not known for that, and that includes an area like Ndaragwa. I want to tell you that we can easily change even the eating habits of Kenyans in areas that grow and farm differently.

*(Programmes 0111000, 0117000 and 0118000 agreed to)*

*(Vote 1164 agreed to)*

#### VOTE 1165 - STATE DEPARTMENT FOR CROP DEVELOPMENT

THAT, a sum not exceeding Kshs22,192,000,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30th June, 2020 in respect of Vote 1165.

*(Programmes 0107000 and 0109000 agreed to)*

#### *Programme 0108000 - Crop Development and Management*

**Hon. Kimani Ichung' wah** (Kikuyu, JP): Hon. Chairman, I beg to move:

THAT, the proposed allocation under the programme in respect of Development Estimates, Kshs16,078,365,772, be deleted and substituted thereof with the figure Kshs16,116,365,772.

This is just clean up moving from Cooperative Development and Management Programme - 0304000 to Crop Development and Management Programme - 0108000.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Programme 0108000 as amended agreed to)*

*(Vote 1165 as amended agreed to)*

*[The Temporary Deputy Chairman  
(Hon. Christopher Omulele) left the Chair]*

*[The Chairman (Hon. Moses Cheboi) took the Chair]*

#### VOTE 1167 – STATE DEPARTMENT FOR IRRIGATION

THAT, a sum not exceeding Kshs9,477,606,674 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent and Development) during the year ending 30<sup>th</sup> June, 2020 in respect of Vote 1167 (State Department for Irrigation).

*(Programmes 1014000, 1016000 and 1022000 agreed to)*

**Hon. Chairman:** Hon. Kioni, quickly proceed.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Chairman. If there is another way of changing the lives of Kenyans, I do not know which one. This is a department that requires even better support than we have given. I have seen the impact it has had in my constituency. We want to encourage them and if there is any money that we can reallocate later in the Supplementary Budget, I will support that it goes to the Department of Irrigation.

I thank you.

**Hon. Chairman:** Very well. Hon. Oundo, you have the Floor.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Chairman, I support, but I am disappointed at the meagre resource allocation to this department. Due to the changes in the weather pattern, most parts of Kenya are becoming arid and less potential agriculturally. I urge the Budget and Appropriations Committee in the coming days to allocate this department more funds than it has done.

As I speak, there is a project in my constituency, Lower Sio Sector V, which stalled in 2016 simply because the National Irrigation Board (NIB) does not have money to complete it. It is a sad affair. I hope the department will hear our cry and do all it can to help solve this problem, so that we can improve food security in our constituencies.

**Hon. Chairman:** Hon. Members, let us not debate this matter. What you are doing is what should have been done during the Second Reading stage. Anyway, you have made your point. So, I will put the Question.

*(Vote 1167 agreed to)*

VOTE 1168 - STATE DEPARTMENT FOR AGRICULTURAL RESEARCH

THAT, a sum not exceeding Kshs6,356,333,367 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent and Development) during the year ending 30th June, 2020 in respect of Vote 1168 (State Department for Agricultural Research).

*(Programme 0120000 agreed to)*

*(Vote 1168 agreed to)*

VOTE 1173 – STATE DEPARTMENT FOR COOPERATIVES

THAT, a sum not exceeding Kshs4,498,400,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June, 2020 in respect of Vote 1173 (State Department for Cooperatives).

*Programme 0304000 - Cooperative Development and Management*

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Chairman, I beg to move:

THAT, the proposed allocation under the programme in respect of Development Estimates, Kshs3,756,500,000, be deleted and substituted thereof with the figure, Kshs3,727,500,000.

There was a typographical error on the figure that appears on the Order Paper. It should be Kshs3,765,500,000.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Programme 0304000 as amended agreed to)*

*(Vote 1173 as amended agreed to)*

## VOTE 1174 – STATE DEPARTMENT FOR TRADE

THAT, a sum not exceeding Kshs2,152,900,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June, 2020 in respect of Vote 1174(State Department for Trade).

*(Programme 0307000 agreed to)*

*(Vote 1174 agreed to)*

## VOTE 1175 - STATE DEPARTMENT FOR INDUSTRIALISATION

THAT, a sum not exceeding Kshs9,355,614,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June, 2020 in respect of Vote 1175 (State Department for Industrialisation).

*(Programmes 0301000, 0302000 and 0303000 agreed to)*

*(Vote 1175 agreed to)*

**PROGRESS REPORTED**COMMITTEE OF SUPPLY – 2<sup>ND</sup> ALLOTTED DAY

**Hon. Chairman:** Now, Mover, kindly report progress about what we have been doing and not any other progress.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Chairman, I had no intentions of reporting the progress with the Member for Bomet County.

Hon. Chairman, I beg to move that the Committee of Supply do report to the House its consideration of the Budget Estimates for the Financial Year 2019/2020 up to Vote 1175 and its approval thereof with amendments and seek leave to sit another day.

*(Question proposed)*

*(Question put and agreed to)*

*(House resumed)*

*[The Temporary Deputy Speaker  
(Hon. Christopher Omulele) in the Chair]*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have the Chairperson.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Speaker, I beg to move that the House do agree with the Committee in the said Report.

I beg your pardon, Hon. Temporary Deputy Speaker.

**Hon. Moses Cheboi** (Kuresoi North, JP): Hon. Temporary Deputy Speaker, I beg to report that a Committee of Supply has considered the Budget Estimates for the Financial Year 2019/2020 in respect of the following Votes...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Give the Chair the whole list of Votes.

**Hon. Moses Cheboi** (Kuresoi North, JP): Hon. Temporary Deputy Speaker, I surely know I am in trouble, but I will do what is my duty.

Hon. Temporary Deputy Speaker, I beg to move that the Committee of Supply doth report to the House its consideration of the Budget Estimates for the Financial Year 2019/2020 in respect of Votes 1011, 1021, 1023, 1024, 1032, 1035, 1041, 1052, 1064, 1065, 1066, 1068, 1071, 1072, 1081, 1091, 1092, 1093, 1094, 1095, 1107, 1108, 1112, 1122, 1123, 1132, 1134, 1152, 1162, 1164, 1165, 1167, 1168, 1173, 1174 and 1175, and approved the same with amendments and seeks leave to sit another day.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well. Let us have the Mover, Hon. Ichung'wah.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I also request Hon. Kioni, who is the only Chair who has sat through this process from the beginning to the end to second the Motion for agreement with the report of the Committee of Supply on the Budget Estimates.

**Hon. Jeremiah Kioni** (Ndaragwa, JP) seconded.

*(Question proposed)*

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

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): If that is the mood of the House, I will put the Question.

*(Question put and agreed to)*

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, the time being 7.39 p.m., this House stands adjourned until Wednesday, 19<sup>th</sup> June 2019, at 9.30 a.m.

The House rose at 7.39 p.m.