

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 26th May, 2004

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

The Report of the Seventh Session of the African, Caribbean, Pacific and the European Union (ACP-EU) Joint Parliamentary Assembly held between 16th and 19th February, 2004, in Addis Ababa, Ethiopia.

*(By Mr. Ethuro on behalf
of Mr. Kamotho)*

Mr. Ethuro: Mr. Deputy Speaker, Sir, this Paper was laid on the Table yesterday but one hon. Member pointed out that some pages were missing. So, this is the complete Paper.

QUESTIONS BY PRIVATE NOTICE

PROCUREMENT/DISTRIBUTION OF POLICE VEHICLES

Dr. Khalwale: Mr. Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

- (a) What procurement procedure was used to purchase police vehicles a few months ago?
- (b) How many vehicles were bought and at what cost?
- (c) How were these vehicles distributed?

Mr. Deputy Speaker: Is anyone here from the Office of the President? We will come to that Question later on.

Let us move on to the next Question by Mr. M. Kariuki.

IRREGULAR ACQUISITION OF GOVERNMENT LAND BY PRIVATE DEVELOPER

Mr. M. Kariuki: Mr. Speaker, Sir, I beg to ask the Minister for Roads, Public Works and Housing the following Question by Private Notice.

- (a) What urgent action will the Minister take against a private developer who is currently putting up structures on the Government plot Block 10/185, Nakuru?
- (b) What further action has the Minister taken to ensure the security of the occupant of the

Government house on the said plot, Ms. Beatrice Yagan who has been under constant threats and harassment from the private developer, Mr. Joseph Yator?

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

(a) The Government house on plot Block 10/185 in Nakuru was allocated to Ms. Beatrice Yagan. Later, the plot was fraudulently allocated to a private developer who started construction on it. There was a dispute which was moved to court and the construction was stopped by the court until the case is determined.

(b) My office has not received any complaint from the occupant of the Government house. In any case, the issue having been taken to court, it is no longer under the jurisdiction of this Ministry. Any defiant behaviour by the developer should be reported to the court for action.

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, I do not have the benefit of having a copy of the written answer. The case the Assistant Minister has referred to is between two parties and the Government is not involved. What is the position of the Government with regard to that fraudulently transferred plot?

Mr. Deputy Speaker: Before you answer the Question, Mr. Assistant Minister, it is fair to comment on the fact that the hon. Member has not received a copy of the written answer. It is very important that the written answers are brought well in advance, so that hon. Members can follow the Questions. Mr. Assistant Minister, you can comment on that aspect.

Eng. Toro: Mr. Deputy Speaker, Sir, this is a Question by Private Notice and I am sure copies of the written answer have been brought here, although the hon. Member has not been given a copy. I am sure copies of the written answer were dispatched to Parliament early this morning.

Mr. Deputy Speaker: Even the Chair does not have a copy of the written answer as it is normally the practice. But anyway, could you answer his question?

Eng. Toro: Mr. Deputy Speaker, Sir, I apologise. I will find out what happened. Once a written answer has been signed, it is deemed to have been dispatched to Parliament. The position of the Government is that this is one of the houses which is being investigated by the Government Properties Investigation Committee and the Commission which was set up by the President. The fate of this particular house will be determined once the Commission completes its work. This is because the house was allocated by the previous regime and the circumstances under which the allocation was made are not very clear.

Mr. M. Kariuki: Thank you, Mr. Deputy Speaker, Sir. Since the occupant of this house is a civil servant, I believe the Government has a duty to protect her. What has the Assistant Minister done to ensure that the occupant of the House continues to occupy it without any interference?

Eng. Toro: Mr. Deputy Speaker, Sir, since there is a court order barring the private developer from interfering with the property, we should abide by it. In any case, the previous regime allocated one house to somebody and went ahead to allocate it to another person. It was the same Government which created that conflict of interest. If I may say, the private developer who was allocated the house was Mr. Joseph Yator, and he is trying to develop the plot. Again, it is the same Government which allocated the house to Ms. Yagan, thus creating the conflict between the two parties. However, I would like to ask Mr. M. Kariuki, because I understand that he is the one who represents Ms. Yagan in court, to also tell us how far he has gone with the court case.

(Applause)

Mr. Sirma: On a point of order, Mr. Deputy Speaker, Sir. The two parties are my constituents! Mr. M. Kariuki should have declared his interest on this matter first, because he is representing one of the parties. He has, therefore, brought a court case in Parliament. That is very unfair!

(Applause)

Mr. Deputy Speaker: Mr. M. Kariuki!

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, let me clear the air on this issue. The court case has been determined by the Court of Appeal. That is the highest court in this land. There is really nothing pending in court. The person who occupies that house is my constituent. I have a duty to ensure the security of that particular person.

Mr. Deputy Speaker: Very well! If there is no case pending in court, that matter ends there! I think you have got an answer from the Assistant Minister.

(Loud consultations)

Order, hon. Members! That matter is finished!

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. The two hon. Members have claimed that, that individual is their constituent! Who is telling the truth? We cannot allow that to proceed unchallenged! It is either Mr. Musa Sirma or Mr. M. Kariuki who is right.

Mr. Deputy Speaker: Order, Mr. Ethuro! The Chair is not interested! I really do not think it really matters. The constituents are not properties of Members of Parliament for the Chair to arbitrate who belongs to what constituency! It does not matter! What matters is that those people are Kenyans! Period!

Now, I want to revert back to Question No.1 by Private Notice! Mr. Tarus, you do not normally come late! I wonder what happened. That is why I am going back to Question No.1 by Private Notice.

Dr. Khalwale, please, proceed!

PROCUREMENT/DISTRIBUTION
OF POLICE VEHICLES

Dr. Khalwale: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

- (a) What procurement procedure was used to purchase police vehicles a few months ago?
- (b) How many vehicles were bought and at what cost?
- (c) How were those vehicles distributed?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I apologise for being late. However, I beg to reply.

(a) The procedure used was through a Supplies Branch contract, which gives authority to all Ministries, departments and public institutions to procure vehicles from a list of the contracted suppliers, as and when they are needed. The authority vide supply circular No.R3/2002 was communicated to all Ministries on 18th, November, 2002, to cover the period ending 30th, June, 2003. It was later extended to December, 2003 by the Supplies Branch, which is under the Ministry of Roads, Public Works and Housing.

(b) The assorted vehicles requisitioned were 384, at a total cost of Kshs880,607,200.

(c) The 145 vehicles which have been supplied to date have been distributed as follows:-

- 80 Land Cruiser vehicles - Kenya Police
- 20 Toyota Corolla vehicles - Kenya police
- 10 Land Rover vehicles - Kenya police
- 10 Land Rover pick-ups - Kenya Police
- 8 Isuzu 4 by 2 lorries - Kenya Police
- 4 Nissan Sunny - Criminal Investigation

Department (CID)

13 Land Rover caravans - Provincial

Administration.

Others will be distributed as soon as they are received.

Dr. Khalwale: Mr. Deputy Speaker, Sir, we all know that the existing police vehicles are neither maintained nor fuelled. So, one would have expected that, if there was a need to increase the number of police vehicles, the Police Department would be consulted. Could the Assistant Minister tell this House whether the Police Department was involved in that request and, if it was, why they resorted to single-sourcing rather than tendering?

(Applause)

Mr. Tarus: Mr. Deputy Speaker, Sir, yes, indeed, the Police Department was involved. Secondly, I have said that we operated on an existing contract. There were suppliers who had been pre-qualified. So, we operated within the regulations.

Mr. Obwocha: Mr. Deputy Speaker, Sir, that goes along way to show that the new NARC Government has no respect for procedures of purchasing Government supplies. Could the Assistant Minister tell this House how much was budgeted for buying those vehicles in the Budget?

Mr. Tarus: Mr. Deputy Speaker, Sir, initially, the budget was Kshs900 million.

Mr. Shitanda: Mr. Deputy Speaker, Sir, we are all aware of the famous Mahindra cars that were bought for our Police Force. The Assistant Minister has told us that those new vehicles were supplied by one of the contracted dealers with the Supplies Branch. Could he confirm whether those vehicles were supplied by the same people who supplied Mahindra cars to the Police Force a few years ago?

Mr. Tarus: Mr. Deputy Speaker, Sir, I do not know which year the Mahindra vehicles were procured! But I am aware about those particular vehicles. I do not think it is the same person.

Mr. Muturi: Mr. Deputy Speaker, Sir, sometime in the course of last year, the Ministry of Finance suspended procurement officers throughout the Civil Service. It instructed that all purchases should be controlled by the Treasury. Could the Assistant Minister confirm that, that is not one of those cases in which direct control was exercised by the Treasury in order to facilitate the preferment of the "10 per cent", and other percentages that we have witnessed in the recent past?

(Applause)

Mr. Tarus: Mr. Deputy Speaker, Sir, you will notice that the tender came into existence between June, 2002 and June, 2003. The same was extended to December, 2003. So, the issue or suspicion of "10 per cent" does not arise.

Mr. Deputy Speaker: Last question! Dr. Khalwale!

Dr. Khalwale: Mr. Deputy Speaker, Sir, we do not know what became of the Police Department. That is because, all of a sudden, there was need to buy vehicles and boots *en masse*. They also bought hand-cuffs in millions! Could the Assistant Minister tell us the name of the owner of the firm that eventually won the tender and supplied those items?

Mr. Tarus: Mr. Deputy Speaker, Sir, I do not have the name of the company that supplied the vehicles. But, I can bring it to the House tomorrow afternoon.

Hon. Members: Ah! Ah!

Mr. Tarus: I will table that name tomorrow.

Mr. Deputy Speaker: Very well! It is very important and, therefore, tomorrow, at the end of Question Time, you will answer that specific issue of who supplied those vehicles. In other words, I am not deferring the Question. But you have an obligation to the House, through the Chair, to submit that information tomorrow after Question time.

Next Question by Mr. Mganga!

COMPENSATION FOR VICTIMS
OF BUFFALO ATTACK

Mr. Mganga: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Environment, Natural Resources and Wildlife the following Question by Private Notice. However, I do not have a written answer to this Question.

(a) Is the Minister aware that Messrs Mwazuma Chimsavi and Mwagudu Katana were killed by a rogue buffalo on 30th April, 2004 at Wangala Ranch, Maungu in Voi Division?

(b) What urgent measures is the Minister putting in place to ensure that all wildlife is permanently confined within the national parks?

(c) When and by how much will the families of the two victims be compensated?

The Minister for Environment, Natural Resources and Wildlife (Dr. Kulundu): Mr. Deputy Speaker, Sir, I am surprised that the Questioner does not have an answer, although it was supplied this morning. Should I proceed and answer the Question?

Mr. Deputy Speaker: Yes, since the answer is there.

Mr. Khamasi: On a point of order, Mr. Deputy Speaker, Sir. We are sliding back into the bad situation we were in a few years ago, when answers were not provided to Members of Parliament. Something wrong is happening somewhere between the Ministers' offices and the Clerk's office. Could the Chair direct what course of action needs to be taken?

Mr. Deputy Speaker: Yes, I am also getting concerned because when hon. Members do not have answers, they do not have the benefit of the information they require even to enable them ask supplementary questions. Therefore, I am appealing to the Ministers that before they come to answer questions, they should impress upon the officers preparing these questions that it is important for the answers to reach Parliament and the Clerk's office early enough, so that they can be made available to the hon. Members. I hope, as Mr. Khamasi says, we are not going to go to the old situation where, in fact, these Ministers sitting in front were the complainants. Now, I would like them to make sure that the same scenario they used to complain about does not recur.

The Minister for Environment, Natural Resources and Wildlife (Dr. Kulundu): Mr. Deputy Speaker, Sir, I am glad that the hon. Member has now got a written reply.

Mr. Deputy Speaker: Yes, and I also want to say that the Clerk has confirmed that, indeed, it is their fault and they, therefore, apologise to the hon. Member because the answer had been received.

The Minister for Environment, Natural Resources and Wildlife (Dr. Kulundu): Thank you very much, Mr. Deputy Speaker, Sir. I beg to reply.

(a) Yes, I am aware that Mwazuma Chimvasi and Mwagudu Katana were killed by a buffalo on 30th April this year at Wangala Ranch, Maungu in Voi Division.

(b) Kenya Wildlife Service (KWS) has a station in Voi that deals with problems of animal control. The rangers patrol those areas to ensure that human lives and property are protected. The rangers are currently on the ground looking for the rogue buffalo.

(c) The next of kin were provided with compensation claim forms which they filled and are now with the District Compensation Committee to be deliberated on. The recommendations from the committee will be forwarded to my Ministry for further necessary action.

Mr. Mganga: Mr. Deputy Speaker, Sir, last week when the Question was being deferred, I did request the Chair to ask the Government, even though the Minister was absent, to take some action to make sure that the buffalo that was still moving around was hunted down and confined to where it is supposed to be. Today, the Minister is saying that the rangers are still looking for the buffalo. My question is: If the rangers are unable to get this buffalo which is being seen by *wananchi* every other day, in fact, they have a lot of problems going about their activities, could he give an okay for us to deal with the buffalo between today and tomorrow?

(Laughter)

Dr. Kulundu: Mr. Deputy Speaker, Sir, it must be appreciated that each ranger has got an area of 17 square kilometres to patrol over and if indeed there is information about this rogue buffalo, I would recommend that *wananchi* volunteer this information to the rangers at Voi and this rogue buffalo will be shot.

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, part "c" of the Question talks about compensation and we very well know that wildlife menace and loss of innocent lives is a common occurrence. How much budgetary allocations does the Ministry have and how many victims have been compensated since the beginning of this year?

Dr. Kulundu: Mr. Deputy Speaker, Sir, the current Act requires that we pay Kshs30,000 for every death and that is due to change if the hon. Member was in Mombasa. As for the actual number of claims paid out this year, I do not have the figures on my fingertips but that is information that I can avail to the House in the near future.

Mr. Mganga: Mr. Deputy Speaker, Sir, by a mere coincidence, about two weeks ago, a rhino was killed by completely unknown persons and within no time, a helicopter carrying the Director of Wildlife Service and many other officers and two Land Rovers full of rangers came to the ground trying to look for the suspects. When a person is killed, the rangers or officials of KWS never even bother how the person is moved from "the scene of crime by the animal" to hospital and burial. While the Minister is still considering how to effect compensation for the victims of the people who have suffered from the problems of wild animals, could he in the meantime consider that when a person is injured or killed by a wild animal, he provides transportation and assists in the burial of the victims?

Dr. Kulundu: Yes, Mr. Deputy Speaker, Sir. When there is human and wildlife conflict, the helicopters are always dispatched to ensure that the injured are taken to hospital. As for the burial of victims, that is not provided for in the Act and it will await the new wildlife policy.

Mr. Deputy Speaker: Next Question by Mr. Khamasi!

MONKEYS/BABOONS MENACE
IN ILEHO LOCATION

Mr. Khamasi: Mr. Deputy Speaker, Sir, I would like to ask the Minister for Environment, Natural Resources and Wildlife the following Question by Private Notice.

(a) Is the Minister aware that monkeys and baboons from Kakamega forest have invaded farmers' *shambas* in Ileho Division and caused extensive damage to the crops?

(b) What urgent measures is he taking to curb this menace?

The Minister for Environment, Natural Resources and Wildlife (Dr. Kulundu): Mr. Deputy Speaker, Sir, my Ministry was not aware of this Question and I have had an occasion to talk to the Questioner about deferring it to either tomorrow or any other day, so that my Ministry is in a position to answer it properly.

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

Mr. Deputy Speaker: Order! Let me first of all talk to the person who asked the Question.

Mr. Khamasi: Mr. Deputy Speaker, Sir, you will appreciate that you ruled that this Question be asked on the first day when the House resumed and the House resumed yesterday. So, the Minister is wrong in saying that his Ministry was not aware about this Question. So, I do not know whether he is being misadvised by his officers.

Mr. Deputy Speaker: Yes, indeed, this Question was on the Order Paper last week and I deferred it. If the Minister has no answer, I think it is only fair just to give him some 24 hours, so

that tomorrow in the afternoon, he will answer the Question. Mr. Khamasi, is that okay?

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

Mr. Deputy Speaker: Order! Let me deal with this matter first. Mr. Khamasi, is it okay that we defer this Question to tomorrow afternoon?

Mr. Khamasi: Mr. Deputy Speaker, Sir, since we cannot "squeeze" an answer from him, we have got no alternative here. We must do that. Since we said last week that some of these Questions require immediate attention and this is one of them, could he in the meantime order that something be done on the ground before he answers it?

Mr. Deputy Speaker: Yes, this is why I said that the Question be answered tomorrow. I think the Minister will in the meantime take action and make sure those baboons and monkeys do not continue causing damage.

The Minister for Environment, Natural Resources and Wildlife (Dr. Kulundu): Mr. Deputy Speaker, Sir, I had talked to the Questioner about this particular Question and I am surprised he is not admitting that, I had indeed, talked to him. So, I plead for more time and tomorrow would be an appropriate time for me to answer it.

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

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

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

Mr. Deputy Speaker: I want to hear Mr. Mwandawiro.

Mr. Mwandawiro: Mr. Deputy Speaker, Sir, is it really in order for the Minister and for Parliament to wait for Questions such as this one before they take action? For example, elephants have invaded and caused havoc in Mwaroko, Mwanda and many other places. These are urgent matters which the Minister must deal with urgently because we cannot afford to wait any longer.

Mr. Deputy Speaker: Hon. Members, once the has Chair ruled on something, the matter ends there. The Chair has already ruled that this Question will be answered tomorrow in the afternoon. So, there is nothing out of order there.

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

(Laughter)

Mr. Deputy Speaker: Dr. Khalwale, are you going to talk about this Question?

Dr. Khalwale: Mr. Deputy Speaker, Sir, it is important---

Mr. Obwocha: Leave Kakamega politics!

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.026

EXPANSION OF NYAMIRA
POLICE STATION

Mr. Obwocha asked the Minister of State, Office of the President:-

- (a) when the Government will complete expansion of Nyamira Police Station; and,
- (b) how much money is required for the uncompleted buildings.

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

- (a) The expansion of Nyamira Police Station will be completed when funds become

available.

(b) The uncompleted buildings require an estimated amount of Kshs100 million.

Mr. Obwocha: Mr. Deputy Speaker, Sir, first of all let me complain that I have not got the benefit of a written answer. So it puts me in a terrible position. In fact, I am not too sure whether he has said Kshs100 million or Kshs100 billion in part (b) of his answer.

Mr. Deputy Speaker: Mr. Obwocha, could you, please, ask your supplementary question?

Mr. Obwocha: Mr. Deputy Speaker, Sir, Nyamira Police Station is amongst the many police stations the late Hezekiah Oyugi started all over the country to be able to make money. This appeared in the Public Accounts Committee PAC report--- Do not look at me! I was the Chairman of PAC.

(Loud consultation)

Mr. Deputy Speaker, Sir, could you, please caution the hon. members from interrupting me?

Mr. Deputy Speaker: Order, Mr. Obwocha!

Mr. Obwocha: Mr. Deputy Speaker, Sir, I am talking from a knowledgeable point of view that these police stations were started all over to make money for some people in Government and the buildings---

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

Mr. Deputy Speaker: I refuse any interruption. I will give you an opportunity later. Continue, Mr. Obwocha.

Mr. Obwocha: Mr. Deputy Speaker, Sir, the expansion of the Nyamira Police Station was done halfway. Most of the buildings are now completely dilapidated. The police cells which were constructed when there was a district officer called Nyangares in 1913, are very small. Could the Assistant Minister at least, complete the cell and the main block for the police officers even if he cannot complete the other buildings?

Mr. Tarus: Mr. Deputy Speaker, Sir, I appreciate the concern by the hon. Member. However, I am aware of the fact that the rehabilitation and improvement of police stations is one of the programmes earmarked by the Government. I also hope that the rehabilitation of Nyamira Police Station will be catered for in the next Financial Year.

Mr. Sirma: Mr. Deputy Speaker, Sir, what is the Government planning to do? Dilapidated police stations are all over the country, including Koibatek Police Station which stands unfinished. Is the Government going to give a budget proposal so that we may know when all these police stations are going to be completed?

Mr. Tarus: Mr. Deputy Speaker, Sir, indeed, this is a problem being experienced in the whole country. The amount of money required to do this is insurmountable. If we will be able to access adequate resources, then, we shall complete the police stations.

Mr. Mwenje: Mr. Deputy Speaker, Sir, in the first place, any Minister answering a Question by saying that a project will be done or completed when funds are available, is not serious. We agreed in this House that that is not an answer at all. "When money becomes available" simply means anytime. Projects might never be done because money may never be available. The Budget will soon be read in a few weeks time. All the Ministries have already submitted their requests for this kind of projects. Could the Assistant Minister tell this House whether he has included money for the rehabilitation of police stations in his request to the Ministry of Finance?

Mr. Tarus: Mr. Deputy Speaker, Sir, certainly we shall have programmes related to this kind of infrastructure, but we need to take cognisance of the fact that we are operating under the same Budget and unless we are able to collect revenue beyond the levels that will allow us to complete all the projects across the country, we shall continue to say: "When funds become available."

Mr. Obwocha: Mr. Deputy Speaker, Sir, could you ask the Assistant Minister to be specific? I am not asking about the halfway done buildings in Nyamira Police Station. I am asking for the rehabilitation of only two of the buildings. Could he ask the Officer Commanding Police Division (OCPD) and the Officer Commanding Station (OCS) to give him the estimates for the rehabilitation of the police cell and the administration block so that he can include it in this year's Budget?

An hon. Member: It is already late.

Mr. Obwocha: Mr. Deputy Speaker, Sir, it is not late.

Mr. Tarus: Mr. Deputy Speaker, Sir, yes, I can do that. However, I wish that the hon. Member could convene the District Development Committee (DDC) and forward his proposal for inclusion in the Annual Development Plan.

Question No.438

UTILIZATION OF LATF MONEY IN
MT. ELGON COUNTY COUNCIL

Mr. Serut asked the Minister for Local Government:-

(a) how much money from Local Authority Transfer Fund (LATF) the Ministry has disbursed to Mt. Elgon County Council since January, 2003 to date;

(b) how many projects have been implemented using the said Fund during Financial Year 2003/2004 in Mt. Elgon District; and,

(c) how often the Ministry audits county councils throughout the country.

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

(a) Since January 2003 to date, the Ministry has disbursed Kshs15,870,874 to Mt. Elgon County Council.

(b) The following eight projects have been implemented using the funds: Extension of County Hall and offices, Kshs2 million; road and maintenance, Kshs207,480; construction of public toilets, Kshs72,600; fencing of auction rings, Kshs93,500; consultancy fees, Kshs225,000; rehabilitation of schools, Kshs850,000; rehabilitation of health centres, Kshs32,000; school bursaries, Kshs9,000; personnel, operations and maintenance, Kshs11,247,097; and, balance in bank, Kshs1,134,201.

(c) It is the responsibility of the office of the Controller and Auditor-General to conduct audits in local authorities throughout the country under Cap.412, Exchequer and Audit Act.

Mr. Serut: Mr. Deputy Speaker, Sir, you have heard the answer given by the Assistant Minister. The reason why I asked this Question is because about a month ago, the *Jua Kali* women in Mt. Elgon District participated in a demonstration in the streets of Kapsokwony District Headquarters. The reasons for their demonstration was because there is not even one single public toilet in that district. I am shocked to learn that there is money which is presumed to have been used for the construction of toilets. I presume that Kshs72,000 must have gone into somebody else's pocket. Looking at the figures which have been given, more than---

Mr. Deputy Speaker: Mr. Serut, I have allowed you enough time, now ask your question.

Mr. Serut: Out of Kshs15 million which has gone to Mt. Elgon, more than Kshs12 million has gone into salaries. What is the purpose of Local Authority Transfer Fund (LATF) money? Is it to pay salaries or to provide services to the people?

(Applause)

Mrs. Tett: Mr. Deputy Speaker, Sir, normally LATF money is for utilization for the projects on the ground. But sometimes it is used to pay salaries. The local authorities borrow the money to pay salaries.

Mr. Deputy Speaker: Order! Now, Assistant Minister, just to help the House, the hon. Member is inquiring about the LATF money amounting to Kshs15.8 million, out of which Kshs11.2 million was spent on personnel emoluments. Now, the question is: You said that the policy is to carry out projects and then you used the word "borrow". Are you saying that out of the Kshs15.8 million, Kshs11.2 million was borrowed to pay salaries? What is the position? When is the money going to be paid back?

Mrs. Tett: No, Mr. Deputy Speaker, it included funds for operations and maintenance.

Mr. Midiwo: I believe the Assistant Minister must appreciate that there is a problem with LATF money. There is no single section in this country or local authority where this money is being utilized properly. Could the Assistant Minister undertake to go back and draw a programme so that hon. Members of Parliament or members of the public can often or occasionally go back and check to see how this money is spent? They mix this money with the so-called their "local collection", and the councillors and town clerks will never let you check the accounts of these councils.

Mrs. Tett: Mr. Deputy Speaker, Sir, this fund was misused before, but at the moment we are putting our foot down to make sure that the money is not misused any more.

Mr. Abdirahman: Thank you, Mr. Deputy Speaker, Sir. With regard to the funds which were recently disbursed to the district where I come from, we have realized that monies have been directly channelled through councillors. We want a clear explanation on how that money is to be used. If it is on community projects, tell us how those communities will be involved. Give us a clear guideline! If it is to be used for paying salaries, how will the councils refund those monies so that they can be used on projects? Can we have a clear policy guideline which we can also follow?

Mrs. Tett: Mr. Deputy Speaker, Sir, the projects are normally identified beforehand before the LATF money is disbursed.

Mr. Deputy Speaker: Mrs. Tett, I am sorry to interrupt you. But you can see the interest that the Question is raising. Obviously there is a problem in the use of LATF funds. All hon. Members are saying that yes, you are informing them on when you dispatched the money. But that is the end of the story. All they are saying is. Could the Ministry come up with a policy guideline on how this money is going to be utilized because it is not being properly utilized, judging by hon. Member's reactions.

Mrs. Tett: Mr. Deputy Speaker, Sir, the community on the ground together with the councillors usually identifies these projects. When we disburse this money, we usually put in the newspapers the amount of money that has gone into each local authority.

Mr. Mwanzia: The Assistant Minister initially gave the answer to part "c" of the Question that it is the Controller and Auditor-General who is supposed to inspect and audit the books of accounts of local authorities. But the Minister has in the past invoked Section 245 of the Local Government Act to appoint audit inspectors to audit the accounts of local authorities.

(Applause)

The Assistant Minister has used this practice very selectively to some local authorities which they do not like. Could she not use certain sections to appoint auditors or inspectors to audit all local authorities on the use of the LATF funds?

(Applause)

Mrs. Tett: Mr. Deputy Speaker, Sir, that is possible. The Ministry has conducted an extra ordinary inspection in Elgeyo County Council under Section 231 of the Local Government Act during the year 2003.

Mr. Kimeto: You have heard the Assistant Minister saying that the councillors borrow this money. At what rate is she lending this money to the councillors? Could hon. Members also be given these loans?

(Loud consultations)

Mr. Deputy Speaker: Order! The Chair cannot even hear because of the loud consultations coming from the Front Bench on the left side of the House.

Mr. Kimeto: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister saying that the councillors are borrowing this money. At what rate is this money being lent out to the councillors?

Mr. Deputy Speaker: Order, Mr. Kimeto! You have asked your question; let the Assistant Minister answer it!

Mrs. Tett: It is not the councillors who borrow this money; it is the councils, and they have to pay back the money before the beginning of the next financial year. We do not encourage that habit.

Mr. Deputy Speaker: Order, hon. Members! I have to go to the last Question by Mr. Serut.

Mr. Serut: Mr. Deputy Speaker, Sir, you have seen how much interest this Question has generated. The answers that have been given by the Assistant Minister are misleading because there are no such projects. Would I be right to ask the Assistant Minister to inspect and find out whether these projects exist because I am on the ground and there is totally nothing which has been done using this money?

(Applause)

As a result of that, Mr. Deputy Speaker, Sir, my last question is as follows. Could the Ministry then consider dissolving this council because it is not viable?

Mrs. Tett: Mr. Deputy Speaker, Sir, I will take up the matter---

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Let us hear the Assistant Minister.

Mrs. Tett: I will definitely take up the matter and inspect the projects on the ground.

Mr. Deputy Speaker: Next Question by Mr. Oparanya!

Question No.338

TARMACKING OF EBUYANGU-
EKERO ROAD

Mr. Deputy Speaker: Is Mr. Oparanya not here? We will drop the Question.

(Question dropped)

Next Question by Mr. Bahari!

Question No.396

GRADING OF ROAD B9

Mr. Bahari asked the Minister for Roads, Public Works and Housing:-

- (a) whether he is aware that Kshs4 million set aside for grading of Road B9 between Garba-Tulla and Modogashe in fiscal year 2002/2003 has been utilized; and,
- (b) when the repair work on this road will commence.

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Deputy Speaker, Sir, I would request that this Question be answered tomorrow because I do not have an answer that is ready for presentation to the House.

Mr. Deputy Speaker: Is that okay with you, Mr. Bahari?

Mr. Bahari: Mr. Deputy Speaker, Sir, I am inclined to accept if he has no answer.

Mr. Deputy Speaker: I will defer the Question.

(Question deferred)

Question No.161

SETTLEMENT OF UNIVERSITY
LECTURERS' SALARY DISPUTE

Mr. Mahamud asked the Minister for Education, Science and Technology:-

- (a) why the Minister is unable to resolve the dispute between public university lecturers and the Government regarding salary and terms of conditions of service; and,
- (b) what plans the Minister has to settle this dispute once and for all to avoid further disruption of learning at these important institutions.

(Loud consultations)

Mr. Deputy Speaker: Order! Those hon. Members who are walking and talking aloud should know that the rules of the House do not allow you to be standing.

(Mr. Waithaka consulted loudly)

Order, Mr. Waithaka! We want to maintain order. Hon. Members can walk out, if they wish. However, they cannot stand when the business of the House is continuing, unless they have been asked by the Chair to say something. Now, it is time for the Minister for Education, Science and Technology to stand up.

The Minister for Education, Science and Technology (Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry is not unable to resolve the dispute with the public university lecturers, regarding salaries and terms and conditions of service.

(b) The said dispute has now been resolved between the Inter-Public Universities Council, as the employer on the one hand and the University Academic Staff Union (UASU) on the other hand. The new salaries and house allowances of the lecturers have now been negotiated and agreed upon and will be implemented with effect from 1st July, 2004.

Mr. Mahamud: Mr. Deputy Speaker, Sir, considering the important role played by the university lecturers, it is important that their salaries and terms and conditions of service should be improved. The lecturers asked for 1000 per cent salary increment and the Minister has said that they have negotiated. What are the new negotiated rates?

Prof. Saitoti: Mr. Deputy Speaker, Sir, first of all, I am glad to note that the hon. Member has taken into account the fact that, indeed, an agreement has been reached between the University Council and the UASU. I would like to state here that the new salary package for the university dons is consolidated as follows:-

A professor will now earn a consolidated sum of Kshs120,710. It should be taken into account that previously the sum was only Kshs67,000. In case of the associate professor, he will earn Kshs113,199 per month, and a senior lecturer will earn Kshs95,515. A lecturer will earn Kshs86,605 and an assistant lecturer/tutorial fellow will earn Kshs73,046.

Dr. Rutto: Mr. Deputy Speaker, Sir, sometimes back, we were told that the universities will raise some percentage of this salary increment. What percentage will the universities raise and what percentage is the Ministry going to raise?

Prof. Saitoti: Mr. Deputy Speaker, Sir, the figures I have just outlined here have all been factored in and an envelop worked out. This is the one that will be unveiled in the new financial year. In fact, these are Government resources.

Mr. Mahamud: Mr. Deputy Speaker, Sir, I am generally satisfied with the answer, but we would like to have an assurance from the Minister that there will be no further dispute between the lecturers and the Government.

Prof. Saitoti: Mr. Deputy Speaker, Sir, it will be irresponsible on my part to say that at one time or another, there is not going to be negotiations on issues raised by the university dons. I want to assure the House that the agreement between the university dons and the University Council will be revisited after two years.

Question No.056

ESTABLISHMENT OF SATELLITE
LABORATORY IN IJARA

Mr. Y. Haji asked the Minister for Livestock and Fisheries Development:-

(a) whether he is aware that in spite of the great number of livestock in Ijara District, there is no laboratory for testing for various diseases; and,

(b) if the answer to (a) above is in the affirmative, when the Government will put up a satellite laboratory.

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that there is no laboratory in Ijara for testing of various diseases. However, Ijara District is covered under Garissa Veterinary Investigation laboratory, which is nearing completion. This laboratory will be ready by June this year.

(b) Considering the distance from Garissa, the Government has plans to put up a veterinary laboratory at Ijara in the very near future. The Ministry has procured equipment through funds from Veterinary San Frontiers - Belgium and Terra Nova. This equipment and others from the Ministry

will be installed at Ijara veterinary office to start a veterinary laboratory. This laboratory will be fully operational when electricity supply will be installed.

Mr. Y. Haji: Mr. Deputy Speaker, Sir, the laboratory in Garissa, which is not yet completed, has taken 15 years. Since the Minister has admitted that it is a long distance from Garissa to Ijara, how soon will the laboratory at Ijara be constructed?

Mr. Munyao: Mr. Deputy Speaker, Sir, I am happy the hon. Member acknowledges that the laboratory in Garissa has taken 15 years and has not yet been completed. I am also happy that the hon. Member appreciates that this Government has been in power for less than two years. The laboratory in Garissa will be completed by June this year. However, plans to start a veterinary laboratory at Ijara are at an advanced stage. As I said, the equipment has been procured and we will instal it in Ijara. It is our priority to have this equipment installed to take care of the people of North Eastern Province.

Mr. Ethuro: Mr. Deputy Speaker, Sir, the Minister must be aware that this problem is not exclusive to Garissa. It is a national problem. Veterinary investigation laboratories, all over the country, starting from Mariakani to Eldoret, which is about 500 kilometres from Lodwar, are not functioning. What plans does the Minister have to ensure that all veterinary investigation laboratories are operational? When will he do that?

Mr. Munyao: Mr. Deputy Speaker, Sir, I am surprised that the hon. Member has said that the Mariakani Veterinary Investigation Laboratory is not operational. I was in Mariakani last month and it was operational. Would he like to visit the Mariakani Veterinary Investigation Laboratory and satisfy himself that it is operational? I will meet the cost!

(Laughter)

Mr. Deputy Speaker: Order! Hon. Members, it is now Ten O'clock, by which time I should end Question Time. We still have four Questions remaining. Let us have the last supplementary question by Mr. Y. Haji.

Mr. Y. Haji: Mr. Deputy Speaker, Sir, the Minister has stated that the equipment will be installed when electricity supply will be installed. Hola, which was previously called Galole, and was the district headquarters, has no electricity supply to date. Ijara is only four years old. Could the Minister tell us what kind of power will he give us? Is it solar energy, generator or from the national grid?

Mr. Munyao: Mr. Deputy Speaker, Sir, we are going to supply real electricity. We have in fact, paid the Kenya Power and Lighting Company. We have even paid for the water connection and all other services. I will go out of my way to make sure that this is done.

Question No.120

VIOLATION OF TRAFFIC
REGULATIONS BY MOTORISTS

Mr. Gitau, on behalf of **Mr. Mukiri,** asked the Minister for Transport and Communications:-

- (a) whether he is aware that motorists in this country do not give way to pedestrians at zebra- crossings; and,
- (b) what he is doing to enforce this important traffic regulation.

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Deputy Speaker, Sir, I beg to reply.

- (a) I am aware that some motorists at times flout the zebra-crossing traffic rules.
- (b) The police constantly carry out normal operations to enforce traffic regulations on roads

including zebra-crossing points. Motorists who do not give way to pedestrians as required by traffic rules are normally arrested and charged. Last time I was asked to provide the figures how many people have been charged, which I hereby do. In 1998, 3,499 people were charged. In 1999, 3,315 were charged. In 2000 3,108 were charged. In 2001, 2,715 were charged. In 2002, 2,277. In 2003, 2,115 and this year, to date, up to last month, 406 had been charged.

Mr. Deputy Speaker, Sir, my Ministry has launched a Roads Safety Awareness Campaign deliberately aimed at addressing the following problems: One, general disregard for traffic rules; negative attitude exhibited towards pedestrians and commuters by drivers and conductors; lack of road safety marks and signs on our roads; and, laxity in enforcement of traffic rules. This awareness campaign is expected to bring about an improved driving culture, hopefully on our roads. The law enforcement officers will also be required to strictly enforce traffic rules including those at zebra-crossings.

Mr. Deputy Speaker: This Question was deferred specifically because of the figures relating to the number of prosecutions, which the Assistant Minister has just read. So we are not going to take a lot of time on it.

Mr. Gitau: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister saying that they have launched a road safety campaign. No doubt, we have seen improvement inside *matatus*. But outside, you will see *matatus* stopping and picking people from anywhere in the streets.

Mr. Deputy Speaker, Sir, is the Assistant Minister satisfied that the *matatus* or buses are observing the rules that they are trying to apply?

Mr. Ligale: Mr. Deputy Speaker, Sir, I am not yet satisfied, and that is why we are working with the police to ensure that these rules are obeyed.

Mr. Poghiso: Mr. Deputy Speaker, Sir, is the Assistant Minister sure that those who have been charged were charged with traffic offences particularly relating to the pedestrian zebra-crossing?

Mr. Ligale: Mr. Deputy Speaker, Sir, the figures I read specifically relate to zebra-crossing offences.

Capt. Nakitare: Mr. Deputy Speaker, Sir, we have heard what the Assistant Minister said, but is he aware that there are no traffic signs on all roads in Kenya? For example, when it comes to bumps, there are many bumps un-identified. In fact, drivers find it very difficult to know where they are. Could the Assistant Minister tell us the rule of making traffic signs on the road?

Mr. Deputy Speaker: Particularly signs showing that there is a zebra-crossing.

Mr. Ligale: Mr. Deputy Speaker, Sir, we are working with the other arms of Government on this. The question of markings on our roads is supposed to be done by our sister Ministry, the Ministry of Roads, Public Works and Housing. We are working through a national committee to try and ensure that these signs are indeed, put or updated where they are not available at the moment.

Mr. Nderitu: Mr. Deputy Speaker, Sir, first, drivers drive on very bad roads. I think the Assistant Minister has to put signs on every pothole to warn on-coming drivers. What connection does the Ministry of Transport and Communications have with the traffic police officers, because the Traffic Department seems to be working in its own country and this Ministry in another different country? Could he tell us how they are co-ordinated?

Mr. Ligale: Mr. Deputy Speaker, Sir, we are obviously working in the same country. I have said that we have a national committee that is co-ordinating this effort to try and ensure that there is road safety. In that committee, we have officers from the Ministry of Roads, Public Works and Housing, my Ministry, the Traffic Department of the Kenya police and other related agencies.

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

Mr. Deputy Speaker: No, you cannot ask a question because I am moving to another Question.

Question No.097
SETTLEMENT OF SQUATTERS
IN BAHARI

Mr. Khamisi asked the Minister for Lands and Settlement:-

- (a) how many squatters have been settled in Government owned land and in Trust Land in Bahari Constituency in the years 2000, 2001 and 2002; and,
- (b) what steps the Government is taking to acquire land from absentee landlords for settlement of people in Bahari Constituency.

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Deputy Speaker, Sir, I beg to reply.

(a) In the years 2000, 2001 and 2002, the Government settled squatters in Bahari Constituency as follows: In the year 2000, we settled a total of 203 persons. In 2001, we settled a total of 30 people in Boyani extension. In the 2000, we settled a total of 290 in Nyali, which brings a total of 523.

(b) In the year 2001, the Government had set up an inter-Ministerial task force to identify suitable land in Coast Province for settlement of squatters and make recommendations for further action.

I am happy to announce here that the report was finalised by the year 2002 and the Government is currently studying the recommendations with a view to taking the necessary action, latest by October.

Mr. Khamisi: Mr. Deputy Speaker, Sir, that answer is most unsatisfactory because Bahari Constituency has more than 200,000 squatters and the figures that have been given by the Minister over a three year period of 523 is a big joke. Could the Assistant Minister tell this House how much longer we have to wait for these recommendations? Because the recommendations were submitted in 2002 and it is now two years since that time. Could he tell us when the recommendations are actually going to be made public and implemented?

Mr. Ojode: Mr. Deputy Speaker, Sir, we are going to use the recommendations by the end of this year. I would also like to tell the Questioner that even in Boyani Phase I, we have approximately 96 hectares which were entirely donated by the Government. The second phase, which is the Boyani Extension, has ten hectares and was also part of Government land. It was subdivided into 41 plots. The squatters there will benefit from it. We also have some land which was donated by Rea Vipingo. Rea Vipingo has donated to us about 623.4 hectares for settlement of squatters. We are in the process of identifying squatters who will be settled on that land.

Mr. Kombe: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister has said that 523 squatters were settled. I would like to know how many of these were issued with title deeds. It should not be a question of only settling people.

Mr. Ojode: Mr. Deputy Speaker, Sir, once the survey work has been finalised, we shall issue title deeds.

Mr. Khamisi: Mr. Deputy Speaker, Sir, I doubt if the Government knows the exact number of squatters in Bahari Constituency, or even in the country as a whole. Could the Assistant Minister tell this House when he will conduct a census exercise so as to determine the exact number of squatters? It would be easier for him to resettle squatters after the census exercise has been conducted.

Mr. Ojode: Mr. Deputy Speaker, Sir, it is, indeed, true that we do not have the figures of squatters as of now. However, we are going to set up a small committee to go round the country and establish which people are squatters to enable us resettle them.

Question No.175

PAYMENT OF KCC SHAREHOLDERS

Mr. Kimeto asked the Minister for Co-operative Development and Marketing whether he could inform the House when Shareholders of Kenya Co-operative Creameries (KCC) will be paid a total of Kshs400 million in lieu of shares since the Ministry has repossessed the corporation.

The Assistant Minister for Co-operative Development and Marketing (Mr. Kenneth): Mr. Deputy Speaker, Sir, I think that hon. Kimeto should not be talking of KCC but KCC (2000) Limited. The Government took over KCC (2000) Limited and not KCC Limited. If that is correct, then I am willing to answer the Question.

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

The shareholders of KCC (2000) Limited will be refunded Kshs400 million before or by 30th July, 2004. This amount has been factored in the 2004/2005 Budget allocation to the Ministry of Co-operative Development and Marketing. We will, therefore, refund the money to the shareholders. I am also aware that Kshs57 million for small shareholders has also been factored in the same Budget.

Mr. Kimeto: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for giving an answer. I have heard him refer to KCC (2000) Limited. We are having a problem with that. Could he tell us if he will give us the money with interest? If it was in a bank, it would have earned interest!

Mr. Kenneth: Mr. Deputy Speaker, Sir, if the money was legitimately placed in a bank, then I would pay it back with interest. This was, however, a situation where a company known as KCC (2000) Limited took over the assets of the common co-operator in the milk industry. We have agreed to refund the directors and shareholders of KCC (2000) Limited the principal amount which they paid. That is what we are going to do.

Mr. Deputy Speaker: I thought that was the last question. I thought that the Question had been satisfactorily answered.

Mr. Chepkitony: Mr. Deputy Speaker, Sir, when KCC was put under receivership by the Kenya Commercial Bank (KCB), it owed farmers millions of shillings. Farmers hoped that, once the company was liquidated, it would pay them their money. I would like to know from the Assistant Minister when the farmers will be paid the outstanding amount.

Mr. Kenneth: Mr. Deputy Speaker, Sir, the issues we are dealing with now are not those of the old KCC. The Ministry has been dealing with the owners of KCC (2000) Limited. From a legal point of view, we are assuming that the owners of KCC (2000) Limited cleared all the debts of the old KCC before they took over the company. We actually took over KCC (2000) Limited.

Mr. Kimeto: Mr. Deputy Speaker, Sir, the Assistant Minister is saying that the Government will not pay the money to the farmers. Why is the Government paying money that belonged to the old KCC to a company which is not a co-operative society?

Mr. Deputy Speaker: Mr. Kimeto, you have a bad habit of continuing to ask a question even when the Assistant Minister has stood up to answer it. Just be orderly. Sit down after asking your question and allow the Assistant Minister to respond.

Mr. Kenneth: Mr. Deputy Speaker, Sir, the first time I responded to this Question, I said that hon. Kimeto was asking about money that is supposed to be refunded to members of KCC (2000) Limited. Mr. Kimeto may be aware that there was a company in existence that was called KCC (2000) Limited that took over the old KCC Limited through a process---

Mr. Serut: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order

to mislead this House by saying that KCC (2000) Limited took over KCC Limited, while we know that KCC (2000) Limited bought KCC Limited from KCB receivers?

Mr. Kenneth: Mr. Deputy Speaker, Sir, I am not misleading the House. Whether the KCC (2000) Limited owners got it through the KCB liquidation agent or not, they are the ones who actually took over the assets of the old KCC Limited. We are taking over the assets of the KCC (2000) Limited. We are paying back KCC (2000) Limited owners so as to return KCC Limited to its legitimate owners.

Question No.021
ILLEGAL ENCROACHMENT
ON AIRPORT LAND

Mr. Angwenyi asked the Minister for Transport and Communications:-

- (a) whether he is aware that there has been a lot of illegal encroachment on land set aside for airports in the country;
- (b) how much airport land has been illegally allocated to private developers in each of the years since 1990; and,
- (c) what steps he is taking to repossess the land.

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the Kenya Airports Authority's land set aside for Jomo Kenyatta International Airport, Wilson Airport, Embakasi Village, Moi International Airport, Kisumu Airport, Malindi and Ukunda Airstrip has been illegally encroached upon or allocated to private developers.

(b) The land illegally allocated to private developers in each of the airports since 1990 is as follows. At Jomo Kenyatta International Airport, where the original land allocation was 5,098 hectares, the amount illegally allocated is 638.90 hectares. At Moi International Airport, Mombasa, where the original land was 602 hectares, 63.24 hectares has been illegally allocated. At Wilson Airport, where we had 309 hectares, a total of 145.33 hectares has now been illegally allocated. At the Malindi Airstrip, where we had 382 hectares, a total of 281.4 hectares has been allocated illegally. Most of that airstrip's land has been grabbed. Finally, Kisumu Airport has probably had the least allocations. From 364 hectares, only 1.15 hectares has been allocated.

(c) The Kenya Airports Authority, like all other State Corporations under the Ministry, submitted its report to the Presidential Land Commission, giving details of illegally allocated land. We all await the Commission's report and recommendations on ways and means to repossess the land before I can take any further action.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, you can see from the reply given that 15 per cent of JKIA land has been allocated illegally to land grabbers. Ten percent of Moi International Airport land has been given to grabbers. A whopping 70 percent of the Malindi Airport land has been given to land grabbers. How long will this Ministry wait to repossess this land and impose sanctions on further development of this land which was illegally given to land grabbers?

Mr. Ligale: Mr. Deputy Speaker, Sir, as I said, we have submitted all our requests to this land commission that was established by the President. I am told by the Ministry of Lands and Settlement that this report is due any time now. You will appreciate that we are not just dealing with the land for airports alone. There is land that was allocated in so many other spheres of our lives. We had better deal with this issue in a comprehensive manner rather than on a piecemeal basis.

Mr. Muturi: Mr. Deputy Speaker, Sir, as the Assistant Minister has rightly pointed out in

his answer, I would like to confirm that this matter is actually before the Public Investments Committee, which I chair. Just as Mr. Angwenyi has stated, what action is the Ministry taking to bar further development on these illegally acquired pieces of land because as we await the report of the commission, those grabbers are continuing to develop the portions that they have illegally acquired? That is the issue that the Ministry should address itself to.

Mr. Ligale: Mr. Deputy Speaker, Sir, unfortunately, in a number of cases, these people have acquired title deeds illegally. Barring a court injunction, it is not easy to stop them from developing the land. But we have ensured that no development takes place on any land that was illegally allocated within the flight paths of our international airports, particularly JKIA, Moi and Eldoret airports, before we finalise these plans.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, the answer I was given is on a few selected airports. Some airstrips like Kitale Airstrip and Suneka Airstrip have not been covered. This means that the Ministry has not taken steps to protect this essential land, that has been planned and set aside for the development of our aerodromes in the country. Could the Assistant Minister undertake to institute measures to recover the land which has been allocated illegally in other airstrips, including Kabarak Airstrip? Could he ensure that sanctions are imposed immediately to prohibit sale and development of any of these pieces of land?

Mr. Ligale: Mr. Deputy Speaker, Sir, I did undertake that as soon as we receive that Presidential Commission Report on illegal land allocation, we shall move with speed to ensure that all grabbed land is returned to the Kenya Airports Authority.

Mr. Deputy Speaker: Very well. Hon. Members, you can see that we have overshot Question Time by 25 minutes. Nevertheless, I think we have done very well. That is the end of Question Time.

Next Order!

POINTS OF ORDER

REPOSSESSION OF UNDEVELOPED LAND

Mr. Muchiri: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister for Lands and Settlement. Considering that Kenyans regard land as being very close to their hearts, and given that land matters have brought insurmountable tension in this country in the past, may I request the Minister for Lands and Settlement to issue a comprehensive Ministerial Statement regarding the Ministry's impending plans on repossession of undeveloped land, particularly the effect of this action on the mortgage market and the sensitive banking system generally? Could he also synchronise that Statement with Section 75 of the current Constitution, that protects private property?

Mr. Deputy Speaker: Is the Minister for Lands and Settlement here?

Hon. Members: Mr. Ojode is here!

Mr. Deputy Speaker: Very well. I believe he has heard that.

CAUSE OF STRIKE BY MUMBUNI HIGH SCHOOL STUDENTS

Mr. Mwanzia: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister for Education, Science and Technology on the circumstances which caused the students of Mumbuni High School to go on strike last week up to Monday, and the demonstration they held in Machakos Town, which subsequently resulted in the closure of the

school.

Secondly, I would request the Minister to address the issues affecting students. He should come up with answers to their complaints. When will the school be re-opened because there are some students preparing for their Form Four examinations?

WAIVER OF DEBTS OWED
BY COFFEE FARMERS

Mr. Kembi-Gitura: On a point of order, Mr. Deputy Speaker, Sir. I had sought a Ministerial Statement last Tuesday, 18th May, from the Minister for Co-operative Development and Marketing on the issue of the waiver of debts owed by coffee farmers, and the Kshs641 million that he promised to pay. I notice that no date was given for provision of the Ministerial Statement. I am anxious, as are the farmers, to have a Statement on this matter. Could the Chair kindly name a date for making of the Ministerial Statement?

Mr. Deputy Speaker: Indeed, this Ministerial Statement was sought by the hon. Member. The Chair did direct that the office of the Clerk of the National Assembly keeps a roster of requests for Ministerial Statements, so that they can be followed up and we can know which Ministers are not giving Statements as requested. The Minister is not here today and I would like to ask Dr. Mwiria to take a brief for the Minister for Co-operative Development and Marketing and ensure that that Statement is brought to the House tomorrow afternoon.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): I shall do so, Mr. Deputy Speaker, Sir.

Mr. Khamasi: On a point of order, Mr. Deputy Speaker, Sir. One of the Assistant Ministers who are not bringing Ministerial Statements here as sought is from the Office of the President, and he is here. The Chair ruled yesterday that he should issue a Statement this morning, which I did request nearly a month ago. He is hoping that we shall wish it away. He is here; perhaps, he can state his position now.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, we undertook to issue a Ministerial Statement today, but we are facing one hitch. The people involved in the issue on which the Statement is sought by the hon. Member have already been sued by the owner of the farm. I thought that, perhaps, this afternoon I would be able to come up with all the details with regard to the matter concerned. If the House so permits, we will issue the Statement.

Mr. Deputy Speaker: Mr. Tarus, the Chair ruled yesterday, not long ago, that the Ministerial Statement be issued in the House today. However, if you have got reason not to do so, it is up to you to bring it to the attention of the Chair. Could I now again make a ruling that this Ministerial Statement be issued this afternoon? If any Minister has any reasons, for example, those that concern the courts, he or she should see the Chair in the Chambers and show those facts, so that when they come here, such matters would have been decided. So, could you, please, discuss those matters with the Chair? Otherwise, bring the Ministerial Statement in the afternoon as ordered by the Chair yesterday!

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, I did consult the Chair yesterday. I was asked to do exactly what you have said.

The Deputy Speaker: Very well.

Next Order!

MOTION

ESTABLISHMENT OF JAB FOR
MIDDLE LEVEL COLLEGES

Mr. Munya: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the many irregularities associated with admission of students in various public colleges, considering that some of the qualified applicants are denied entry into these colleges due to irregularities; this House urges the Government to set up a Joint Admissions Board (JAB) for all training colleges.

Mr. Deputy Speaker, Sir, this Motion is not intended to re-invent the wheel because, even in the case of university admissions, we have a Joint Admissions Board. This Motion also does not, in any way, contradict the previous Motion that was moved by the hon. Member of Parliament for Runyenjes Constituency, Mr. Wambora. It only complements it. The need for a Joint Admissions Board is for purposes of setting standards and streamlining the criteria for admission to deal with the many cases of corruption that take place during admission of students to colleges. The current practice is that potential students have to apply. You will be surprised to find out that most hon. Members have to spend a lot of their precious time trying to placate or please principals of colleges, so that they can admit students from their constituencies. This gives room for corruption, nepotism and influence peddling in admission of students to colleges. It also works against students from poor families who do not have "tall relatives" who can "see" or talk with principals on their behalf so that they can be admitted to colleges. So, this is a very noble idea because we need a board to set standards and plan for development of these middle level colleges.

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

Mr. Temporary Deputy Speaker, Sir, even though I have to congratulate the Ministry of Education, Science and Technology for implementing the free primary education programme, but they have done very little to reform the higher education sector. The same old practices that have brought down standards in our colleges and universities are still in place. Very little has been done to reform middle and higher level education in this country. This Motion, therefore, has been brought in to assist the Ministry to do very necessary reforms that are required in higher education.

The selection and admission of students to colleges, for example, the Kenya Medical Training College (KMTC), Kagumo Teachers College (KTC) and other very essential colleges that need to give opportunities to qualified Kenyan students to get education, is now done the way the principals want. This is because there is nobody to set rules and criteria of admission. This brings about the problems I am talking about. These principals have turned themselves into kings. They admit students from their villages and clans. In fact, if you visit some villages where the previous principals of these colleges come from, for example, KMTC, you will find that the entire village is filled with students from that college. I was talking with one lady from KMTC who told me how one employee from that college had all her cousins, uncles and other extended family members trained in KMTC. They are now working all over the country. When a Kenyan gets a job, I do not want to see him or her using his or her position to take advantage because he is supposed to assist and make sure that every deserving Kenyan student benefits from the college. So, the idea of the JABs will streamline admissions and set standards for the development of technical training and other colleges that offer very essential middle level education.

Mr. Temporary Deputy Speaker, Sir, the other problem that arises with lack of Joint Admissions Boards is that we can never determine when the educational standards are going down in a college. If a college is collapsing, like many of them have, it is because there is nobody to monitor the development, standards and facilities of that college. When we have a shell of a college, we still think that we are giving our children quality education. So, qualified people, who have a vision on how the middle level education is supposed to have developed, would be very essential in

developing those colleges. I am not saying that we bring in more bureaucracy. A JAB simply consists of mainly the principals and other essential staff who sit together annually to look at the vision of the next year for the development of those colleges. Therefore, it is very important to streamline higher education by setting standards.

Mr. Temporary Deputy Speaker, Sir, there are many reforms that are required in the education sector that we need to undertake very boldly if the Ministry is ready to do so. However, the Ministry is still moving at a snail's pace in trying to bring reforms. They have implemented the free primary education programme. What else have they implemented? They have appointed ceremonial Vice-Chancellors to universities. What other reforms have they carried out in higher education? These Vice-Chancellors are very conservative and they only believe in punitive measures in dealing with students. It is a pity that they are still running our universities. In the short period that NARC has been in power, we are surprised that many students have been suspended and others have been expelled for years. What is the difference between what KANU used to do when it was in power, by suppressing the democracy in universities, and what NARC is now doing? Nothing has changed because the same characters who used to run these institutions of higher learning are still doing so now. They only believe in punitive measures. They have never believed in listening or sitting down with the students to discuss their grievances. There is no other way of making our institutions stable other than having a democratic structure that runs them by listening to students. I hope the Minister will take up this matter of these expelled students. For example, recently, one of my students, a Mr. Ochieng, came to my office. He was one of my top students in the law class in second year. He informed me that he had been expelled for five years and the only crime he committed was to go to the Vice-Chancellor's office to tell him that there were problems in the university and that students were likely to riot. The mere reporting was taken to mean that he was one of those who were organising the riots and he was, therefore, expelled for five years. I took his letter to the Minister for Education, Science and Technology, but I was helpless. I thought if I am an hon. Member and there is nothing I could do for these young lives that are being wasted because the Vice-Chancellors still want to overshoot universities, then there is nothing those students can do. We have a big problem in the Ministry of Education, Science and Technology. There are very many conservative figures running this Ministry. They only think that, as long as the universities are stable, there is no problem. As long as universities are not rioting, there is no problem! Even when the standards are going down they are still sitting quietly and happily. We have to change all that. We have to promote democracy in the universities! We have to make sure that poor students--- The changes that have been made in the Higher Education Loans Board (HELB) are hindering poor students from accessing higher education. The changes, fees and everything that has been implemented has completely removed poor kids from accessing higher education. In our country, the only way poor kids can be able to have social mobility and improve their lot is through higher education. That is the only opportunity that is there. But that opportunity is slowly being closed down because the changes that we are implementing are only favouring those who have money and influence. For example, the HELB was intended to help poor people who cannot afford fees. We have now expanded it. We want to give loans to students in private universities. If you can afford to join a private university, that means your father is rich and can pay. Those loans were intended for bright kids who cannot afford to pay university fees. But, now, we are giving loans even to mediocre students whose fathers have money to take them to private universities! We have completely lost the vision of the loan system! Even Board members are using the loans to ensure that their relatives learn for free, when poor kids cannot get money to go to school. Those are some of the reforms we approved. We have to reconsider the idea of loans and who they are targeted for.

Mr. Cheboi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to keep on discussing irrelevancies? He is talking about loans and other issues in the universities, when the Motion we are discussing is about middle level colleges which do not enjoy

those loans!

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I think the hon. Member is not happy with the important issues that we are bringing up here. I am talking about reforms and the Joint Admissions Boards are part of the reforms. I was only giving examples of other reforms that the education sector needs. But my learned colleague, who should know better, is interrupting this very important contribution.

Mr. Temporary Deputy Speaker, Sir, I was saying that universities are intended to nurture young people to be proud leaders in this country. But when you treat them like criminals--- When there is a dispute, you handle them using the police! You do not treat them nicely. How do you expect them to treat their children and grandchildren nicely, when they grow up? We have to rethink about the way we are handling our education system.

The other big problem with our education system is the idea of expanding our university education. We are responding to political needs. We want to please regional leaders. When the President goes to Western Province he says: "Now, I will give you a university! The Coast Province requires a university!" Soon, we shall have North Eastern Province demanding their own university. Every province wants a university. Our education system should not be politically-driven. It has to be driven by need. Do we need another university when the resources we have are not enough to pay salaries to teachers? The Ministry is already telling universities to squeeze their budgets, so that it can pay the new salaries that it was pushed to pay. Yet, we want to create other universities. How are we going to manage? That is completely lowering the quality of education that we are offering, whether we like it or not. I have been there and I know the quality is going down. Students are living in squalid conditions. They have to cook *sukuma wiki* in the hostels to make ends meet. When students cook *sukuma wiki*, sell *chang'aa* and other brews in the colleges to survive, tell me the quality of students that we are producing. We have to be very careful on how to handle our higher education.

Mr. Temporary Deputy Speaker, Sir, we have also expanded university education at the expense of middle level training, which is very important. If you train all our young people to be university graduates--- We do not only need university graduates in this country. We need middle level technical training, which is industrial-driven. We are transforming all our colleges into universities. We have a university mania. It is crippling the entire country. Even when your kid gets a mean grade of D, you want him to become a graduate. So, you push him into a useless university situated in a street corner! Then, you say you have a graduate; a half-baked one who cannot even speak good English. Our middle level colleges are dying slowly because they are all being turned into universities. If you ask them what the university education is going to do for this country, they cannot tell you.

Mr. Temporary Deputy Speaker, Sir, Utalii College is a very good college for training personnel that is required in our expanding tourism industry. But we are now turning it into a university. For what? We need those middle level cadres who are usually very important in industrialising the country. Academic qualifications and standards are not necessarily important in transforming a country into an industrial power. It is the middle level cadres who have technical training geared to a certain industry that change a country. But we want everything to be a university. Everyone thinks that a university is everything. They have all sorts of names. We have one of them called Australia Studies Institute (AUSI). It advertises in the Press every day for you to go there and collect a degree. Slowly, we are going to start selling degrees in the streets to whoever is ready to buy. Soon, we shall see professors standing in the streets saying: "Who is ready with money, so that I can sell him a degree?" That is not the vision we want for this country. Those in the Ministry who have no ideas to change the Ministry should be changed!

Mr. Temporary Deputy Speaker, Sir, there are many other problems associated with our higher education and middle level colleges. But, as I move this Motion, I want to mention a few. We do not have a clear policy guideline on how to reform our education sector. Take, for example, promotions in the Ministry. What is the criteria for promotion? Even in the universities, you will see

someone who has been employed as a tutorial fellow - and I know that from personal experience - rise to a lecturer even before a year is over! Before two years are over, he is a senior lecturer and then, a professor within a very short time! If you ask what he or she has published, there is nothing. Within a short time, he becomes a Vice-Chancellor or Deputy-Vice-Chancellor. I could give examples, but I do not want to because you know what I am talking about.

An hon. Member: He does not know!

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Munya! Maybe, you should have agreed with your learned friend. You keep on referring to universities, when we are actually talking about middle level colleges.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I was just giving a general example of promotions in middle level colleges, universities and even in the Ministry. In the Ministry, we have a lady called the Director of Education. What are her qualifications? She was picked from a classroom and jumped a long queue to become the Director of Education. She must have known someone, intimately, in the corridors of power.

Mr. J.M. Mutiso: On a point of order, Mr. Temporary Deputy Speaker, Sir.

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

The Temporary Deputy Speaker (Mr. Ethuro): Mr. J.M. Mutiso is already on a point of order!

Mr. J.M. Mutiso: Mr. Temporary Deputy Speaker, Sir, is it in order for the hon. Member to cast aspersions on someone who cannot defend herself in the House?

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I am not casting any aspersions! I am just giving concrete information; facts about promotions!

The Temporary Deputy Speaker (Mr. Ethuro): Order, all of you! To be fair to the hon. Member, Mr. Munya did not cast aspersions. He was just describing aspects of promotional movement of somebody.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, thank you for protecting me from these hon. Members.

Mr. Kosgey: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Munya, who is talking irrelevancies here--- That is because since I sat down to listen to him, he has been yapping and yapping about universities! The Motion has nothing to do with universities!

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Kosgey! "Yapping; yapping" is not parliamentary language!

Mr. Kosgey: Mr. Temporary Deputy Speaker, Sir, I withdraw the words "yapping, yapping". But is it in order for the hon. Member to say that the Director of Education is not qualified when, at the time of her promotion, she was already a Senior Deputy Director of Education? She has served this country honestly. She also managed a school diligently and, to prove that, she has been able to run the Ministry of Education, Science and Technology ably and without bias at all.

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Kosgey, that is enough!

Mr. Munya: How do we determine who becomes a principal of a college? If we have a board---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Munya! Hon. Kosgey has just challenged you that the particular lady was actually qualified as a Senior Deputy Director of Education.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I do not know where hon. Kosgey got his information. This lady was a High School Principal, taken from a classroom to a Director of Education. She superseded so many people who had second degrees. She has only one degree and

there are many with masters degrees who have higher experience than her. How did she manage to jump all those people to become the Director of Education? She must have known someone "tall" in the corridors of power who assisted her to go up. That is why I am saying we need a board.

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Kosgey declare his interest in the matter because we know he was Minister for Education at that time and we do not know what relationship he had with the Director of Education then? He is the one who promoted the lady!

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order, Mr. Sungu. You are making matters worse for yourself because now, you are actually casting aspersions on the character of hon. Kosgey. You know the Standing Orders very well. You cannot discuss his conduct unless you bring a substantive Motion. Could you swallow those words and apologise profusely to Mr. Kosgey?

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I will withdraw and apologise to my very good friend, hon. Kosgey. But he should declare his interest!

The Temporary Deputy Speaker (Mr. Ethuro): Declaring interest is good enough!

Mr. Kosgey: Mr. Temporary Deputy Speaker, Sir, I would like to inform the hon. Member that when I became Minister for Education, Science and Technology, the present Director of Education was already substantially in that post. I was actually posted to join them. So, I have no particular interest. All I can say is that she is a qualified officer and she is capable.

The Temporary Deputy Speaker (Mr. Ethuro): Very well, Mr. Kosgey! Proceed, Mr. Munya and I hope you will avoid trouble.

Mr. Munya: Thank you, Mr. Temporary Deputy Speaker, Sir. I will try my best to avoid raising temperatures. But I was talking about promotion and I was saying the board would be useful.

With those remarks, I beg to move the Motion and ask hon. ole Metito to second.

Mr. ole Metito: Mr. Temporary Deputy Speaker, Sir, I rise to second this Motion.

The vision of each and every high school leaver is to join a public university for further studies. However, due to inadequate facilities in our public universities, the entry requirement has been made so high that a big percentage of qualified high school leavers are locked out of universities. Then, they are now left to join private universities or middle level colleges. Because of the high cost of fees in the private universities, they are left with no choice other than to join the middle level colleges. So, this shows that the middle level colleges are important institutions in the education sector of this country. Therefore, they should be managed and operated well for the future of this country. Therefore, the admissions issue of middle level colleges needs to be streamlined and harmonised so that it cuts across all the needs of Kenyans.

There is also need to review the courses offered by these institutions to reflect the prospective industries that the would-be graduands would be absorbed in. Currently, the curriculum in some of these middle level colleges take long time before they are reviewed and, therefore, they might become obsolete. We need to review these curricula so that they reflect the present industries that will absorb the graduands. This can be done by a Joint Admissions Board that will oversee the admission process in these middle level colleges as well as review the courses offered by these institutions.

There is also need to upgrade some of these institutions to higher levels of learning. For instance, some of the middle level colleges are actually qualified to offer degree courses. So, there is need for the Ministry to look into that. For example, in the Kenya Polytechnic, with the upgrading of learning facilities, including the laboratories, libraries and other facilities, it can offer degree courses.

Mr. Temporary Deputy Speaker, Sir, I would also like to mention the issue of fees charged by these middle level colleges. Currently, they charge differently, according to the different institutions. There is need to have a Joint Admissions Board that would also regulate the fees

charged by these institutions. In that respect, it should also bring about the issue of loans to these middle level colleges. Currently, if you look at the Government policy, we have bursaries for secondary schools and public universities. These bursaries are being regulated and managed by well-established bodies. So, with a Joint Admissions Board, we could also call upon the Government to provide loans for these institutions and regulate the fees charged by the respective colleges.

I would also like to talk about the need to set up more middle level colleges especially at the district levels. This will take into account the need for affirmative action when admitting students to these middle level colleges through a Joint Admissions Board. We need to create more access to these colleges starting from the district level.

With those remarks, I beg to second the Motion.

(Question Proposed)

Mr. Khamasi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to say a few words about this timely Motion that was moved by hon. Munya, which I think is a good Motion and requires support.

When this Government was elected by Kenyans, it was elected on the platform of change. It was elected overwhelmingly because Kenyans thought there was going to be change. Unfortunately, one year and five months down the road, it appears as if we were so ill-prepared to take over the Government because we have done nothing to bring about change.

(Applause)

Mr. Temporary Deputy Speaker, Sir, we continue doing things in the same manner the KANU Government used to do, in the same fashion, in the same style and there is no difference at all. One wonders whether surely, we should have taken over this Government. One reason is that we are still using the same machinery that the KANU Government used. We have the same people in the same positions that the KANU Government had. If you look at the Provincial Administration, the Ministry of Health and even the military, there is no change. If you look at the Ministry of Health where we have the Kenya Medical Training College, its system of admitting students is very contentious. People still bribe to get their children into the Kenya Medical Training College, as I speak, and yet, we say this Government was elected on a platform of change. What change have we brought about?

Mr. Temporary Deputy Speaker, Sir, there used to be a Principal and I am not going to mention names because rules do not allow us to do that in this House, who used to literally single-handedly pick candidates for the Kenya Medical Training College (KMTC). I am now told that what has just changed is literally the personnel. Once they were removed, the people who have gone there are now doing exactly the same thing. Very often hon. Members of Parliament are approached by their constituents to do some sort of lobbying for them to get into these institutions.

It is high time we had boards for specific colleges. I do not just want to say *en mass*. This should be for specific colleges; middle grade colleges so that this thing can be done by a cross-section of the people of Kenya.

We need to move and find out what goes on in the teacher-training colleges. It is a matter of who knows who because there are very many people who are qualified and who deserve to go to these colleges, but never get a chance. Not because they are unqualified, but just because they do not have the right connection to get them to these colleges. We must do something to avoid this situation where Mr. Sungu has to be approached by his constituents so that he can go to the KMTC and see the Minister for Health; plead and beg literally kneeling down so that a few of his constituents from Kisumu East can be admitted to that college. We are wasting a lot of time,

particularly elected hon. Members of Parliament. There is useful time being wasted lobbying Ministers and principals to give chances to our boys and girls who are qualified and supposed to be joining these particular institutions.

I would like this Board to be involved, in fact, even in other colleges, for example, the Kenya Police College. Recently, there was a recruitment exercise into armed forces in Kakamega; it was sometime last year. What happened is that people got fed up! The applicants got fed up because they saw bribery taking place openly; people being asked for Kshs30,000. They got rowdy and the personnel there was unable to contain the situation. These applicants went for their throats and they took off. They literally ran away because they knew that something wrong was happening. This is in NARC Government. It is a shame that, after taking over power on the platform of change, we cannot change! I want to send strong signals to the people in this Government that we stand on a very dangerous ground if we continue doing things in the same fashion that was used by the previous regimes. We do not stand a chance to complete five years if we are leading Kenyans in the manner in which we are doing. Kenyans are getting dissatisfied with the manner in which we are running this Government.

When we talk about these institutions, we are talking about young people under the age of 23 years, who are yearning to join these colleges and we are denying them a chance. We are doing so because we are corrupt. In fact, we are more corrupt than the previous regime! I am giving a warning that we must change the manner in which we do things. If we do not change, people will make us change and it will not be a peaceful change. The change with which we took over power from KANU was a very peaceful one and they need to be congratulated for that. For us it may be a very rough one. It is, therefore, high time that we start doing things in a manner which will be acceptable particularly when we are dealing with an age group that forms a majority of this population. They will not spare us. They will not want to go back into a situation where bribery and corruption was the order of the day. They will refuse and we have seen them doing so. In fact, my colleagues from the other side are now becoming sharper than when they started because they have seen what we are doing. I want to support Mr. Munya on this Motion and say that it is worthwhile and timely. We must institute a Joint Admissions Board so that parameters and benchmarks which are actually set with this board are followed to the letter. This will ensure that we have fairness in admission of our young people to these institutions.

With those few remarks, I beg to support.

Mr. J.M. Mutiso: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion.

I will first of all start by congratulating Mr. Munya for having had the insight to bring this important Motion.

Admission to public training colleges has been more to do with the influence of the person rather than merit. I support the creation of a Joint Admissions Board because it will be able to dispense with the ability to influence. It will also ensure that persons are selected to these colleges basically on merit.

We have very many public training colleges and most of the aspirants who wish to join them do not know even the choices which are available to them. For example, we have teacher-training colleges under the Ministry of Education, Science and Technology and medical training colleges under the Ministry of Health. We also have specialised colleges like the Kenya Police Training College, the Armed Forces, the Prisons and the National Youth Service (NYS). We also have technical colleges, for example, the Institute of Survey and Photogrammetry. There are also agricultural institutes and many other public training colleges. However, because we do not have a structured method of trying to recruit the students to these colleges, we find that more often than not, we tend to have duplicity of admissions in these colleges. Due to the uncertainty of a student to joining any of the public institutions, he will tend to apply to more than one institution. This causes lost opportunities to the larger public.

Establishment of a Joint Admissions Board will necessitate a structured and prioritised method where students will be able to apply and, depending on their qualifications, they will be ranked and afterwards allocated the suitable training colleges. This, first of all, will avoid duplicity which we have seen in several colleges. A student, for example, would be offered a chance in a medical training college as well as a teacher-training college. This brings about confusion. In most cases, we end up having what we call, second selection. This second selection is the root cause of corruption because, in most cases, all the students who have acquired the minimum grades are able to get admission. How do you determine which student should be given the priority first? Therefore, this Motion, which seeks to create a Joint Admissions Board for public colleges is very important. It will bring harmony in the tertiary institutions.

Mr. Temporary Deputy Speaker, Sir, I would like also to comment on the issue of the composition of the Joint Admissions Board. It is very important that if this Motion is passed, we should have, at least, the stakeholders. It should comprise of the principals of all colleges, the directors and also, possibly, an inter-Ministerial Committee which will be able to take into consideration the interest of the industry or the sector in which that college is to serve. Besides regulating the admission to colleges, the Joint Admissions Board should be able to explore the alternative sources of funds to help these students complete their courses.

Mr. Temporary Deputy, Sir, although the universities Joint Admissions Board (JAB) exists, it is just a body of convenience. It is not actually enshrined by any law. It is just the Vice-Chancellors who came together and decided to have a body of convenience to try to harmonise the admissions. We still have a problem when it comes to the university intakes. The JAB is not able to control the admissions as far as parallel courses are concerned.

On the issue of higher education loans, tertiary colleges should also be eligible to access these loans. Some students who are studying in the various colleges, for example, the medical training colleges and teacher-training colleges, also come from very humble backgrounds. Therefore, they need to be supported through bursaries, loans and scholarships. If we have a Joint Admissions Board, we shall also be able to harmonise the availability of resources to these students.

Mr. Temporary Deputy Speaker, Sir, I would like to support the creation of this Joint Admissions Board. It is timely and I hope hon. Members will support this important initiative, so that we can have this Joint Admissions Board immediately. We might talk very much, but let us pass this Motion and have the Joint Admissions Board as soon as possible.

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

Mr. Onyancha: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. This Motion is straightforward and I wish to register my support for it. The rationale of this Motion, of course, is to create benchmarks or parameters for selection of students to colleges. There has been a haphazard method in their selection and this has engineered corruption of the highest order. This is because, if you are not able to influence principals or heads of these institutions to get admissions in these places, then, of course, students from your constituency will not be given the opportunity.

Mr. Temporary Deputy Speaker, Sir, I am aware that there may arise some fear that having a Joint Admissions Board may bring about marginalisation of some regions. However, I think once a Joint Admissions Board is set up, there will be rules on how students will be selected to join public colleges. For example, we shall be able to know who joins the Co-operative College of Kenya or who joins a medical training college. A criteria will have been set on who joins, for example, the Armed Forces Defence College, the Kenya Polytechnic, Mombasa Polytechnic or the forestry and agricultural training institutions. So, I support this Motion that calls for harmonisation in terms of admissions. Once the JAB is set up, we shall be able to harmonise resources which the Government will avail to some of these colleges.

Any fears that may come up that certain sections of this country may not get admitted to some of these colleges, having set up this Joint Admissions Board, will be dealt with by that kind of

Board. Once it is set up, there will be rules, and I think we should not worry about what will happen thereafter. We stand to get more advantages by having a Joint Admissions Board than simply working the way we are working now.

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

The Assistant Minister, Office of the President (Prof. Kibwana): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. I support this Motion. When establishing the JAB, it will be necessary to take into consideration that there are many colleges involved, for example, teacher-training colleges, medical training colleges and colleges under forestry. Therefore, a common admissions board would have to have several wings so that when, for example, the question of admission to teacher-training colleges is being addressed, we will have the relevant people who would take such decisions. This will ensure that there is not just one uniform board addressing all admissions. By so doing, we will be avoiding a problem of involving people who have knowledge about, for example, teaching, health or forestry.

Therefore, I support the idea of a Joint Admissions Board. However, we should take into consideration that we are dealing with a diversity of public colleges. I have experience with the universities' JAB when I was a Dean in the Faculty of Law. Indeed, it is really a very good body, in terms of, first of all, determining how many places are offered. That would be the first step. Even in terms of these public colleges, our first step would be to determine how many places are available. The next step would be to get those who apply so that we process all those applications and make sure that everybody who applies is considered. The next step is to determine the criteria to use to admit students. When it is done this way, as some hon. Members have said, it becomes very easy to ensure that the most qualified students are admitted. As matters stand now, many students who are very well qualified are not admitted. In the end, we get students with mean grades as low "C" and so on being admitted, while students with mean grades as high as "A" are not admitted. This is because of the haphazard manner in which this is done.

Mr. Temporary Deputy Speaker, Sir, there is a problem in most districts resulting from poverty. There are many Form Four leavers who do not have their certificates. Therefore, these Form Four leavers are not part and parcel of those who successfully apply for admission to the public colleges, because they do not have their certificates. I think this is a matter that we need to give serious attention to, so that certificates are released from secondary schools. If someone has not been able to pay school fees for five years and a secondary school still holds his or her certificate, it means that this person will not get this certificate. As a result, this person will never join any public college. There is need for a policy of forgiveness when it comes to failure to pay secondary school fees so that our students can get their certificates and apply for admission to these public colleges. Maybe, we should consider even using the bursaries set aside for secondary schools to pay some school fees, so that those certificates can be released.

Mr. Temporary Deputy Speaker, Sir, as we establish the Joint Admissions Board for public colleges, we should also know that there are many districts which do not have public colleges. For example, Makueni District, to my knowledge, does not have any public college. Maybe, this is because it is a new district. But again, there should be equity, so that all our districts, at least, have a public college. Public colleges should not be a preserve of some districts.

Again, I think it is important to harmonise the syllabi of public colleges, whether they are teachers training colleges or other colleges. The Ministry should harmonise the syllabi, particularly of technical colleges so that when we send students there, they more or less learn the same thing. I also think that it would be important even to encourage public colleges to start parallel programmes so that students could pay slightly more and be taught. This has benefited universities a lot.

Something which is also very critical, as far as our public colleges are concerned, is the introduction of computer studies in those colleges. I am aware of the computer for schools programme which is run by Starehe Boys Centre. The Ministry of Education, Science and

Technology should adopt and support this programme so that there is a computer education movement in all our schools. Another thing which is also quite important is that when our students finalise their training in public colleges, many of them are not offered jobs. I think it is wasteful for us to educate students and then fail to offer them job opportunities. If one takes the example of teachers training colleges, one will find that many trained teachers graduate from them, and yet they are not employed. The same case applies to nurses and other professionals. It is important for us, as a Government, to ensure that those people get jobs, since we do not have enough teachers in many of our public primary and secondary schools. We also do not have enough nurses in our health institutions. There must be a pro-active policy of ensuring that those people we invest in are employed. Indeed, we should even support some of them to go and work abroad if we do not have job opportunities for them immediately. I am talking about nurses and many other professionals who can be helped to go and work abroad. I also think that the Joint Admissions Boards at the public universities where we are trying to borrow a leaf from, operate the same way in public colleges. It is time even private universities were urged to use those Joint Admissions Boards. This is because, if they have that leeway, then they can begin to source students who have done better in their national examinations as opposed to those who have not. The Government should allocate positions in the public sector fairly. We have begun to answer the question of devolution of power through the Constituency Development Fund and bursaries. National resources are going to every constituency in this country. In the same way, we need to ensure that students, in a very fair way, access tertiary institutions and universities. That is the kind of change that Mr. Khamasi was talking about. That is the kind of change we want, where there is more fairness and access to resources within our country. Of course, there have been a lot of changes and, maybe, the Government does not know how to explain them to our people.

With those few remarks, I beg to support this important Motion.

Dr. Godana: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I stand to oppose this horrible Motion. I mean "oppose it!" This is a very deceptive Motion and it is a pity that somebody like Mr. ole Metito did not understand it, and went on to support it. In effect, he is putting a noose round the necks of the people in his marginalised area, to strangle them completely! This Motion is deceptive because it refers to irregularities in the selection and admission to public---

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Chair going to accept that insinuation by Dr. Godana, a very respected scholar, on Mr. ole Metito that, he does not understand the Motion? He should have said: "I respect the views of Mr. ole Metito!" Is the Chair satisfied that Dr. Godana has not imputed improper motive on Mr. ole Metito?

The Temporary Deputy Speaker (Mr. Ethuro): Agreed!

Dr. Godana: Mr. Temporary Deputy Speaker, Sir, certainly, I have not imputed any improper motive. I may have been unfair and so, I withdraw and apologise! I am doing that just in case I have been unfair and embarrassed the hon. Member. But that is not imputing improper motive.

Mr. Temporary Deputy Speaker, Sir, let me say that the Motion is very deceptive! I cannot help suspecting that, Mr. Munya, who is a Back-bencher on the Government side, has been working in league with people in the Government, who are afraid of bringing forward this policy, for fear of some public outcry---

Mr. Munya: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Deputy Leader of the Official Opposition to insinuate that I am being used to bring this Motion, when I have drafted it, and when it is good-intentioned to streamline education? He is giving an impression that I do not have a mind of my own! It is wrong!

The Temporary Deputy Speaker: You are right, Mr. Munya!

Dr. Godana: Mr. Temporary Deputy Speaker, I said "I suspect!" So, I could be wrong in my suspicion. But I will be glad to be proved wrong! I would welcome the assurance that the hon.

Member drafted this Motion on his own and, therefore, my suspicion is misled.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Dr. Godana! You have impressive credentials in this House! Why are you trying to destroy them? Please, maintain them!

Dr. Godana: Mr. Temporary Deputy Speaker, Sir, let me get to the substance of my reasons for opposing this Motion.

In principle, let me say I welcome the idea that we should have transparency and fair admission procedures to our public tertiary colleges. In that sense, that is why I said the Motion is deceptive. But I also feel that it is important that we do not run away from reality. We have diversity of regions, communities and performance levels in examinations within this country! That means that students who sit for examinations do not always compete on equal basis. It is not reasonable to expect students from North Eastern Province, Coast Province or Mwingi District to do as well as those from Nairobi Province in every case. In some cases, they have done so. In the past, admissions to those colleges have been based on some unpublicised criteria of trying to ensure equity and national profile. That way, when you have a class in a teacher training college, you have students from every region.

As it is, this deceptive Motion says: "Let us have a standard cut-off point on the basis of the scores you have got!" The net result in the very first year could mean no student joins the colleges from Coast Province, North Eastern Province or from Kisii District, where performance has been low of late.

Mr. Temporary Deputy Speaker, Sir, I think we have a challenge to improve the quality of education in length and depth across the country, to a position where we can say: "It is fair to say with a cut-off point on the basis of points alone". However, as it is, we have no guarantee that the Motion, as drafted, will not license a decision by bureaucrats to say: "It is merit; it is your performance; if you will not perform, too bad". What country will we be building? Already, the Ministry of Education, Science and Technology, and I am glad Dr. Mwiria is here, over the last three years, has adopted a practice which I think is not equitable. They raised the admission levels for teacher training colleges to the point where in one year, Mwingi District had only five or six candidates who qualified for selection, and to the point where districts in the north had less than a dozen per district who qualified for selection. The argument, of course, which we have been given is that people who had been admitted to teacher training colleges on lower points from some of these districts had resulted in poor KCPE performance.

Mr. Temporary Deputy Speaker, Sir, nothing could be further from the truth than such a blanket statement. Why do I say so? I do know in Marsabit, over the last ten to 15 years, when we begun building schools, people were admitted to teacher training colleges with as low grades as "D", later "D" plus and now, it is has gone to "C" plus, and yet we have been training. When students from those backgrounds come to share equal facilities and teaching opportunities with students from the rest of the country, they excel as well as, or even better than many of them. The net result has been that, for example, over the last five years, our performance in KCPE in Marsabit has improved spectacularly every year upon year. Last year, with the same teachers who, initially, were taken to teacher training colleges with grades of "D" and "D" plus, we were number four in this country out of 72 municipalities and districts. The net result was that more than half of our students have missed secondary school places.

So, the argument that because you are admitting people with lower grades, your quality of education cannot improve, cannot be correct. We have a clear case here; that, given equal opportunities and facilities, those same people can be trained to the same level of others. So, does the Ministry of Education, Science and Technology, and by extension the Government, believe, really, that we should adopt a system which ignores the fact of inequalities in terms of access to opportunities in the length and depth of this country? As it is, there is no guarantee. I wish, in fact, the hon. Member will withdraw the Motion or the Minister will move an appropriate amendment which will guarantee us a safeguard that this will not be a licence to say: "It is your score points

only" and, therefore, cut out the rest of us. This is really the reason why I said we cannot accept the Motion as it is.

Mr. Temporary Deputy Speaker, Sir, as much as hon. Munya has assured us that he drafted the Motion on his own accord and with his own hope, and I am glad he is sitting on our side this time; I am not sure even, that the Ministry of Education, Science and Technology will not welcome this as an opportunity to take over and determine admissions by itself, without paying regard to factors or criteria which will ensure equity.

With those few remarks, I beg to oppose.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, I thank you for giving me this opportunity to respond and kind of give an indication of where we stand with regard to this very important Motion. You have also given me a chance to dismiss some of the fears some Members may have, regarding the hidden agenda of this Motion, which I do not believe is the case. I would like to confirm here that hon. Munya is not being used by anybody in the Government or in the Opposition.

Mr. Temporary Deputy Speaker, Sir, I would like to say that already much of the admission in educational institutions in this country has actually been centralised. This is the case with teacher training colleges, secondary schools and so on. In fact, even recently, selection of students was centralised to ensure that merit and other matters of diversity, as hon. Dr. Godana has said, are considered. I want to appreciate the point hon. Munya made. We have said before that most Ministries in this country require a radical surgery and the Ministry of Education, Science and Technology is no exception. Even as we talk about principals of colleges and Vice-Chancellors of universities, and although we realise that many of them were appointed through non-merit considerations, the problem is that our hands are tied by the contracts they sign. All we can do is to ensure that many of the holders of these positions will only be considered along with the rest once the positions are advertised competitively.

The Ministry of Education, Science and Technology supports the principle behind Mr. Munya's Motion. I need to clarify that this will not be applied to public institutions. That part has not come out very clearly in the Motion. If we have a Joint Admission Board, we will give hope to all those who do well in examinations in this country. I would like us to get to a point whereby every young Kenyan who gets grade B (Plain) or B- (Minus) at the Kenya Certificate of Secondary School Education (KCSE) level is almost guaranteed that even if he does not join university, he would definitely join one of the other institutions that are available. He does not have to wander around.

(Applause)

Mr. Temporary Deputy Speaker, Sir, it is extremely unfair and, indeed, ridiculous that if you look at the admission of students in the Medical Training College (MTC), you will find that there were applicants who had B+ (Plus) and B (Plain) who were left out and those with grade C+ (Plus) and C (Plain) were taken. I think that is not fair. Therefore, I believe that once we have this kind of system and it is clarified, every student who obtains a good grade at the secondary level will be guaranteed that he or she will get a place in one of the institutions available in the country. This will also be a motivating factor because many students in secondary schools will realise that joining university is not the end of the road and that they have other opportunities that they could use to move vertically.

A point has been made on how this will alleviate corruption to some extent in that it will remove the discretionary powers of certain principals. If you go to Utalii College, it is the principal who much decides on who is to be admitted. People with means such as businessmen, sometimes, Members of Parliament and other people who are well connected in the Government will be the first ones to get places in spite of whether or not the candidates they are canvassing for are the most

qualified. So, the powers wielded by principals and registrars of institutions in deciding who to admit will be clipped from them. That will be very good for this country.

Mr. Temporary Deputy Speaker, Sir, it is clear that if we adopt this idea, then, it will promote merit. It will, therefore, reduce the need for bribes and the need to use political connections. It will promote quality education by taking account of the facilities that are available in institutions before further admission is enlarged. If you go to some of our training institutions especially Utalii College, MTC, the Co-operative College and so on, they are admitting more students than their capacities because the method used in those admissions has got nothing to do with merit or because there is no centralised system. A principal can decide to admit as many trainees as possible because what is of interest is the amount of money they will receive from the applicants. So, in that respect, we will be able to take account of the problems of quality which come about as a result of admitting more students than is required in institutions that have no capacity to hold the large numbers of students.

I also think, there will be a closer match between output and employment because as it is now, if principals of colleges and directors of specific courses in those colleges will just recruit students irrespective of whether or not there are employment opportunities for them, then, there is a big problem. In fact, that is what is happening presently. I believe that one of the main reasons for the intensified unemployment in the country has got to do with the fact that when we recruit trainees, sometimes we do not consider whether or not there is any match between those skills and the requirement of the labour market. It is impossible for that to be the case if the criteria for admission is not based on merit. It is the heads of institutions who decide on who to admit, whether there is a market or not outside there. They have put their interests first at the expense of proper admission.

A point has also been made about the issue of different colleges admitting different students, and sometimes one student being admitted to three or so colleges because there is no clear demarcation as to how to go about it, or because there is no centralized system that can give an indication of which students have been admitted is which college. Of course, we know that that implication also leads to corruption because as soon as there are chances for admission, people will go to the colleges to demand those chances of admission into those colleges for their children. So, they will give bribes in order to be admitted in the colleges.

I would also like to say that this kind of a system will promote some kind of equity in the sense that, if the system is centralized, then those who are not able to bribe will be able to be considered for admission to these colleges without having to lobby for these chances for admission. However, in as much as I agree with the idea, we need to put certain safeguards in place. The first one is that we realize that we are dealing with Ministries more than with education. We need to bring representatives of all these Ministries and colleges together to work out a criteria or method of coming up with an admissions board that is representative, and which will take up the interests of all these colleges in mind. They also have to work out on the modalities, including who are the people who are to form the members of this joint admissions board. It may only be possible, therefore, that many of the institutions will not be part of this joint admissions board. Only those institutions which recruit students with more or less the same qualifications should be members of this joint admissions board. In this case, minimum qualifications in the Kenya Certificate of Secondary Education (KCSE) examinations should be the criteria.

The other important safeguard, Mr. Temporary Deputy Speaker, Sir, is for a clear and detailed career guidance to be given to the students in secondary schools. There is a need, at least, for it to be made clear to them that they have other opportunities for learning in case they miss university admission they can always apply to go to other colleges that are in keeping with their kind of interests. So, application forms to colleges must be available as much as the university

application forms are available in the institutions. Career guidance must be very clear about the two levels of involvement; the first level being the universities and the second level being colleges, and that all students will be required to apply to both levels, because it will not be clear how many of them will make it to the university in the first place.

The third safeguard, which addresses the point made by Dr. Godana, is that there should be some kind of a quota system of sorts. This will be a quota system in the sense of ensuring that there will be a balance in terms of region, district and constituencies that we were talking about recently; and in terms of the disadvantaged social groups, for example, the handicapped and others. So, as long as we have those safeguards and we are able to ensure that admission places are not just filled by students from specific areas only; something which we have done in the teacher training colleges, where we require a certain grade to be the minimum grade, but reserve more places for the areas that are already disadvantaged. I think that can be done. I do not think we should be afraid of implementing this Motion because we fear that some areas will continue being disadvantaged. I think this is one of the safeguards that can be put in place and the joints admissions board can do that just as the universities Joint Admissions Board has already done by lowering the minimum admission points for students from North Eastern Kenya and for female students. So, I think this is not a problem, and the idea is to agree on the principal. Once we agree on the principal, we can then work on the details.

Even as we comprise the joints admissions board, another safeguard is to ensure a closer collaboration with employers, if we are concerned that much between employment and training. This will be closer collaboration with the employers in terms of ensuring that there are members of committees which decide on the curriculum and the actual numbers of students to be admitted. Because out there, they have an idea of what kinds of opportunities actually exist. This has been lacking, and it does not only apply to middle-level colleges, but also to universities. This kind of strengthening of the link between employers and the colleges that provide the trainees is important in terms of taking care of that mismatch.

Mr. Temporary Deputy Speaker, Sir, the fifth safeguard is to ensure that future expansion is carefully planned in terms of where institutions are located such that the location of institutions should not be based on political decisions but on professional decisions and the type of courses to be offered in various institutions. There are many other factors relating to actual expansion. Over the years, we are familiar with cases where education decision-making was very politicised and universities and other institutions were located in institutions that politicians picked on. I think the use of professional guidance in terms of determining where institutions should be located in the country, what kind of institutions, what kind of courses to be offered and how many students will be enrolled in those institutions is critical. If we agree that middle-level colleges will play an important role in terms of offering opportunities to young Kenyans and also strengthening national unity, it is important for us to strengthen them. Many of them are dilapidated. The situation in many of them is horrible in terms of facilities, teaching and human resources. It is important that they be strengthened so that the young people will consider them a serious option.

Mr. Temporary Deputy Speaker, Sir, finally, the issue of strengthening middle-level colleges is particularly important because this will give hope to our students. Like some hon. Members have indicated here, graduates from the middle colleges play an important role in supporting the development of this country. It is not just the degree holders that play an important role in the development of this country. In fact, it has been found out that it is necessary to have a ratio of eight technicians to one university graduate. The more we take over the middle-level colleges, the more difficult it is for us to generate that kind of middle-level resource that is useful for supporting industrial and technical development in the country.

In the interest of equity, again another safeguard that we need to take, if we agree that we are giving the middle-level colleges that prominence in terms of the courses they are offering and the opportunities they are providing to Kenyans, it is important also to extend bursaries and loan facilities to students in those colleges. I know this is quite taxing for the Government in view of the many other affirmative initiatives that we have taken. It is important to realise that many of the students in middle level colleges are as much in need as many others who find their way to universities. That is one way of ensuring that some of the concerns raised by hon. Members with regard to disadvantaged groups or regions are addressed.

Mr. Temporary Deputy Speaker, Sir, this whole thing will require very careful planning. It is not going to be as easy as we think because of the many institutions and the various levels of training that are involved. If this is well considered and we believe in it, it will succeed. If we realise the many difficulties that come along with a system that is not objective in any way and that leaves out a lot to individuals or groups of individuals; then the modalities will not be a big problem. Therefore, I request hon. Members from both sides of the House to support this noble Motion.

Mr. Chepkitony: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to contribute to this Motion. Although it appears a good idea, it can also be a bad one depending on how it will be implemented.

As one hon. Member has said, the rule behind any Joint Admissions Board is, first of all, to determine the number of students to be admitted to the various colleges. The Board should look at the qualifications of the applicants. Unlike in universities where every Form Four student applies to the Joint Admissions Board to be admitted to university, students wishing to join middle level colleges have no board to cater for their needs. This is determined through the applications from every district or constituency. Once they know how many have applied and how many vacancies are there, then they will have to base their admissions on the applicants and the qualifications. Like we have seen in the University Joint Admissions Board, the minimum qualification generally is Grade C+ (Plus) but when it comes to the actual admission for university, it is Grade B and above. And because of that high grade, you find that there are very few students from certain districts because the standard of education in those districts is very low; so they do not have many students joining the universities. You can find a district with less than 100 students or even 50, and another one with almost 1,000 students. As the Assistant Minister has said, we should have an affirmative action in order to take care of the disadvantaged districts so that they are not left behind forever.

Mr. Temporary Deputy Speaker, Sir, the Joint Admissions Board is likely to set very high grades for admission to the university. If we look at the teacher training colleges at the moment, the grade for admission to teacher training colleges is now C. But if we admit under the Joint Admissions Board, we are likely to raise the grade to either B- (Minus) or B; almost the same level as the universities. The numbers will be there and the areas must not determine. At the moment, the admission to teacher training colleges is based on the vacancies in the various schools in different zones and districts. The admissions are based on the vacancies in those districts. If we embrace the idea of the Joint Admissions Board, it means that the admissions will be based on academic qualifications. It is only those students with the highest grades who will be admitted. When this happens, it means that when they complete the training, they should be posted anywhere in the country, unlike the current system where, after completion of training they apply for vacancies in their various districts. This is good, because when you look at those students from the medical training colleges, you find that there are certain districts with a shortage of technical staff in medical training, because they do not have people joining those colleges, and those who are trained do not want to go and work in those areas. They forever remain without adequate staff. We have to address such issues so that students are admitted from every area, so that they can go back and work in their

areas and promote their people by offering the services required.

Mr. Temporary Deputy Speaker, Sir, when we set up the Joint Admissions Board, if it relates to education matters, it should be handled by the Ministry of Education, Science and Technology personnel. If it is for the Ministry of Health, there should be a Joint Admissions Board for medical colleges, separate from the one for the Ministry of Education, Science and Technology. They should be composed of members from different areas. It should be well represented. We should also have members representing different professional groups like the Kenya National Union of Teachers (KNUT), the private sector and various interest groups.

We should allow private schools to sponsor candidates from their institutions so that they can also have a chance to join Government institutions. If we are to guarantee affirmative action to a disadvantaged area, we need to implement the quota system as the Assistant Minister for Education, Science and Technology has said.

I support.

Mr. M. Kariuki: Mr. Temporary Deputy Speaker, Sir, I wish to support the Motion. It is quite clear that on the face of this Motion, nobody should oppose it.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! Order, Mr. Korir!

Mr. M. Kariuki: Thank you, Mr. Temporary Deputy Speaker. I support the Motion. The idea of a joint admissions board--

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

Mr. Poghisi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know if you noticed the way Mr. Munya crossed the Floor from one side to the other. I am not sure that he bowed at the Bar.

The Temporary Deputy Speaker (Mr. Ethuro): He is definitely out of order.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I bowed at the right place.

The Temporary Deputy Speaker (Mr. Ethuro): No! No! Do it again.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I can still do it again.

*(Mr. Munya went to the Bar
and bowed to the Chair)*

(Laughter)

Mr. M. Kariuki: Mr. Temporary Deputy Speaker, Sir, there should be no cause for alarm as far as this Motion is concerned. Once the Joint Admissions Board is put in place, I am sure that there are standards that will be set up, which the Board will be acting on. We should not jump the gun and start speculating on how the body will operate. It is important that this country sets the best standards in our educational institutions. I have in mind a situation where the middle colleges are administered by the Commission for Higher Education. I say so with tremendous respect because I think that colleges are training middle-cadre manpower without regard as to how it will be absorbed into the economy.

Japan has clearly stated in its economic planning the number of technicians they train to one

engineer. This is something lacking in our educational planning. We should know how many nurses we are going to train to one doctor. This is something that is lacking in our educational system. We should know how many technicians we are training to one engineer. We should also know how many clinical officers we should train for one doctor. The professions operate on the basis of team work. Wherever a doctor is posted, there has to be a nurse and a clinical officer. Where an engineer has been posted, there has to be a technician. This kind of planning is important. If we overtrain nurses and not train doctors in the same proportion, we shall end up in a situation where the trained personnel is not absorbed into the economy.

The Minister for Education, Science and Technology needs to do serious planning in terms of what we get out of our middle-level colleges. That must be tied to the output from the universities. That is why I am recommending that the Commission for Higher Education be authorised to supervise the training of the middle-cadre colleges.

We are moving from a situation where the discretion of an individual is questioned. We are placing the recruitment criteria in the hands of a larger body.

Mr. Temporary Deputy Speaker, Sir, I think it is quite common knowledge that when you give an individual powers, like the principal or registrar for that matter, to decide who will enter a teacher training college, the chances of his being vulnerable to corruption are much higher. When you give this particular jurisdiction to a larger body, it becomes a little fair because there will be different points of view and many stakeholders represented.

I welcome the Minister's idea that the Higher Education Loans Board should now consider middle level colleges. It can only do so if we allow the Commission for Higher Education to deal with middle-level colleges. There are many people who get opportunities to go to medical training colleges and teacher training institutes, but they lose the opportunity because they cannot raise the money. There is no institution that gives credit to enable people pay for education. The idea that only those who are well-connected can actually get places in public colleges will come to an end when we set up this joint admissions board on higher education.

Fears have been expressed here about the system of merit. I am not aware of any country in the world which has compromised the system of merit in admission, particularly for higher education. We have the public universities Joint Admissions Board, which has made admissions criteria uniform for everybody. You must attain a certain minimum standard. This is important for the country. If we were to say that we are going to lower standards for a particular geographic area or ethnic group, we would be running into a grave danger. We must realise that the skills that the trainee will acquire will come back to the society.

It is one thing to admit a student and quite another to ensure that, that student completes education. You can lower the standards to favour certain areas, but at the end of the day there is no guarantee that if you take a candidate who was below the minimum, that particular trainee will finish college. They will probably drop out because they will not be able to manage the exams that are set. So, it is important for the future of the country that we set the highest educational standards possible.

Affirmative action is often misunderstood. I support affirmative action as far as jobs are concerned. But saying that a student who got an "A" will lose a place because another student who got a "C" comes from a disadvantage area is untenable. Merit must always prevail in our system of higher education. I am not for a situation where we will lower standards merely to ensure that a student from a particular area is admitted to a college. We must guarantee the country proper services and expertise. We are using taxpayers' money to train students. We must ensure that the skill that, that particular student will acquire will be ploughed back into the society. We must get the best from our own system.

Given that our students sit for the same national examinations regardless of where they come from, it would not be in good taste to apply different standards at the higher education level, where we need the best skilled personnel for the country. As far as the fears about affirmative action are concerned, I support affirmative action as long as we are dealing with jobs. If we are looking for the best for this country in terms of training, we must uphold merit. I am not aware of any one country which has compromised merit and survived.

Mr. Temporary Deputy Speaker, Sir, it is important that the NARC Government begins to look at reforms in the Civil Service. This is a noble idea we are trying to deal with here. If we are going to retain the same Civil Service that we have known over the years, it is unlikely that civil servants will re-invent themselves and be agents of reform. I agree with the Minister that we need to do a radical surgery and get people from outside the Civil Service in order to bring about changes that are necessary for our people. It is time we began to look at the kind of persons holding certain portfolios within the Civil Service and see whether they actually merited them, or whether they got them through patronage. That is the only way in which we can prepare the way forward for this country.

It is important that once this board is put in place, it deals with all manner of disciplines. A joint admissions board should be able to deal with the admission of students to medical schools, teacher training colleges and polytechnics. Students should have an opportunity to say: "My first choice to the joints admissions board is that I want to join the Kenya Medical Training College. If my first choice fails because the standards are very high, then I should get a second chance to go to a teacher training college." So, this particular body will be able to deal with students applying for all manner of disciplines and training, so that they can make a first, second or even a third choice. This is a body that will operate in the same way that the University Joint Admissions Board (UJAB) does. For example, if a student makes his or her first choice to study in medicine and he fails, then he will have a second choice to select another course, for example, law. This is the kind of body that could assist this country in terms of ensuring that students get fair treatment.

Mr. Temporary Deputy Speaker, Sir, the job market has been an issue of concern for us all. A lot of taxpayers' money is injected into our training institutions. However, at the end of the day, we are training skilled labour for other economies. For example, our universities produce computer experts, yet we are not able to absorb them and, therefore, they go to service those other economies. This is misallocation of resources. That is why I stressed on the need to have proper planning. We should only train students who we are able to absorb and those that the economy needs. We must be able to respond to the needs of the economy, and not merely mass production which, at the end of the day, does not make any returns to the economy.

Mr. Temporary Deputy Speaker, Sir, I wish to support this Motion. I think it is important in terms of ensuring transparency and good governance. It will also ensure that there is fairness in admission of students in our institutions of higher learning. It will ensure that there is fair treatment of all applicants.

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

The Minister for Planning and National Development (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion and to thank Mr. Munya for bringing it forth. I would want to allay a few fears because some of the points that have been made have confused the irregularities that are being corrected and the inequalities that we should address. The Government is very conscious of the amount of inequalities that have been built up in this country over the last 40 years. However, in the area of education, I think this House should appreciate what the Government has tried to do, to address inequalities in education. First of all, by launching the free primary school education programme, all Kenyan babies born this century will access primary

education. The Government is further thinking that basic education should, when we have the resources, be expanded and defined to include the first 12 years of education. We do realize too that in the ASAL areas, there is need for a lot to be done to address regional inequalities. That is why in the Economic Recovery Strategy Programme (ERSP) for wealth and employment creation, we have given special attention to the ASAL areas. We do intend to ensure that we implement this. I would like to inform the House that with regard to inequalities in education in the ASAL areas, the Government has taken very concrete steps, which, perhaps, will be announced much more fully in the coming Budget. We do intend to focus on building primary schools and upgrading secondary schools to make sure that students who go to schools in these areas are not impaired in performance because of the facilities that they have. It is important that we address the causes of inequalities and not necessarily mourn about them.

In taking those steps, the problems that Dr. Godana was talking about earlier, that if you have a central admissions board based only on merit, maybe, those students in the disadvantaged areas who do not score highly will not be taken; the Government is conscious of this. We do not think that purely depending on the grades that are awarded and without taking into account the background of students, will address itself to the issue of equity. So, in passing this Motion, it is not oblivious to the fact that the Government is already taking this into account.

Mr. Temporary Deputy Speaker, Sir, all admission systems in this country are, in any case, centralised. The university admission system is centralised. Admission to Form I is centralised. The only thing that is out of step is tertiary and middle-level education, like polytechnics and training colleges. This Motion seeks to bring admission to tertiary and middle level institutions into terms with what is already happening in secondary schools and universities.

In any case, once this Motion is passed, it would be upon this House to look at the terms of reference of the Joint Admissions Board. This House has a Departmental Committee on Education, Research and Technology, which is empowered to call before it the Ministry of Education, Science and Technology, to explain the terms of reference of the Joint Admissions Board for polytechnics, training colleges and other tertiary education colleges. So, the point of intervention of this House is not now. It would be when the Joint Admission Board will be established. The relevant Departmental Committee of the House will call before it the Minister for Education, Science and Technology to explain the terms of reference for the Joint Admissions Board.

Mr. Temporary Deputy Speaker, Sir, many speakers have said that we need to plan tertiary and polytechnic education carefully. I agree with them. Let us not fear to plan, nor should we plan in fear. The House seems to be expressing the idea that there is some fear in the sense that when the admissions will be centralised, some injustices will be performed. Those injustices are what the Government is already addressing. It is making sure that Arid and Semi-Arid Lands (ASALs) are focused upon. It is dealing with the historical inequalities that have made this country not develop and, secondly, students in this country will have equal access to educational institutions.

Mr. Temporary Deputy Speaker, Sir, it will not help this nation if we keep certain areas under-developed. Indeed, the more developed all the areas are, the better the economy will perform. It is not the policy of the NARC Government to perpetuate past inequalities. It is the policy of the NARC Government to address those historical inequalities, so that all Kenyans could become part of the market and contribute effectively to the development of this nation.

I would like to say something specific about polytechnics and tertiary education. No nation has ever developed without addressing middle level education. Indeed, the majority of students that go to secondary schools in Germany do not go to universities. They go to polytechnics and other tertiary educational institutions. It is from those polytechnics and tertiary education institutions that skilled persons are recruited in industries to work. Our policy of ignoring middle-level education

and not planning carefully for training colleges is part and parcel of the causes of under-development in our nation. We must, from now on, plan very carefully about training colleges, polytechnics and other tertiary educational institutions. We have ignored polytechnics in this country for the last 15 to 20 years.

In my constituency, I have about five polytechnics. Most of them are not functioning. Secondly, when they were planned, there was a philosophy that in those polytechnics, you must have planing and sewing machines. That planing and sewing machines mentality is really backward. A polytechnic should develop many skills for the students. We need food technology, computer science, textile engineering and all kinds of skills in our polytechnics, rather than the planing and sewing machines mentality. In any case, those machines are not even there. Every head of a polytechnic runs away with one or two planes or sewing machines. What has happened is that those polytechnics have been deleted of instruments that were put there to help the students to train.

It is important that we centralise these polytechnics all over the country so that each polytechnic addresses issues and concerns of that particular area. For students who graduate from North Eastern Province, for example, we should have some people with technical skills of irrigation, horticulture, food technology, hides and skins use and so on, because then they will be useful in that particular economy. But if we train them without reference to their entry into the market, we shall commit the first mistake of giving unusable skills to students and, therefore, making them unfit to participate in the competitive markets for jobs and opportunities.

Mr. Temporary Deputy Speaker, Sir, I think this Motion has good intentions. It calls upon the Government to address a national problem in a centralised way. It calls upon the Government to establish a body that will be answerable to tertiary level education, from teacher training colleges to polytechnics, so that once there is a problem, there is an institution you can address to.

Mr. Temporary Deputy Speaker, Sir, it is not always the case that the more you centralise functions, the more efficient they are. One of the reasons why China is developing much faster than India is that India is over-decentralised. When you over-decentralise, you can bring in economies of inefficiency. when you over-centralise and over-bureaucratise, the same inefficiency also occurs. The most important thing to understand is that when you centralise, you should not bureaucratise. You should build in efficiency mechanisms that will improve performance. What I understand this Motion to be doing is calling for this Joint Admissions Board, but for Parliament to ensure that economies of efficiency are built into the operations of that Joint Admissions Board. Let us, therefore, hold our horses and make sure that when this body comes into being, we carefully look at its terms of reference and ensure that it performs the function to the needs and concerns of the nation.

Mr. Temporary, Deputy Speaker, Sir, middle-level education, I would like to repeat, is extremely important for us in our development. But let us not be suspicious of each other. I would not want a situation to arise where the House is always suspicious of Government. The Government has good intentions and it needs to change this country for the better.

With those remarks, I beg to support.

Mr. Wario: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity.

I beg to move that the Motion be amended as follows:-

By adding the following proviso: "Provided that the board shall design admission criteria and guidelines which guarantee a minimum admission of the students from every constituency and district."

Mr. Temporary Deputy Speaker, Sir, these words remind me the words of Sir Charles Elliot who said he has no justification to convince Her Majesty's Government to invest in ASAL areas. By

implementing this policy, that is why there is marginalisation in ASAL areas. This Motion does not take into consideration affirmative action. It does not address the marginalisation and the suffering of the pastoralist fraternity in this country. We all know that due to lack of facilities like electricity and laboratories in these areas, our children are disadvantaged. They cannot fairly compete with the children from other areas. Due to this problem, I beg to give guidance to that board to recognise affirmative action.

With those remarks, I beg to move the amendment and ask hon. Dr. Rutto to second.

Dr. Rutto: Mr. Temporary Deputy Speaker, Sir, I wish to second the amendment because of the reasons that hon. Wario has mentioned. We need to give the board some guidance with regard to addressing inequalities. We also need to give the board a legal basis for varying criteria to take care of these inequalities.

With those remarks, I beg to second the amendment.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members. The amendment is straightforward. So, I will propose and put the question at the same time.

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

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

*(Question of the Motion
as amended proposed)*

Mr. Muchiri: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support the Motion as amended. The intention of this Motion was never to marginalise any of our good friends.

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a matter of procedure. I would also like to contribute and support the Motion, but it is now time for the Mover to reply given, the two-hour limit.

The Temporary Deputy Speaker (Mr. Ethuro): You are right, Mr. Sungu.

Mr. Munya, it is your time. You are at liberty to donate a few minutes.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I would like to donate two minutes each respectively to Mr. Muchiri, Dr. Kibunguchy and Mr. Poghisi

Mr. Muchiri: Thank you, Mr. Temporary Deputy Speaker, Sir. I also wish to thank Mr. Munya for the two minutes.

I want to say that the intention of this Motion is very noble as it is calling upon the Government to set up a Joint Admissions Board.

Mr. Temporary Deputy Speaker, Sir, the issue of corruption has been mentioned and I do not want to labour on it. However, it is important to mention that those who are manning those colleges must stop corruption in the Kenya Medical Training College (KMTC) and all other institutions.

The point I also want to make is that these middle colleges are very expensive to ordinary Kenyans. I want to call upon the Government to moderate the fees as it is a bit high and ordinary Kenyans cannot afford it. I have the experience of paying school fees at the Kenya Technical Teachers College and it is over Kshs20,000. This is not affordable. This country is lacking good, visionary and honest managers, and this is why we would want to call upon our tertiary institutions to emulate good leadership and management.

It is also important that we emphasise the creation of institutes of technology in our various districts in this country. We are doing that in Nyandarua District and we wish that the Government supports us because we are also a marginalised district.

With those few remarks, I beg to support.

Mr. Poghiso: Mr. Temporary Deputy Speaker, Sir, I want to thank Mr. Munya for donating two minutes to me.

I would like to support the Motion as amended because it is a good Motion. In a Government like this, we get good people like Prof. Anyang'-Nyong'o who think in theory that the things that are being planned for pastoralists and marginalised people are correct. This is only so in books and theory. However, when it comes to picking students to go to colleges, that is when we face the real difficulties. We need to know from this Government its commitment not just in numbers, books and figures, but in actual practice so that people are taken to colleges from the marginalised districts. We have a good number that would qualify, but we may not compete favourably with other districts.

With those few remarks, I beg to support this Motion, especially the way it is amended.

Dr. Kibunguchy: Thank you, Mr. Temporary Deputy Speaker, Sir. I also stand to support the Motion. I think this Motion should tie up very nicely with the Motion that we passed last week. It is about having some of these admissions centralised or made constituency-based.

One of the things I really want to emphasise on is that, in this country, for many years now, we have had what I would call "university mania." It looks like everyone would like to join university. I think, with the implementation of this Motion, we will start having some of these colleges regaining their previous glory in terms of training of our students.

I would like to reiterate what some of my colleagues have said about transparency, fairness and accountability. If we have a joint admissions board, it should be able to promote merit. It should also end corruption because there is much corruption in the independent admissions. A joint admissions board will also ease much of what we are seeing now, where students to be admitted in colleges have to go through influential people, for example, the Members of Parliament.

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

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, this Motion was motivated by the unfairness that is practised in the admission of students to colleges. I thank the hon. Members for supporting it. The amendment is in line with what I intended to do. It is one of the guidelines that we would expect an admissions board to take.

Personally, I come from a marginalised district, where the majority of the teachers who teach there are from the neighbouring district. So, I understand when some hon. Members say their people are marginalised. However, the marginalisation cannot be addressed if the principals of colleges are the ones who determine the criteria for admissions. So, this JAB will be useful in setting out affirmative action for marginalised areas. It will also be useful in making sure that those who merit are also respected and admitted to these colleges. I thank hon. Members and request the Ministry, once the Motion is passed, to speed up in the implementation of the Motion.

With those few remarks, I beg to move the Motion.

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

Resolved accordingly:

That in view of the many irregularities associated with admission of students in

various public colleges, considering that some of the qualified applicants are denied entry into these colleges due to irregularities; this House urges the Government to set up a Joint Admissions Board for all training colleges. Provided that the board shall design admission criteria and guidelines which guarantee a minimum admission of the students from every constituency and district.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, it is now time for the interruption of the business. The House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.