

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 30th July, 2003

The House met at 9.00 a.m.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.509

PAYMENT OF DUES TO OFFICERS ON PEACE-KEEPING MISSIONS

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

- (a) whether he is aware that Kenya armed personnel working on UN peace-keeping missions abroad are not paid all their dues by the Department of Defence; and,
- (b) what measures he is taking to ensure that Kenyans on previous peace-keeping missions and those currently serving are duly paid their dues.

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Temporary Deputy Speaker, Sir, I believe that this Question was forwarded to the Minister of State, Office of the President, in charge of the Public Service, and I do not see him here. So, could I, kindly, request that I consult with my colleagues and then answer the Question tomorrow?

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Assistant Minister, the Question is not directed to any particular section of the Office of the President; it is directed to that office generally. So, all that we do is ask a Minister in that office to answer it. Really, that is not our problem!

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Temporary Deputy Speaker, Sir, my understanding is that because the Question involves terms and conditions of service for public servants, it was forwarded to the Minister in charge Public Service.

The Temporary Deputy Speaker (Mr. Poghisio): Yes, but Members of Parliament direct Questions to the Office of the President.

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Temporary Deputy Speaker, Sir, could you allow me to answer the Question tomorrow? I will get it from the Minister of State, Office of the President, in charge of the Public Service.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Ojaamong, what is your reaction to that request?

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, this Question has taken a very long time. It has always been dodged. I think there is a fault somewhere. But since the Assistant Minister has undertaken to answer it tomorrow, so be it.

The Temporary Deputy Speaker (Mr. Poghisio): Very well. The Question is deferred to tomorrow.

(Question deferred)

Let us proceed to Mr. Muiruri's Question.

Question No.557

REBURIAL OF DEDAN KIMATHI'S REMAINS

Mr. Muiruri asked the Minister for Home Affairs what plans are in place to recover the remains of the late Field Marshal Dedan Kimathi for re-burial.

(Mr. Muiruri stood up while Mr. Awori was on his feet to answer the Question)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. Muiruri! When an hon. Member is already on his feet, you just cannot rise as well. Anyway, what is it, Mr. Muiruri?

Mr. Muiruri: Mr. Temporary Deputy Speaker, Sir, I rose to complain that I did not get a written answer to the Question.

(Mr. Awori passed a copy of the written reply to Mr. Muiruri)

The Temporary Deputy Speaker (Mr. Poghisio): You now have it!

Mr. Muiruri: Mr. Temporary Deputy Speaker, Sir, how effectively am I going to follow up the matter when I have just been provided with the written reply?

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Minister, I think there is a problem. How come he did not have the written answer?

The Minister for Home Affairs (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, it is really not my problem, because I signed the answer and sent it to the National Assembly. So, if there is a problem, it is with the National Assembly, and not me.

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

It is the intention of this Government to offer a decent burial to the late Dedan Kimathi. However, we do not want a repeat of the debacle that was witnessed in our search for Mr. Stanley Mathenge. So, we are looking into the issue very seriously to ensure that any remains that may be found are, indeed, those of Dedan Kimathi, and we will offer him a decent burial.

Mr. Muiruri: Mr. Temporary Deputy Speaker, Sir, the Question has not been answered. The Assistant Minister says that they are making efforts. Where are you making the efforts, and what are these specific efforts?

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Muiruri, please, address the Chair.

Mr. Muiruri: Mr. Temporary Deputy Speaker, Sir, is the Minister making the efforts at Kamiti Prison or Industrial Area Prison or where? Could he be specific and answer the Question? And how long will it take to find the remains?

The Temporary Deputy Speaker (Mr. Poghisio): Ask one question at time!

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, it is presumed that the body of Dedan Kimathi was buried within Kamiti Prison. There have been many people who have come forward to say that they were comrades-in-arms of Dedan Kimathi and that they, indeed, know where his body was buried. To-date, we have not found a credible fact, but we are following every lead.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, the previous governments of Kenya failed to recognise our heroes of the struggle for this country's Independence. We have living legends such as Messrs. Ochieng Aneko and Bildad Kaggia. They are living in pathetic poverty. We have the late Jaramogi Oginga Odinga who to-date has not been properly recognised as a hero by the Government. What efforts will the Minister make to ensure that living legends of this country's struggle for Independence are recognised and assisted? Right now, Mr. Bildad Kaggia is living in abject poverty!

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, it might help to separate the dead heroes from the living ones. Let us concentrate on the dead heroes, starting with Mr. Dedan Kimathi. We are, as I said, trying but let us not overemphasize on Mr. Dedan Kimathi. There are very many heroes all over the country. We are setting up an inter-Ministerial committee to try and identify those who should be considered as heroes of this country. We are also seriously thinking of setting up a Heroes Corner of about four or five acres of land around the area where we celebrated our Independence. When all these things are completed, we will then start interrering the remains of our heroes.

The Temporary Deputy Speaker (Mr. Poghisio): Last question by Mr. Muiruri.

Mr. Muiruri: Mr. Temporary Deputy Speaker, Sir, I am more or less satisfied with the answer by the Minister. I entirely agree with him that we do not need to have another Mr. Ayanu instead of General Stanley Mathenge. However, it is a fact that Mr. Dedan Kimathi was hanged at a Nairobi prison and his body transferred to Kamiti Prison for burial. I am told that four prisoners at that particular time were ordered to load the body onto a lorry, accompany it and bury it somewhere in Kamiti Prison. Could the Minister make some efforts to find the four former prisoners? One of them has identified himself. These are the only people who can identify the exact spot where they buried the remains of Mr. Dedan Kimathi. If he goes by the advice of prison authorities, he will fail because they are not willing to come out---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Muiruri! Can you ask a question?

Mr. Muiruri: Mr. Temporary Deputy Speaker, Sir, I think my question is understood.

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, I understood the question. Indeed, there are four people who stated that they were the ones who actually transported the remains of Mr. Dedan Kimathi. One of them has approached the Minister for Justice and Constitutional Affairs and we are waiting for the other three to come forward. We will then take them to Kamiti Prison to see if they can identify the actual spot. After this we will exhume the bones and use the current methods of identification to confirm whether they are the right bones. Once we do that, then we will accord our hero a decent buria.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Ogur's Question.

Question No.398

PROVISION OF EQUIPMENT
TO NDHIWA HEALTH CENTRE

The Temporary Deputy Speaker (Mr. Poghisio): Is Mr. Ogur not here? Next Question by Dr. Kuti?

Question No.573

UPGRADING OF HEALTH CARE
FACILITIES IN ISIOLO NORTH

The Temporary Deputy Speaker (Mr. Poghisio): Dr. Kuti is also not here? Let us have the next Question by Mr. Mahamud.

Question No.617

BROADCASTING SERVICES
FOR WAJIR DISTRICT

Mr. A.M. Mohamed asked the Minister for Tourism and Information:-

(a) whether he is aware that Wajir and other marginalised areas in Kenya have no access to television news from Kenya Broadcasting Corporation;

and,

(b) when the Corporation and other broadcasting companies will provide services to these regions.

Mr. Munya: On an a point of order, Mr. Temporary Deputy Speaker, Sir. We cannot hear the Chair from this end.

The Temporary Deputy Speaker (Mr. Poghisio): Well, you can see where the microphone is.

Is the Minister not here?

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. You realise that this Question does not only affect Wajir District but also other marginalised areas, including Turkana District, where there is no Kenya Broadcasting Corporation television reception. The Minister should be here to address this urgent matter.

The Temporary Deputy Speaker (Mr. Poghisio): We will come back to it. Let us now have the Question by Dr. Ali.

(Applause)

Question No.613

PAYMENT OF DUES TO COUNCILLORS

The Temporary Deputy Speaker (Mr. Poghisio): The Question by Dr. Ali is deferred because he is out of the country.

(Question differed)

Let us now have the Question by Archbishop Ondiek.

Question No.324

IMPLEMENTATION OF REP IN UGENYA

Archbishop Ondiek asked the Minister for Energy:-

(a) whether he could state how many Rural Electrification

Projects the Ministry has undertaken in Ugenya Constituency; and,

(b) whether he could further state the programmes earmarked for the next phase for implementation.

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

The projects that have so far been implemented in Ugenya Constituency under the Rural Electrification Programme are as follows:-

1. Sirembe-Musanda-Siaya Project, which covered Sigomere, Sidindi, Omondi Tunya and Madeya Markets.

2. Rangala-Busia Project, which covered Ugunja and Sega Markets.

3. Ukwala Project, which covered Yenga Dam, Nyamile and Ambira schools and Rangala, Ukwala, Rwambwa, Sifuyo, Koyombo and Nzoia Markets.

(4) Ramunde Project, which covered Uranga Health Centre, Ramunde and Sihayi Markets.

(5) Simenya-Umala Project, which covered Simenya, and Sikalama schools.

(b) The following schemes, namely Bar Ober Water Pump and Market, Mauna Dam and Denga school, are scheduled for implementation in the current financial year under the French Credit Programme. The construction works are expected to commence late in the year 2003, and will take about 12 months to complete.

Archbishop Ondiek: Mr. Temporary Deputy Speaker, Sir, I do not even know the places the Assistant Minister has mentioned. Rwambwa and Sirembe are not in Ugenya Constituency. I do not know where the Assistant Minister got his information from. In any case, the projects he is talking about, like Ukwala, were done in the 1980s. I am talking of the programme that is being implemented in 2003.

The Temporary Deputy Speaker (Mr. Poghio): What is your question?

(Mr. Kiunjuri stood up)

The Temporary Deputy Speaker (Mr. Poghio): Order, Mr. Assistant Minister!

Archbishop Ondiek: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell me exactly when the Denga-Mauna Dam Programme is going to commence?

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, if you look at the Question you will see that it is very clear. It has not given any timeframe. The Questioner asked if I could state how many rural electrification projects my Ministry has undertaken in Ugenya Constituency. I believe I have answered the Question asked. I have answered it in an affirmative way.

The Temporary Deputy Speaker (Mr. Poghio): Mr. Assistant Minister, what about the question he has just asked about specific projects?

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, on the question of specific projects, I want to assure the hon. Member that we have already carried out survey and design work. We have also been able to look at the wayleaves and construction works will be starting between November and December this year. There will be an earth-breaking ceremony and we might ensure that it takes place in the hon. Members's constituency.

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, rural electrification is vital for the development of this country. What policy does the Ministry have for rural electrification countrywide, and in West Pokot District in particular?

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, the Ministry is exploring all ways. We already have a national map. In areas to which we cannot take electricity, we shall provide wind energy. We are also looking for donors to finance our projects. We have been negotiating with the Finnish and Spanish Governments to see whether we can get enough funds. Hon. Members should also know that the Government, according to this year's Budget, cannot provide electricity to every part of this country.

Mr. Rotino: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have asked the Assistant Minister a specific question. He should give us a programme or schedule for all the projects that will be done under the Rural Electrification Programme this financial year. For example, in West Pokot we gave Kshs700 million for the Rural Electrification Programme and it took us so many years. Give us a programme, do not say you are looking for money. From where are you looking for this money?

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, you will agree with me that the issue of giving a programme here is a very different Question. Once he brings the Question, I will answer it.

Mr. Omamba: Mr. Temporary Deputy Speaker, Sir, the issue of rural electrification is causing problems everywhere. This is because whenever a Question is asked in the House, the hon. Member is referred to the District Development Committees (DDC), but when you get there, there are no personnel on the ground who are involved in the Rural Electrification Programme. Where can these personnel be found?

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, our officers are now active, and any time Members would like information concerning their constituencies, they should come to us and we shall refer them to these officers. I want to assure Members that we shall give them all the information that they require.

Mr. Mwandawiro: Bw. Naibu Spika wa Muda, swala la umeme kuenezwa hadi sehemu za mashambani ni swala la kitaifa. Ukienda sehemu kama za Wundanyi ama Taita Taveta, utaona kuwa ni kweli waya za umeme ziko huko, na zimepita sehemu zingine. Wananchi wengi wanaona waya za umeme tu!

(Loud consultations)

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

Mr. Mwandawiro: Kwa sababu ya ukosefu wa transfoma, umeme haujawafikia watu wengi. Je, Wizara ya Kawi ina mipango gani ya kuhakikisha kwamba mahali zile waya za stima zinapitia, wananchi wanapata umeme?

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, it is true that power lines have not been maximumly utilized. But of course, you know why that problem was there. It was because those electric cables were only directed to the homes of those people who were politically-correct. But today, I want to assure you that we shall maximize the power lines to ensure that Kenyans benefit. At the same time, it would be for the benefit of the Ministry to maximize on the power lines, because it would bring down the costs and we shall be able to maintain the lines. I want to assure Members that we shall start by maximizing what is in existence.

Archbishop Ondiek: Mr. Temporary Deputy Speaker, Sir, I would like to know what amounts are involved, what contribution the Kenyan Government is making towards this programme and when it will be started?

The Temporary Deputy Speaker (Mr. Poghiso): But Archbishop Ondiek, the "when" part was answered. Mr. Assistant Minister, you can answer the rest of the question.

Mr. Kiunjuri: May I once again answer the question. First of all, the Government of Kenya is involved in the survey and design, and they have compiled all the necessary information. All the works have been done, and I assure you that by November or December, the works will commence.

The Temporary Deputy Speaker (Mr. Poghiso): Let us have the next Question by Mr. Shabaan.

Question No.553

INSTALLATION OF NEW POWER
PLANT IN MANDERA TOWN

Mr. Shabaan asked the Assistant Minister for Energy:-

- (a) whether he is aware that Mandera Town Power Plant has been breaking down for the last seven years, thereby causing acute water shortage and disrupting operations in the town; and,
- (b) what urgent measures he is taking to install a new power plant in the town.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Members! Consultations are getting louder, and so the Questions and answers are not being followed very well. So, Members please consult quietly and allow the Assistant Minister to answer the Question.

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware. The breakdowns have, however, been within acceptable limits, considering that Mandera Town is not connected to the National Grid but is supplied with power from an isolated system. Such systems are of low reliability, compared to the grid-connected networks, as their back-up capacity is limited.

(b) To arrest the situation, funding has already been approved for an additional two (500kw) generators for Mandera Power Station at an estimated cost of Kshs17 million. This will be implemented in the financial year 2003/2004 and is expected to considerably improve the power supply and reliability in Mandera Town and its environs.

Mr. Shabaan: Mr. Temporary

[Mr. Shabaan]

Deputy Speaker, Sir, I do not agree with the Assistant Minister that the breakdowns have been within acceptable limits. The breakdowns have been as frequent as weekly. However, this plant is obsolete and beyond any economic repair.

What is the consumption capacity or the power supply need of the people of Mandera Town and its environs? What capacity of that need will these two new generators meet if they are installed? I am afraid that the supply from these two new generators will not meet the demand of Mandera once installed. The people of Mandera are more than 100,000, and their power needs are more than what the two generators can provide, as they are of lower capacity.

The Temporary Deputy Speaker (Mr. Poghisio): Did you ask your question?

Mr. Shabaan: Mr. Temporary Deputy Speaker, Sir, I have asked the question. My question is that my fear is---

The Temporary Deputy Speaker (Mr. Poghisio): What is your question!

Mr. Shabaan: If these two generators are installed, will they, indeed, meet the supply needs of the people of Mandera Town? If installed, these generators are of a small capacity.

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, the Member need not be worried. I have answered your Question after having got information from the technical people. I wish that the Member would first allow the Ministry to implement the decision, then we will cross the bridge as we approach it.

Mr. Midiwo: Thank you, Mr. Temporary Deputy Speaker, Sir. This question of power inefficiency is a big problem in most parts of the country. For example, where I come from, from Kisian to Bondo, there has not been electricity every Friday and Saturday for the last two or three years. We want to know what the Ministry is doing to boost the power supply in this area.

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, the Ministry is investigating the causes of power losses. I want to assure the hon. Members that I have been in the office for the last six months, and we shall be addressing these challenges after this Houses passes the Vote of the Ministry of Energy. We shall investigate the matter and implement our own works after that has been done.

Mr. H. M. Mohamed: Thank you, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister said that he is going to provide two (500kw) generators. Is this just a promise, or he is going to buy these generators in this financial year?

Secondly, is he going to repair the existing generators, so that they become standby generators for use whenever power fails?

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, we are repairing and maintaining the existing power generators. I know your fear; you had been in the Government for a long time, and sometimes the promises that were made were never implemented. I want to assure the hon. Member that this is the NARC Government and it will implement and live up to its promises. The works will be done.

Mr. Shabaan: Mr. Temporary Deputy Speaker, Sir, as I speak, the Mandera water supply is not functional because it does not have enough power supply. Mandera District Hospital is also not functional and even the theatres are not working due to lack of power. Could the Assistant Minister tell us when during, this financial year, he will ensure that Mandera District Hospital is supplied with power because there are more than 100,000 people in this town?

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, immediately the monies are released from the Treasury, we shall implement that project this year. Secondly, it is very serious if it is true that the water supply project is not functioning. I want to assure the hon. Member that I will take the necessary action today and ensure that officers are on the ground. That is very serious.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Ogur's Question for the second time.

Mr. Ogur: Mr. Temporary Deputy Speaker, Sir, I apologise for coming late. However, I would like to ask Question No.398.

Question No.398

PROVISION OF EQUIPMENT TO
NDHIWA HEALTH CENTRE

Mr. Ogur asked the Minister for Health:-

- (a) whether she is aware that Ndhiwa Health Centre has no ambulance and that the recently acquired X-Ray equipment cannot be used due to shortage of radiographers; and,
- (b) what action she is taking to provide radiographers and an ambulance for the hospital.

The Assistant Minister for Health (Mr. Konchella): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Ndhiwa Health Centre has no ambulance while the recently acquired X-Ray equipment is not in use as it has not been commissioned. The X-Ray equipment will be commissioned within the next two weeks.

(b) The Ministry has already positioned a radiographer in Ndhiwa Health Centre. Ndhiwa Health Centre will be provided with an ambulance within this financial year.

Mr. Ogur: Mr. Temporary Deputy Speaker, Sir, from what day should I start counting before we come to the end of two weeks? Secondly, who is going to commission this X-Ray equipment? Why should it not be commissioned even this week? While waiting for the ambulance to

come, could the commissioning of this X-Ray equipment be done within a day instead of waiting two weeks?

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, what has been holding the commissioning of the X-Ray equipment is the need to have an inspection carried out by the Radiation Protection Board to ensure that the equipment does not emit harmful radioactive materials. This inspection should be done within the course of next week, most probably on Monday.

Mr. Kagwima: Mr. Temporary Deputy Speaker, Sir, what about the other departments? The Assistant Minister is talking about radiographers, although we do not have enough nurses in the other health centres. Could the Assistant Minister tell us when the Government is going to recruit nurses that are required to man the health service centres in this country?

The Temporary Deputy Speaker (Mr. Poghismo): Are you asking about the same health centre?

Mr. Kagwima: Mr. Temporary Deputy Speaker, Sir, I am asking a general question. The hon. Member is asking for radiographers, but I am saying that it is not the only area that is understaffed. There are other areas where we do not have nurses and doctors. When is the Government going to recruit the necessary numbers of nurses and doctors to run all the health centres in the country?

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, although this question is not relevant to this Question---

The Temporary Deputy Speaker (Mr. Poghismo): Yes, that question is not relevant to this Question since it is dealing with specifics.

Mr. Konchella: Yes, Mr. Temporary Deputy Speaker, Sir. It is not relevant to the Question. However, I would like to say that the Ministry is looking into the possibility of recruiting more nurses this financial year. We are yet to know how many nurses we will recruit. However, this will depend on the amount of money available so that they can be posted to those areas.

Dr. Manduku: Mr. Temporary Deputy Speaker, Sir, this issue of radiographers is a very serious one because you find that in some hospitals are using unqualified people to take X-Rays. As you know, X-Rays are dangerous because they can affect the patients' bodies if they do not use the right gear to protect them. Does the Ministry have any arrangement to make sure that wherever there is an X-Ray machine there are one to three radiographers? Secondly, do these radiographers have a scheme of service because when they graduate from college and start working, most of them retire in the same grade and scale? Is there any arrangement where you are improving their terms of service so that many of them can be interested to join that dangerous profession?

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, the radiographer being sent to Ndhiwa Health Centre is Mr. Joseph Odhiambo and I believe he is qualified to undertake the job. As far as upgrading the scheme of service of radiographers is concerned, the onus will be on the Radiography Protection Board to ensure that as soon as the officers pass the necessary examinations that are required for their promotion, they are promoted.

The Temporary Deputy Speaker (Mr. Poghismo): But Mr. Assistant Minister, I think Dr. Manduku's question was of the view that one radiographer was not enough. Similarly, Dr. Manduku was talking about the question of recruiting more than one.

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, only one radiographer has been sent there and we feel he will serve the area adequately because the amount of work in this health centre is not be much. There is very little usage of this health centre because of the low population of the area.

Mr. Ogur: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister says that a radiographer has been posted to Ndhiwa Health Centre. When was he posted and who is he? Is this radiographer a "he" or a "she"?

(Laughter)

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, he is Mr. Joseph Odhiambo Makombora.

The Temporary Deputy Speaker (Mr. Poghisio): Dr. Kuti's Question for the second time.

Dr. Kuti: Mr. Temporary Deputy Speaker, Sir, I would like to apologise for coming late and I beg to ask Question No.573.

Question No.573

UPGRADING OF HEALTH CARE
FACILITIES IN ISIOLO NORTH

Dr. Kuti asked the Minister for Health:-

- (a) whether she is aware that patients, especially mothers with complications requiring caesarian section in Merti and Oldonyiro of Isiolo District, have to travel for ten hours to reach Isiolo District Hospital for treatment; and,
- (b) if she could consider upgrading Merti Health Centre and Oldonyiro dispensary and posting the requisite health personnel to deal with such cases.

The Assistant Minister for Health (Mr. Konchella): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that all patients referred to Isiolo District Hospital from Merti and Oldonyiro Division have to travel long distances through rough terrain to reach the district hospital for treatment.

(b) The Ministry will consider upgrading the two centres and posting the required staff in the coming financial year. In the meantime, the ambulance attached to Merti Health Centre will be repaired so as to ease the referral of patients to the district hospital.

Dr. Kuti: Mr. Temporary Deputy Speaker, Sir, Merti Health Centre serves about 15,000 people and there are five health centres in Isiolo District. During the rainy season, Ewaso Nyiro River is impassable because there is no bridge that connects Merti Health Centre and the district hospital. So, during the rainy season there is no way in which emergencies like appendicitis and ectopic pregnancy operations can be done because the river blocks the patients from being taken across to the district hospital. Even during the dry season, it takes so long to reach the hospital. Could the Assistant Minister tell us when these health centres will be upgraded so that operations can actually take place there and, thereby, save the lives of these patients?

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Members! Again, the consultations are getting louder and louder. We would like to hear the Assistant Minister and the Questioner as they speak.

Mr. Konchellah: Mr. Temporary Deputy Speaker, Sir, the District Development Committee (DDC) has not yet recommended Merti Health Centre for upgrading, but it has recommended Oldonyiro Health Centre for upgrading. The Ministry will now undertake the necessary planning to provide funds for the next financial year since it has just come to our notice now, to allocate money for its upgrading. After knowing the amount of funds required to upgrade it into a health centre, the Ministry will then look for funds from donors or from within its budget to be able to upgrade the health centre. It is a very expensive affair. Otherwise, the Ministry plans to do that.

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, there have been so many Questions regarding health centres. We are aware that so many Kenyans are dying because of their inability to access health care quickly and yet this Ministry keeps telling us about the plans it has. Could the Assistant Minister tell us what the Ministry plans to do to ensure that every health centre in this country is properly equipped with the necessary facilities, including, ambulances?

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, while appreciating the concern of the hon. Members, the Ministry can only plan on the basis of funds that are available. As far as this particular Question is concerned, the Ministry is planning to provide an ambulance to every constituency during this financial year in order to ease problems in the affected areas. As far as the construction of health centres is concerned, it is this House's responsibility to provide the money for us to do that because most of our development funding is based on funds that are provided by donors.

Mr. Sasura: Mr. Temporary Deputy Speaker, Sir, it does not mean anything to upgrade a dispensary to the status of a health centre. What is important is to have it operational. Can the Minister undertake to train the staff existing in Merti Health Centre; the clinical officers and the nurses, so that they are able to do what the hon. Member is asking for? There is a training programme, through the Ministry of Health, which is currently in progress. Also, can he tell us when the ambulance will be taken back to the health centre because he promised it would be repaired? We do not need a new ambulance, but the existing one.

Mr. Konchellah: Mr. Temporary Deputy Speaker, Sir, the repair of the ambulance will be undertaken this financial year. Before December, we will have provided the funds and repaired the vehicle. As far as making the dispensary useable is concerned, we will ask the Medical Officer of Health (MOH) to see what can be done to try and provide the necessary capacity for the hospital to be able to do what the hon. Member has asked.

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, our women are dying so much in those Arid and Semi-Arid Lands (ASAL). Could the Minister consider training the traditional birth attendants and then give them certificates so that they are able to practise legally, now that the Government cannot provide services in the health centres?

Mr. Konchellah: Mr. Temporary Deputy Speaker, Sir, the issue of traditional birth attendants being trained is being considered by the Ministry, but I cannot give a categorical answer because we will require them to obtain a certain level of training to ensure that Kenyans are protected against people who are not fully qualified.

Question No. 617

BROADCASTING SERVICES FOR WAJIR DISTRICT

Mr. A.M. Mohamed asked the Minister for Tourism and Information:-

- (a) whether he is aware that Wajir and other marginalized areas in Kenya have no access to television news from Kenya Broadcasting Corporation; and,
- (b) when the Corporation and other broadcasting companies will provide services to these regions.

The Assistant Minister for Tourism and Information (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, first, I apologize for coming let.

I beg to reply.

(a) It is not only true that Wajir and other marginalized areas have no access to television news from Kenya Broadcasting Corporation (KBC), but it is also a disgrace that this should be the case after 40 years of Independence.

(b) As part of restructuring and modernization of Kenya Broadcasting Corporation (KBC), the

Ministry will use the relevant and cheaper technology of satellite-based transmissions that will enable the Corporation to cover the whole country with better targeting of population clusters. The Treasury has allocated some Kshs250 million for modernization and part of that money should go into acquisition of transmission systems that can serve these marginalized areas.

Mr. A.M. Mohamed: Mr. Temporary Deputy Speaker, Sir, while appreciating the answer given by the Assistant Minister, I notice that in answer to part (b), the Assistant Minister says that the Ministry is going to restructure KBC and to provide satellite-based transmission which the company will use to cover the whole country with a better targeting of population clusters. I think that is unfair, because if KBC is going to areas with larger population and leaving out areas like Mandera, Wajir, Turkana and others, then these areas will continue to be marginalized. Could the Assistant Minister assure us that since KBC is a service provider, districts with smaller population will be catered for? And, when will this programme start in Wajir?

Mr. Gumo: Mr. Temporary Deputy Speaker, Sir, I said that the money has been allocated and we are going to make sure that the whole country is covered. I never said that marginalized areas will be left out! In fact, we are very much concerned about the marginalized areas like Wajir. Definitely, it will be covered as soon as we start---

Hon. Members: When?

Mr. Gumo: Mr. Temporary Deputy Speaker, Sir, Wajir will be given the first priority.

Mr. Khamisi: Mr. Temporary Deputy Speaker, Sir, it is obvious that KBC has been talking of satellite transmission for a very long time, but it is also true that it is a very expensive affair in terms of

infrastructure. Presently, KBC is not allowed to enter into negotiations with private firms, in terms of partnerships. Is it possible for KBC to be freed from the State Corporations Act and the Kenya Broadcasting Act so that they may be able to enter into deals with international broadcasting houses or manufacturers of equipment to be able to instal this transmission equipment?

Mr. Gumo: Mr. Temporary Deputy Speaker, Sir, the hon. Member having been the Managing Director of KBC for so long, knows more than I do, but anyway, as I had said before, as soon as the restructuring process starts, all that the hon. Member has said will be considered, including privatisation and going into---

Mr. Sasura: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to evade answering the hon. Members' question when it was specific in asking whether KBC could be exempted from the State Corporations Act? Is the Assistant Minister committing himself by saying that it will be exempted after restructuring? Is exemption part of the structural adjustments?

Mr. Gumo: Mr. Temporary Deputy Speaker, Sir, it is not, but we are considering to review the Act so that all those bottlenecks that might be there now are removed.

Mr. Kombe: Bw. Naibu Spika wa Muda, ahsante sana kwa kunipa fursa hii. Swala hili la televisheni kutokuonyesha huko sehemu za mashambani ni swala ambalo linatutatiza sana huko Magarini. Hakuna picha zinazoonekana kwenye runinga hata kidogo. Kwa hivyo, ni lini Waziri Msaidizi atahakikisha kwamba Runinga ya KBC inaeneza vipindi vyake katika sehemu za Gongoni, Mamburui, Magarini, Marafa na eneo nzima la uwakilishi Bungeni la Magarini?

Mr. Gumo: Bw. Naibu Spika wa Muda, Hazina Kuu imetoa Kshs250 milioni ambazo zitasaidia kuhakikisha kwamba maeneo ambayo ina---

A.M. Mohamed: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to switch from English to Kiswahili to answer the question?

Mr. Gumo: Bw. Naibu Spika wa Muda, niliulizwa swali kwa lugha ya Kiswahili na ni lazima nijibu kwa lugha ya Kiswahili. Pesa ambazo zimetolewa na Hazina Kuu ni karibu Kshs250 milioni na zitasaidia katika usambazaji wa matangazo ya Runinga ya KBC. Kama vile tujuavyo, katika Serikali

ya NARC hakuna ufisadi na hizi pesa zitatumiwa kuhakikisha kwamba Runinga ya KBC inaonyesha vipindi vyake katika sehemu zote nchini.

Mr. Rotino: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to tell us about the Kshs250 million without telling us how it will be spent? How will he spend the Kshs250 million?

Mr. Gumo: Mr. Temporary Deputy Speaker, Sir, I am sure West Pokot will be covered under the programme. The Kshs250 million will be used to make sure that the areas that are not covered by the KBC television are covered this year.

Mr. A.M. Mohamed: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has not given us a satisfactory answer. He has not told us when this programme will start in Wajir. The Kshs250 million has been allocated by Treasury, but we do not know exactly when the KBC will start the programme.

Mr. Gumo: Mr. Temporary Deputy Speaker, Sir this will be done in this financial year. A feasibility study was done in the year 2001 and we have been waiting for this money. So, Wajir, Moyale and Mandera will be covered this year and the total cost will be about Kshs108 million.

QUESTIONS BY PRIVATE NOTICE

UTILIZATION OF FUNDS COLLECTED AT ATHI RIVER WEIGHBRIDGE

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

(a) Could the Minister inform the House how much money has been collected by the Ministry at the traffic weighbridge at Mulolongo in Athi River since its inception?

(b) Could he further explain to the House what road projects or programmes have been financed through these funds?

(Loud consultations)

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

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

(a) No money is collected at the Ministry of Roads, Public Works and Housing weighbridge stations. It is the High Court which collects money through the magistrate's courts in form of fines imposed on overloaded vehicles.

(b) No road projects or programmes have been financed directly by the court fines as the money goes to the Consolidated Fund as revenue.

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, the weighbridge at Mulolongo in Athi River is manned by officers from the Ministry of Roads, Public Works and Housing and the police. It is a great impediment to traffic and a conduit for corruption. Is the Assistant Minister satisfied that, that weighbridge has been put to its maximum use, for the purpose it was intended?

The Temporary Deputy Speaker (Mr. Poghio): Incidentally, Mr. Assistant Minister, where did you get the idea of court fines in answer to this Question?

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, I would like to clarify one point. We have transit toll stations, some of which are located near the weighbridges. Those are the ones that collect transit toll charges. On the weighbridges, the Ministry does not collect any toll charges. The weighbridges are specifically established for the purpose of checking axle loading. The vehicles that

exceed the required axle load are charged and the owners are fined in courts. The fine is taken to the Consolidated Fund as revenue. It does not come to the Ministry.

However, I am aware of the hon. Member's concern about corruption at weighbridges. The Ministry is addressing that issue. It has come to our knowledge that over the years, there has been a lot of corruption at weighbridges and vehicles are allowed to pass even when they are overloaded. We have taken some measures by transferring most of the officers in charge of the weighbridges. At the moment, police officers who man the weighbridges are not under the Ministry. We are petitioning the Commissioner of Police to second all the police officers who man the weighbridges to the Ministry, so that we discipline them together with our officers.

Mr. Mganga: Mr. Temporary Deputy Speaker, Sir, weighbridges in various parts of the country have been one of the areas where corruption thrives. The Assistant Minister has just said that he has transferred some officers from the weighbridges. That is exactly where the problem is.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghio): Order, hon. Members! If you want to consult, do so in low tones. We would like to hear answers to Questions.

Mr. Mganga: Mr. Temporary Deputy Speaker, Sir, the problem is that officers who are found to be very corrupt are transferred either to the Ministry's Headquarters or to other stations within the department. Could the Assistant Minister take conclusive disciplinary action including dismissal of officers who have been found guilty of corruption at the weighbridges instead of transferring "disease" from one place to another?

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, the Ministry decided to give all the officers working at the weighbridges a chance by transferring them to other stations. By doing this, we wanted them to change heart and see that corruption is not being tolerated. If they continue being corrupt, then the Ministry will have no alternative but to dismiss them. It will be very difficult to tackle corruption at the weighbridges unless the police officers who man them are seconded to the Ministry, so that disciplinary action can be taken against them by the Ministry. It takes an officer of the Ministry and the police officers for corruption to take place.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister aware that a lot of contraband goods pass through Mulolongo Weighbridge? The officer in charge of Mulolongo Weighbridge, a Senior Superintendent of Police (SSP), whose name I can even give, abets this corruption. I have specific information that there are transport vehicles that pass through Mulolongo Weighbridge at 2.00 O'clock in the night without any inspection being carried on them. The police officers in charge are ordered not to inspect those vehicles. Is the Assistant Minister aware of this? What action will he take to ensure that Mulolongo Weighbridge, which brings a lot of dangerous goods into this country, is taken care of? In fact, the particular SSP has transferred officers who were doing a good job and has brought in his own officers, so that he can continue being involved in corrupt deals at Mulolongo Weighbridge.

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, whereas the contraband goods pass through the weighbridges and as long as a truck does not exceed the axle load, our officers have nothing to do with it. It is the responsibility of the police to escort contraband goods from Mombasa to border posts. Therefore, our officers have nothing to do with those contraband goods.

Mr. Munya: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister telling this House that there is no co-ordination between the Police Department and the Ministry of Roads, Public Works and Housing? Are they not under the same Government?

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, that is exactly what I am saying. We are seeking the indulgence of the Commissioner of Police to second police officers to the Ministry so that

there can be that co-ordination the Member is talking about.

Mr. Lesrima: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister aware that it takes two to tango in the business of corruption? In fact, the problem of corruption is not caused by the civil servants or the police officers at the weighbridges. It is caused by the prominent and wealthy people who intimidate the police officers at weighbridges. It does not matter how many times we transfer police officers from the weighbridges. The Government will not solve this problem until they blacklist those tycoons who own those lorries. What action will the Ministry take to blacklist the owners of those huge trucks who intimidate police officers at the weighbridges?

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, I agree with the Member. However, it is important for the Member to know that the Kenya Transporters Association (KTA) is also represented in the Kenya Roads Board (KRB). They have held seminars and agreed that they will adhere to the regulations at the weighbridges. It is unfortunate that their members are the ones who bribe the police officers and other civil servants at weighbridges. If the KTA could be serious and ensure that their members do not bribe the police and Ministry's officers at the weighbridges, that will be one step forward in the right direction. That is why the KTA has been given a slot in the KRB, specifically to address that issue.

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, having a police unit within the Ministry of Roads, Public Works and Housing is entrenching corruption. When police trainees graduate from the Kenya Police Training College, Kiganjo, they bribe to be posted at weighbridges. Given that this Ministry collects money in terms of tolls at those weighbridges, is the Assistant Minister aware that the roads around weighbridges are in a very poor state? What action will the Ministry take to improve those roads?

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, I agree the roads around the weighbridges are in a very poor state. The parking areas within these weighbridges are also dilapidated. We are addressing the issue and we will repair those roads.

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, we have heard it said that if a police officer wants to get rich, he only needs to be transferred to Mlolongo weighbridge at Athi River Town. There has been a lot of jostling over officers who persistently want to be transferred to that weighbridge in Athi River. That is corruption. I would like to ask the Assistant Minister not to shun responsibility and say that the police belong to another Ministry. Mlolongo weighbridge was meant to improve our roads. The section of the road between Mlolongo and Nairobi is dilapidated. If that weighbridge has failed to meet its expectations, could the Assistant Minister consider relocating it? That weighbridge is also the biggest cause of the high prevalence spread of HIV/AIDS in Mlolongo because all truck drivers park there at night. Could the Ministry think of relocating this weighbridge because it does not serve the purpose for which it was intended?

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, the solution is not to relocate the station to another area because we will create another problem in that new area. The solution which we conceive is to have, "weigh in motion weighbridges". This is whereby all trucks are weighed before they get to the weighbridge. Those trucks which do not exceed the required axle load are let to pass. However, those trucks that exceed required the weight will be directed to the weighbridges. That is the solution we conceive and we will acquire "weigh in motion weighbridges" for that particular purpose.

PROVISION OF FACILITIES TO
MURIRANJAS SUB-DISTRICT HOSPITAL

Mr. Kembi-Gitura: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that Muriranjas Sub-District Hospital in Muranga District has no

maternity ward, general surgical theatre and mortuary?

(b) What urgent action is she taking to rectify the situation?

The Assistant Minister for Health (Mr. Konchella): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Muriranjas Sub-District Hospital has no general surgical theatre and mortuary. Some rooms in the Hospital have, however, been modified to create a maternity ward.

(b) The project intended to provide Muriranjas Sub-District Hospital with all necessary facilities stalled some years back. A total of Kshs63 million is required to provide the Hospital with all the necessary facilities. The Ministry is in the process of determining all stalled projects with a view to implementing them in manageable phases under new contracts.

Mr. Kembi-Gitura: Mr. Temporary Deputy Speaker, Sir, I have just received a copy of that answer which, of course, is extremely unsatisfactory. It also stereo-typed like the answers we are getting these days from the Ministers. It is fascinating to hear the Assistant Minister say that he is aware that Muriranjas Sub-District Hospital does not have those facilities. I am sure he does not even know where this hospital is.

This sub-district hospital serves Murarandia, Mugoiri, Withaga and Kahuhia locations in Kiharu Constituency. It also serves parts of Maragwa District which has no district hospital to date. The inadequacies in that hospital are causing a lot of strain on Muranga District Hospital which also falls within Kiharu Constituency. That district hospital has no surgical ward yet it is a highway hospital. It accommodates a large number of casualties of road accidents on several roads between Nyeri and Muranga. I know this question has been answered in that stereotyped version over many times. I would like to say---

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Kembi-Gitura, ask your question!

Mr. Kembi-Gitura: Mr. Temporary Deputy Speaker, Sir, I will ask the question, if you could give me time, please. Many people are dying unnecessarily because of the lack of these facilities. The hon. Assistant Minister says that the hospital requires Kshs63 million to acquire these facilities. We are now discussing Vote 11 on the Ministry of Health, what allocation has been given to this specific hospital so that this suffering can now cease?

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, we have passed copies of the District Allocation Budget to all Members of Parliament. The Members should read and know what has been allocated to their constituencies because it is all in black and white!

Mr. Kembi-Gitura: On a point of order, Mr. Temporary Deputy Speaker, Sir. The question that I raised was very specific. It appears the Assistant Minister has a comprehension problem. Could he specifically tell us how much money has been allocated instead of telling hon. Members to go and read the books?

Mr. Konchella: Mr. Speaker, Sir, if the hon. Member wants me to read out from the book it will take five minutes to do that, and I do not want to waste time. I am not supposed to keep in my head all the figures in this book.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Some of the issues that you want to address through points of order, could be addressed as supplementary questions. You should not stand on a point of order to ask a supplementary question.

Mr. Kembi-Gitura: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to be insulted by the Assistant Minister who is telling me to go and read, because he knows that I can read. The question is: Has there been made any specific allocation, and could he point out to me the page, the paragraph and I will read it?

The Temporary Deputy Speaker (Mr. Poghio): Incidentally, Mr. Konchella, the onus is on you to do that, and especially if you know that the question is with regard to this particular hospital.

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, I will bring that information later.

The Temporary Deputy Speaker (Mr. Poghio): When?

Mr. Konchella: Tomorrow afternoon, Sir.

The Temporary Deputy Speaker (Mr. Poghio): The Question is deferred to tomorrow afternoon.

Mr. Kembi-Gitura: On a point of order, Mr. Temporary Deputy Speaker, Sir. Have you deferred the whole Question or specifically the part related to the allocation?

The Temporary Deputy Speaker (Mr. Poghio): Well, the Assistant Minister will bring that information tomorrow afternoon.

(Question deferred)

DEMOLITION OF KIOSKS BY
LOCAL AUTHORITIES

Dr. Ojiambo: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that the local authorities' position on demolition of kiosks is blind to the rights of people with disabilities?

(b) Could he urgently direct all the local authorities to handle with care eviction of disabled traders to avoid subjecting them to more suffering and loss of livelihood?

(c) Could he further identify trading sites/zones in municipalities and urban centres for the disabled persons, to protect them from the harsh competition with the other hawkers?

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

(a) I am not aware of any local authorities' policy of kiosks demolition in Kenya which is blind to the rights of people with disabilities. My Ministry does not have a policy on kiosk demolition. However, since councils are planning authorities, they are mandated by Section 166 of the Local Authorities Act, to control the development and use of land and buildings in their areas of jurisdiction, in the interest of proper and orderly development of the area.

(b) My Ministry is very much concerned about how all traders are handled, both able and those with disabilities. We understand that these are citizens of this country who are trying to earn an honest living, and what we are trying to do is to relocate them if they are trading on unsuitable locations. This will be done with a lot of consultations to ensure minimum disturbances. However, it is necessary that these businesses are conducted within the existing laws. I have, indeed, had meetings with the United Disabled Persons of Kenya whose chairperson is Mrs. Josephine Sinyo. My Ministry has identified Tom Mboya Social Hall as a starting point where people with disabilities can get some skills training and start some sort of cottage industry. Furthermore, I have written to the Ministry of Lands and Settlement requesting them to transfer Tom Mboya Social Hall to the Nairobi City Council for this purpose. The Hall will also serve as a rehabilitation centre for the street children. It has been agreed that the City Council will then give business orders to supply school uniforms to the disabled.

(c) My Ministry, in consultation with the Nairobi City Council, has already identified sites within Nairobi for people with disabilities to sell their goods. We expect this strategy to be replicated in all other local authorities in future.

Dr. Ojiambo: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister for that comprehensive answer, but she is not sincere in telling this House that the local

authority policy is not to harass the disabled people when the media has shown the whole country, the local authority using equipment and personnel to trample on the disabled people during demolition exercises.

Could the Assistant Minister use the same information system to inform the country that local authority personnel and equipment will not be used to harass the vulnerable people, the way we have seen them harassed? These are people who cannot support themselves and their only property is what they have in their kiosk which the local authority has destroyed, thereby destroying their livelihood and injuring them. Could the Assistant Minister confirm to us that they are not blind to the welfare of the disabled?

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, it is not our intention to harass people with disabilities. What happened was unfortunate. We had sat with them before and showed them the lanes where they were supposed to do their businesses. They were a total of 207 persons. We took them to all those lanes and they identified where they wanted to do their businesses, but some were not satisfied. It is only a few who went for a showdown at the State House. They were sorry about it and Mrs. Sinyo apologised on their behalf.

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, knowing how brutal this Government is on the disabled and the poor, could the Ministry reconsider its actions of the past on the demolition of kiosks of the poor and the disabled, and their brutalization in the City so that Kenyans can know what kind of Government they are dealing with?

*(Mrs. Tett stood up while Mr. Sirma
was on the Floor)*

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mrs. Tett! At least for procedure purposes, the hon. Member was still on his feet when you stood up to go to the Dispatch Box. That is unprocedural.

However, Proceed!

Mrs. Tett: I was ready to go for his neck!

Mr. Khamasi: On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard Mr. Sirma saying that this Government is brutal. Could he substantiate that fact?

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Proceed, Mrs. Tett!

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, I am indeed, very saddened by the hon. Member. If you remember, it was the previous Government which used to be brutal and he was part of it.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! What is it, Mr. Rotino?

Mr. Rotino: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to say that the KANU Government was brutal when it was just the other day when the NARC Government was demolishing kiosks of the poor people?

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, Mr. Sirma was once an Assistant Minister for Local Government and he did not even for one minute think of the street children. Our own Government is rehabilitating them.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order! This is not going to be reduced into a fight between Mr. Sirma and the Assistant Minister. The question was specific, and the Assistant

Minister should answer it without being personal.

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, it is them who had no plan---

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

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Mrs. Tett, could you answer the question?

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, I am trying to explain that we inherited this problem from the previous Government because there was no planning in the City. They did not assist those kiosk owners. They were in the wrong place, and we are not saying that---

Mr. Sirma: It is unnatural for me to fight a woman. Given that we wanted change in Government and if those in the Government believe in the change that they were preaching, could we see change?

(Laughter)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! What is the excitement about? The hon. Member simply said that it is un cultural for him to fight a woman. He is not going to fight anybody!

Mrs. Mwendwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Sirma referred to the Minister as a woman. There are no women here! We are all hon. Members. We are Members of Parliament! Could he withdraw the remarks?

(Applause)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! If indeed he was referring to the Minister as a woman, then it is wrong because she is an hon. Member of this House. Hon. Members, I am beginning to think that we are picking on very small issues. The Member should be allowed to finish what he was saying. Let us not waste our time.

Mr. Sirma, for the sake of clarity and for the Members' satisfaction, could you please refer to her properly as an hon. Member of the House?

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, I know that she is an hon. Member of this House and a Minister; but she is also a woman. If that is an insult, and possibly if she is not a woman, then I apologise.

(Laughter)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! I am going to ask Mr. Sirma to apologise and withdraw the words that he is using because he is building on something else. Mrs. Tett is a Minister and an hon. Member of this House; refer to her appropriately.

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, if it is the wish of the hon. Minister for me to confirm that she is not a woman, though I know she is, then I acknowledge that she is an hon. Member. I apologise for having referred to her as a woman; I am sorry.

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, I would like to tell the hon. Member that I am used to fighting with men. If he wants---

The Temporary Deputy Speaker (Mr. Poghisio): Why do you say that?

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, I say this because he said he does not want to fight with women. I am ready to fight with Mr. Sirma, if he so wishes. And in answering the Question now---

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

The Temporary Deputy Speaker (Mr. Poghisio): What is it now?

Mr. Ndolo: Mr. Temporary Deputy Speaker, Sir, is it in order for the hon. Member to say that she can fight men? Which men can she fight with?

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, it is Mr. Sirma who said that he does not want to fight with a woman. Those were his precise words. He said that he does not want to fight with a woman and I am telling him that I can fight with a man.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Order! Unfortunately, as I said before, we are going to issues that have nothing to do with the answers to the Question. If those are the answers, then we should proceed to something else. Hon. Members, this is for the sake of clarity. The hon. lady is ready to fight men but the hon. gentleman was not ready to fight a woman and that becomes an issue. So, I am leaving it to you Members, to make your own judgement.

COMMUNICATION FROM THE CHAIR

CHANGE OF ORDER OF BUSINESS

The Temporary Deputy Speaker (Mr. Poghisio): Order! We have already moved away from Questions. We were supposed to move to the next Order, though I am made to understand that there are many requests for Ministerial Statements and points of order. I will go back to the same Session. I am sorry that we are not going to move to Order No.7, but we shall finish with the Ministerial Statements that were requested and allowed by the Speaker.

Dr. Ojiambo: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon Minister for Local Government did not finish answering my Question because the House was disrupted by a lot of points of order.

The Temporary Deputy Speaker (Mr. Poghisio): She completed. What part did she not answer? Are you saying that you did not get your second chance to ask another question?

Dr. Ojiambo: She did not answer the second part of my Question.

The Temporary Deputy Speaker (Mr. Poghisio): We cannot go back to Question Time.

Dr. Ojiambo: What about deferring it to the afternoon Sitting?

The Temporary Deputy Speaker (Mr. Poghisio): No, we cannot go back to Questions. We cannot defer the Question now, but if you want to do it, there are other ways of doing it.

POINT OF ORDER

VEHICLE FOR UGUNJA POLICE STATION

Archbishop Ondiek: On a point of order, Mr. Temporary Deputy Speaker. The Minister of State, Office of the President, promised this House that he would bring the registration number of the vehicle which was supposed to be taken to Ugunja Police Station. I did not hear him mention it yesterday while answering the Question.

The Temporary Deputy Speaker (Mr. Poghisio): Unfortunately, the Minister is not here to answer that.

The Assistant Minister for Home Affairs (Dr. Machage): Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Poghiso): Are you answering for the Minister?

The Assistant Minister for Home Affairs (Dr. Machage): No. The Minister is not around. I want the State to communicate to the Minister.

MINISTERIAL STATEMENTS

NUMBER OF NGOS IN THE COUNTRY

The Assistant Minister for Home Affairs (Dr. Machage): Two weeks ago, I promised this House that I would table a document that shows the NGOs that operated in this country in the year, 2000 and the amount of money they contributed to the economy. I have today brought the document that also contains their postal addresses, telephone numbers, fax numbers, e-mail, website and areas of operation. I, therefore, table the document.

*(Dr. Machage laid the document
on the Table)*

POINT OF ORDER

POLICE HARASSMENT OF TURKWEILL RESIDENTS

Mr. Moroto: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Office of the President regarding the people of Turkwell Village who have been refused, by the police, access to a dispensary in Turkwell. Already, we have actually lost five children and 15 adults. These people, especially those who accompany their sick people, are forced to report to the police station before they go to the dispensary. It is only a few who manage to make it to the dispensary. To my surprise the men who manage to gain access to that place are beaten and forced to go back. Women who manage to gain access are raped and when they scream they are told: "Scream louder so that Kibaki can hear you and come to rescue you." This is done by the police in Turkwell. Could the Assistant Minister tell the House why this is taking place and when he will stop it, otherwise we are also able to teach them a lesson?

The Temporary Deputy Speaker (Mr. Poghiso): Is there anyone here from the Office of the President? Who will undertake to communicate this to the Office of the President?

The Assistant Minister for Home Affairs (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, I undertake to [The Assistant Minister for Home Affairs] communicate to the relevant Minister.

MINISTERIAL STATEMENT

LICENSING OF RADIO/TELEVISION STATIONS

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Temporary Deputy Speaker, Sir, the hon. Member for Tigania East did require a Ministerial Statement on the Government policy on the communications sector and the steps to go through in licensing radio and television stations. He particularly wanted to know what has happened to the application by the Nation Television Station. So, I would like to make the following Ministerial Statement.

The development of a comprehensive communications and broadcasting sector policy statement is at an advanced stage and is to be tabled before the Cabinet and this House in the near future. The procedure spelt out---

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Ligale, how long is your statement?

The Assistant Minister for Transport and Communications (Mr. Ligale): It will take about two to three minutes.

The procedure spelt out for licensing of broadcasters of both television and radio stations clearly places the responsibility within the mandate of the Ministry of Tourism and Information. The procedure involves the following.

An applicant applies to the Ministry responsible for broadcasting for a broadcasting licence stating the areas or locations he wants to broadcast to. The Ministry in charge, in this case the Ministry of Tourism and Information, upon granting the permit, advises the applicant to approach the Communications Commission of Kenya for frequency assignment. The consent of the Ministry is not express authority to commence broadcasting. Upon the applicant receiving a broadcasting permit, he then lodges an application with the Communications Commission of Kenya for frequency assignment in the desirable areas. On receiving application for frequencies from the authorised applicants, the Commission examines it and advises the applicant on whether or not the preferred frequencies are available.

In cases where these frequencies are unavailable, the Commission may recommend alternative frequencies to the applicant. In cases where there are no broadcast frequencies available at all, the Commission advises the applicant to wait until alternative frequencies are found. In the circumstances, the Communications Commission of Kenya will wait until the Ministry of Tourism and Information has been able to consider and issue a licence to the Nation Media Group to broadcast to northern Kenya; in particular to the Meru districts. Once this is done, we shall consider offering the Group the frequencies.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I had specifically asked for this Ministerial Statement to get the general policy of the Government on the freeing of the airwaves. I also particularly wanted to know why the Nation TV and radio have been licensed to operate elsewhere in the country and not in the Meru region. This matter has not been dealt with and the Minister, who attempted to answer a Question on it yesterday only trivialised it. Could I now ask, through you, for the substantive Minister, Mr. Tuju, to come and deal with this matter?

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Munya, you cannot say that.

POINTS OF ORDER

ATTEMPTED ANNEXATION OF CHEPKUMIA LOCATION

Mr. Choge: On a point of order, Mr. Temporary Deputy Speaker, Sir. Over the last one month, the Office of the President has been conducting a referendum in Chepkumia Location of Aldai Constituency.

This referendum is being conducted with a view to excising Chepkumia Location into Emgwen Constituency. It is a referendum conducted without consulting me as the area Member of Parliament and it is meant to undermine me as the sitting MP. This referendum is in the form of listed constituents appearing to petition the Government to be moved to North Nandi District.

I would like the Minister of State, Office of the President, to issue a Ministerial Statement telling the people of Aldai why he has found it fit to use his office to undermine the elected leadership of Aldai. He should explain why he has found it proper not to consult me as the area MP and the

people of Chepkumia Location. He should also explain why he has not acted on my letter dated the 30th of June, 2003. Finally, he should explain why he has not disciplined his errant chief on the ground.

The Assistant Minister for Home Affairs (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, I undertake to inform the relevant Minister to take up the matter.

RAPE OF KENYAN WOMEN BY
BRITISH SOLDIERS

Prof. Oniang'o: On a point of order, Mr. Temporary Deputy Speaker, Sir. On 23rd July, 2003 I sought a Ministerial Statement on a matter that concerns more than 630 women in Kenya who have been raped over a period of 30 years by British soldiers who have been coming to this country. I understand that this matter has already been taken up by the British Department of Defence. It has written to our Ministry of Justice and Constitutional Affairs, which has not written back. I am aware that, on 14th August, 2003 the women will come to town with their children, who are of mixed race, and will actually march through Nairobi City. Since we are about to go on recess, we need to be given a Ministerial Statement regarding what the Kenya Government is doing about this matter.

The Assistant Minister for Home Affairs (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, again I will pass the hon. Member's request to the relevant Minister.

The Temporary Deputy Speaker (Mr. Poghisio): Again, that should be done by tomorrow. Next order!

MOTIONS

ASSISTANCE TO VICTIMS OF
TRIBAL CLASHES

KWAMBA, ikieleweka kuwa vita vya kikabila vilisababisha kuporwa kwa mashamba, makazi na mifugo ya Wakenya wengi na sasa wamerundikana kwenye vijiji na vitongoji vya miji wakiwa maskwota na masikini hohe hahe nchini mwao; ikikubalika kuwa suluhisho mwafaka ni kuwarudishia haki zao wahiniwa hawa kwa vile dhuluma hizi zilitokana na sera za kikabila zilizoendelezwa na utawala uliopita; Bunge hili linahimiza Serikali iwasaidie Wakenya walioathirika katika vita hivi kwa kuwarudishia makazi na mashamba yao ya awali.

(Mr. Wamwere on 23.7.2003)

*(Resumption of Debate interrupted
on 23.7.2003)*

The Minister for Roads, Public Works and Housing (Mr. Raila): Asante sana Bw. Naibu Spika wa Muda, kwa kunipa fursa ya kuichangia Hoja hii, ambayo ni muhimu kwa nchi yetu. Ni kweli kwamba Wakenya wengi walipoteza mali zao wakati wa mkasa wa vita ambavyo havikuwa na maana wala msingi. Ninaunga mkono Hoja hii; kuwa watu ambao waliathiriwa na vita vya kikabila wapewe makazi. Sisi hatutaki kushughulika daima na ufukuaji wa makaburi na kuona maovu yaliyotendwa na Serikali iliyopita. Tunataka kuona kwamba mipango na mikakati imewekwa ili kuzuia uwezekano wa kurudiwa kwa vitendo vya kinyama kama hivi ambavyo vilifanyika.

Bw. Naibu Spika wa Muda, Serikali yetu inakumbana na uchafu mwingi ni lazima tuusafishe kulingana na historia yetu. Hata hivyo, tunajua ulipishaji wa kisasi---

Mr. Wanjala: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have been carefully looking at Mr. Koigi Wamwere. Are you convinced that he is decently dressed to sit in this august House?

(Applause)

Mr. Wamwere: On a point of order, Mr. Temporary Deputy Speaker, Sir. This issue has been raised many times in this House. I have sat in this House before in this same dress. This is the dress that Mr. Mandela wears in many parliaments in the world. It is a respectable and decent dress. I do not see why anyone who, is an African, should complain about this dress.

The Temporary Deputy Speaker (Mr. Poghiso): Order! When you use this opportunity to address the House, to argue, you are not helping matters. The Speaker has made rulings on this matter before. The ruling is that we will have a full discussion at the Powers and Privileges Committee. In the meantime, we have all been told to come in the House dressed in a dignified manner. It was basically decided that, while there are issues pending, those issues will be addressed once and for all in that Committee meeting. I would like to ask you not to take any more of our time because the Speaker actually said that hon. Members will now use their discretion. When we talk of decent dressing, it means that you do not offend other hon. Members when you come to the House. We should not have anybody asking questions about how his neighbour is dressed. Why is it that it is particularly you? So, you would better begin to dress in a dignified manner when you come to the House. However, I am not going to ask Mr. Wamwere now to leave, but we will wait for the ruling on that matter to be done once and for all in the Committee.

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

Order! I will not allow any more points of order on this! This is a timed Motion. We only have 40 minutes to finish discussion on this Motion. Therefore, you are unnecessarily taking time meant for this Motion. You have other times when you can raise those issues.

Continue, Mr. Raila!

The Minister for Roads, Public Works and Housing (Mr. Raila): Bw. Naibu Spika wa Muda, mimi nafikiri kuwa tunaongea juu ya mambo muhimu zaidi ambayo yanahusu usalama wa watu wetu katika nchi yetu. Ulipishaji wa kisasi hauwezi kuifanya taifa letu liendelee mbele. Hata hivyo, tunajua ya kwamba kuna makosa mengi ambayo yalifanywa na Serikali ya KANU. Suluhisho la shida zetu si kufukua makaburi ya historia yetu mbali ni kule tuendako. Tunataka tume iundwe kuchunguza yale mabaya yote yaliyofanyika siku zilizopita kwa madhumuni ya kuzuia uwezekano wa kurudiwa kwa matendo kama hayo katika siku zijazo.

Ili mambo haya ambayo tunayazungumzia sasa kuweza kufanyika kwa njia ya utaratibu, inafaa tume iundwe ili kuchunguza na kukagua maovu haya. Ni lazima ijulikane ni nani alipoteza mali yake na kuhamishwa ili tusiwe na watu wengi ambao watadai kwamba walifukuzwa kutoka kwa mashamba yao. Kwa hivyo, Serikali inafaa kuhakikisha kwamba mambo haya yamefanyika vizuri. Vile vile, si lazima kwa mtu yeyote aliyefukuzwa kurudishwa pale alikotoka. Kufanya hivyo ni sawa na Serikali kuwapatia makao watu walioathirika katika ardhi ya watu wengine. Serikali ina uwezo wa kutafuta ardhi mahali pengine na kuwapa hawa watu ambao walitimuliwa kwenye mashamba yao. Si lazima warudi walikotoka.

Bw. Naibu Spika wa Muda, jambo muhimu zaidi ni kwa taifa hili kuangalia mbele na kujaribu kuwapatanisha wananchi wetu. Upatanisho ndio njia nzuri ambayo italeta suluhisho la kudumu, kuliko kueneza uadui. Uadui hauwezi kuleta suluhisho kwa shida zetu. Hii ni kwa sababu kuna watu ambao

walifariki kutokana na vita hivyo vya kikabila. Ningependa kutoa mfano wa nchi ya Afrika Kusini. Serikali ya Makaburu iliwafanyia wananchi wa nchi hiyo maovu mengi. Watu wengi walikufa na wengine kukaa viziuzini kwa miaka mingi. Lakini walipopata uhuru walisema, "Tusahau yaliopita na tuangalie mbele." Waliunda Tume ya Ukweli na Upatanishi ambayo iliongozwa na Askofu Desmond Tutu. Tume hiyo ilifanya kazi muhimu zaidi na ikaleta uelewano katika nchi ya Afrika Kusini. Kuna wengi wa watu ambao walikuwa wamehusika katika matendo maovu. Walienda mbele ya tume hiyo na kukiri makosa yao. Wengine wao walienda mbele ya tume hiyo huko wakibubujikwa na machozi na kukiri kwamba walifanya maovu bila kujua. Kuna wengine ambao, baada ya kutubu, waliwekwa korokoroni. Wahenga walisema kuwa amani haiwezi kupatikana bila ya ukweli kujulikana. Inafaa tujue ukweli uko wapi. Kuna maovu mengine ambayo yamefanyika katika nchi hii. Kwa mfano, wizi wa mali ya umma, ambayo umefanyika kwa muda mrefu zaidi. Tunataka kujua ni nani aliyepata pesa gani fulani, wapi alihifadhi pesa hizo na ikiwezekana ni lazima arudishe mali ya umma.

Bw. Naibu Spika wa Muda, mimi ninaunga mkono Hoja hii lakini naomba ya kwamba tunapozungumzia mambo haya, tusizungumze kwa njia ya hasira kwa maana hasira ni hasara. Hasira ya mkizi ni furaha ya mvuvi. Wakati ambapo mkizi anapandwa na hasira na kuruka, anajitumbukiza kwenye dau. Mvuvi anafurahi kwa sababu mkizi amejileta mwenyewe. Na hapo mvuvi anapata kitoweo. Kwa hivyo, tuache mambo ya hasira tukizungumza mambo kama haya. Vile vile, tusiendeleo kila mara kufukua makaburi kule ambako wengine walikuwa wamezikwa. Tuyaache makaburi hayo yabaki kama yalivyo kwa sababu Mwenyezi Mungu atatoa adhabu kama vile imani ya Kikristo inavyotufundisha. Wale ambao wamefanya maovu wanajulikana na wanayajua wenyewe mambo waliyoyafanya. Kulikuwa na maovu huko Molo, Olenguruone, Burnt Forest, Mt. Elgon, Laikipia, Likoni, Trans Mara na kwingineko. Kuna watu ambao walipoteza watu wao na ambao wana chuki zaidi. Kwa hivyo, tunataka kuongea kama viongozi ambao wamekomaa na wanataka kuongoza nchi hii. Tuliapa kusahau yaliyopita na tumejaribu kufanya hivyo. Ninaomba tusifanye mambo ambayo yanaweza kuleta vita vya wenyewe kwa wenyewe katika nchi yetu. Kuna nchi nyingi ambazo zimefanya hivyo na kwa wakati huu hakuna Serikali; kama vile Somalia na Sudan. Watu wanapigana huko kwa bunduki. Lakini Kenya ina fursa ya kuweka misingi imara ambayo itafanya nchi hii ipige hatua kubwa kimaendeleo kuliko nchi nyingine katika Bara la Afrika.

Kwa hayo machache, ninaunga mkono.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, hon. Members! I have to explain what the time allocations are for this Motion. We have exactly time just for the Mover and the Minister to reply. It is a timed Motion; it is only two hours. We cannot get more than that. I am now going to call upon the Minister; the Government Responder. You have 20 minutes and it is your pleasure to donate, if you like to, before you start.

The Minister of State, Office of the Vice-President and Ministry of National Reconstruction (Mrs. Kilimo): Thank you, Mr. Temporary Deputy Speaker, Sir. I donate five minutes to Mr. Kiunjuri.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order now! Sorry, Madam Minister?

The Minister of State, Office of the Vice-President and Ministry of National Reconstruction (Mrs. Kilimo): I have donated five minutes to Mr. Kiunjuri.

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Poghisio): Order! There is a point of order.

Mr. Kajembe: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are creating a precedence where a Member donates his or her time to another Member. I will also ask the Minister to donate three minutes to me!

(Laughter)

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion. We should be very careful not to contradict issues. We know that the crimes that were committed were political. But, however, we have to look at the way forward. If we arrest political wars through politics, then this nation cannot forge ahead.

Mr. Temporary Deputy Speaker, Sir, we know that our people suffered. I come from a district which was affected by those clashes. However, it is high time that our Government addressed this question in a manner that it will never recur in the future. We all know what happened. There is the Kiliku Report and other reports in the police stations. We know the real cause of those land clashes and we even know who committed those crimes. But, for the sake of the integrity of this nation, the way forward is for justice to be done. We should respect the existing laws. We know that every Kenyan has the freedom of movement of assembly and private ownership. Those who were affected should present evidence to the Government to prove that they owned that land; title deeds. Those who are illegally occupying other people's land must be removed to pave way for the resettlement of genuine owners.

If we say that the Government should look for alternative land to resettle the displaced persons, this will set a bad precedent. Tomorrow, we will move people from Central Kenya or Rift Valley or Nyanza province and another Government will resettle them. The Government should strictly follow the rule of law. If there is anybody who is illegally occupying other people's land, he should move out immediately. People who purchased land or got allocated by the Government are the genuine owners of that land. Therefore, we should suspend investigations into the land clashes. We should not witch-hunt others, but forgive them.

The Minister of State, Office of the Vice-President and Ministry of National Reconstruction (Mrs. Kilimo): Mr. Temporary Deputy Speaker, Sir, the Government is committed to resettle the displaced persons as soon as practicable. However, to do so requires the Government to identify the genuinely displaced persons, to establish the status of the land from where they were evicted and to put the necessary security measures in place to guarantee their personal safety and property.

In cases where the ownership of the land from which they were displaced is in dispute, my Ministry is in liaison with the Ministry of Lands and Settlement. We will identify land for resettlement. Meanwhile, my Ministry is in the process of setting up a committee whose objective will be, one, to study all reports by the Government, Non-Governmental Organizations (NGOs) and individuals touching on the tribal land clashes. One such report is the Report of the Judicial Commission appointed to inquire into tribal clashes in Kenya chaired by Justice A.M. Akiwumi. I would request hon. Members not to refer to that Report as papers that were picked as was mentioned by one hon. Member last week when this Motion came up. It was a serious report. Maybe, it was touching on the individual hon. Member and that is why he called it a paper.

Mr. Temporary Deputy Speaker, Sir, the Committee will come up with recommendations on how best to ameliorate the suffering of victims of the disasters. In the meantime, all the complaints received by my Ministry on tribal clashes are referred to the Provincial Administration for a resolution in liaison with the Ministry of Lands and Settlement.

Mr. Temporary Deputy Speaker, Sir, I would also like hon. Members to note that we are not targeting any particular community through this Motion. All communities were affected. We should not think that those in the Rift Valley Province are being targeted through this Motion. There are several communities living in the Rift Valley Province; the Kalenjins, Kikuyus, Luos and so on. Where the clashes took place, all of them were affected and they ran away. We are going to see how we can settle those people.

Mr. Temporary Deputy Speaker, Sir, it is not only tribal clashes, there were also people who

were displaced by cattle rustlers. After the Marakwets and Pokots fought, all of them ran away; each community looking for safety. We also have to resettle those people as a policy of the Government. Peace is coming to the Rift Valley Province and some people, naturally, will go back to their land. But there are others who are not able to go back because of psychological trauma that they suffered. They have to be resettled like those in the "Duke of Manchester". We are working with Ministry of Lands and Settlement to see how we can resettle them in the land that they had occupied and they were called "invaders".

Mr. Temporary Deputy Speaker, Sir, hon. Members should not take it that we are targeting any particular community. It is the duty of the NARC Government to resettle all displaced persons amicably. However, if there are any politically-correct hon. Members who got large tracts of land which was meant for the resettlement of the displaced persons, they should know that they are settling on that land illegally. The Government will definitely come for it.

With those few remarks, I beg to support.

(Applause)

The Temporary Deputy Speaker (Mr. Poghismo): Hon. Members, I think the Minister did not use all her time. We still have time for one person, who is interested, to speak.

Mr. Kajembe: Bw. Naibu Spika wa Muda, ahsante sana.

Mr. Muiruri: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Members to order you to allow Mr. Kajembe to speak instead of me?

Mr. Kajembe: Bw. Naibu Spika wa Muda, nashukuru kwa kupata nafasi kuzungumza. Jambo ambalo nataka kusema ni kwamba vita vya kikabila vilikuwepo. Watu walisababisha vita vya kikabila. Watu walipokonywa mashamba na jambo hilo ni baya sana! Leo, tukisema tunataka kujua ni nani alitolewa kule na mambo kama hayo, vita vingine vitazuka. Tayari, katika sehemu ambazo zilikuwa na vita, watu wanakaa kwa amani. Kwa hivyo, ikiwa serikali itasema leo: "Tumuondoe huyu na tumweke yule", vita vingine vitazuka.

Nikiongezea, watu waliofaidi kupata makao katika utawala wa kwanza wa nchi hii, ni wale waliokuwa karibu na Rais wa kwanza. Wale waliopata makao zaidi katika nchi hii ni wale waliokuwa karibu na Rais wa pili. Sisi kama watu wa Pwani tunasema kwamba, katika utawala wa kwanza na wa pili, watu wametoka makwao wakachukua ardhi kwetu. Ni kweli kwamba Mkenya ana haki ya kupata ardhi mahali popote. Lakini si haki kwa jamii fulani kupata ardhi kila mahali katika nchi hii.

The Assistant Minister for Energy (Mr. Kiunjuri): On a point of order, Mr. Temporary Deputy Speaker, Sir. We have heard the hon. Member say that there are some tribes which have moved from their homelands to go and occupy other people's land. We have a Constitution in this country which spells out the land ownership in this country. If that is so, is the hon. Member in order not to substantiate and tell the House whether they acquired that land illegally or legally?

Mr. Kajembe: Bw. Naibu Spika wa Muda, nilitangulia kusema kwamba mwananchi wa Kenya ana haki ya kupata ardhi mahali popote. Lakini wale waliokuwa karibu na utawala wa kwanza walifaidika kwanza. Wale waliokuwa karibu na utawala wa pili, walifanya hivyo hivyo. Kati ya walioumia, Mkoa wa Pwani unaongoza kwa wale watu waliopokonywa ardhi. Tuache hayo maneno kwa sababu yanaweza kuleta matatizo katika nchi hii. Wakati huu, tuko katika Serikali ya NARC; Serikali nzuri inayoondoa ufisadi. Tuanzeni katika ukurasa mpya kupeleka nchi hii mbele, badala ya kuanza kuchimbana. Waswahili husema: "Aliyepata kapata, na ambaye hakupata kapatwa!"

Mr. Mwandawiro: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Mimi nina hofu kama kiongozi na Mbunge. Je, sisi kama waheshimiwa Bungeni, ni kuzungumza maneno ambayo yanaweza kutenganisha na kuvunja nchi ya Kenya?

Mr. Kajembe: Bw. Naibu Spika wa Muda, hakuna mtu ambaye anataka kugawanya nchi.

Tunasema yaliyopita si ndwele, tugange yajayo. Tusije tukaleta matatizo. Mimi nikiwa Mbunge wa NARC, nawaomba viongozi wengine wa NARC waache kuchimbua mambo yanayoweza kuleta shida katika nchi hii.

Kwa hayo machache, nashukuru.

Maj. Gen. Nkaiserry: Mr. Temporary Deputy Speaker, Sir, I stand here to oppose this Motion. First and foremost, this Motion is an incitement for this nation to go to war. It is very bad and shameful for this House to pass a Motion which cannot be implemented. The citizens of this country are against this Motion. There is no way for somebody, who does not know where he came from, to be settled in a place where he does not come from. Make no mistake about that! The people are very bitter about this Motion. For the sake of truth and reconciliation in this country, we must forget the past and look forward as a country. There are people who have been misplaced from their land. The former Government made some arrangements for those people to be compensated. But now, we want to go back and incite citizens to go to war. There is no way that somebody who was removed from a water catchment area can imagine that he can go back there. He will not go there! Get that message! We know the people of Kajiado District. If you come from Ngong, whether you are a Kikuyu, a Maasai or a Luo, you belong to Kajiado District. But those people who are not from Kajiado District cannot come to Kajiado!

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Hon. Members, relax! I will now call upon the Mover to reply.

Mr. Wamwere: Bw. Naibu Spika wa Muda, kwanza ningependa kumshukuru Waziri kwa kuikubali Hoja hii na kuahidi kwamba ataunda kamati ambayo itachunguza swala hili na kuhakikisha kwamba Wakenya walioathiriwa na vita vya kikabila wametendewa haki. Pia, ningependa kuwaomba Wabunge wa KANU waiunge Hoja hii mkono kwa sababu wale watu ambao walianzisha vita vya kikabila katika nchi hii walikuwa na lengo la kuuzima Upinzani. Nina hakika kwamba Wabunge wa KANU hawataki mambo mabaya yaliyotendwa hapo awali yatendwe leo.

Nimehuzunika kidogo kwa sababu upande wa KANU haujaifanyia marekebisho Hoja hii kama vile tulikubaliana. Kama Hoja hii ingerekebishwa, labda, Wabunge wa KANU wangeiunga mkono pasipo na tatizo lolote.

Bw. Naibu Spika wa Muda, sikubaliani hata kidogo na mawazo ya baadhi ya Wabunge kwamba ni bora tusahau makosa ambayo yalifanyika katika siku zilizopita, au watu walioathiriwa na vita vya kikabila wasitendewe haki kwa kurudishiwa mashamba waliyonyang'anywa kwa sababu jambo hili litaleta vita. Ni lazima makosa yaliyofanywa katika siku zilizopita yachunguzwe na haki itendwe. Ningependa kusema kwamba kutenda haki si kuigawanya nchi. Kusema kweli, watu ambao wangependa siasa za kikabila ziendeleo, na wale ambao wanatishia kutumia nguvu ili kuzuia kutendwa kwa haki wanatenda kosa la uhaini. Ni lazima tuwe na Kenya moja au tusiwe nayo. Kama Kenya ni moja, basi kila Mkenya ana haki ya kumiliki ardhi na kuishi pahali popote katika nchi hii bila kuogopa kwamba atapigwa vita na mtu mwingine.

(Applause)

Kwa hivyo, itakuwa makosa makubwa kwa Mbunge yeyote katika Bunge hili kujaribu kuhubiri uhaini na hata kutishia vita kwa sababu watu ambao waliathiriwa na vita vya kikabila wanataka watendewe haki kwa kurudishiwa mashamba waliyonyang'anywa.

Bw. Naibu Spika wa Muda, mtu aliyechukua shamba la mtu mwingine kwa nguvu ni lazima alirudishe. Sikubaliani na Wabunge wanaosema kwamba watu walionyonyang'anywa mashamba yao

watafutiwe pahali pengine pa kuishi. Tukifanya hivyo tutakuwa tukisema kwamba watu ambao waliwapiga wengine na kuwanyang'anya mashamba yao walifanya jambo zuri kwa sababu wataendelea kuishi katika mashamba hayo. Kutenda haki ni kuhakikisha kwamba mtu aliyenyang'anywa shamba lake amelirudishiwa bora tu athibitise kwa Serikali kwamba shamba hilo lilikuwa lake.

Bw. Naibu Spika wa Muda, ni lazima ieleweke kwamba hakuna adui mkubwa katika nchi hii na bara hili kuliko ukabila. Tumeona ukabila ukiangamiza nchi ya Somalia ambayo ni jirani yetu. Pia, tumeona mauaji ya halaiki ya watu katika nchi ya Rwanda kwa sababu ya ukabila. Haifai kwa Bunge hili kutumiwa kama jukwaa la kuhubiri ukabila na kuwauliza wananchi wapigane wakitumia silaha na kunyang'anyana mashamba yao.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Hon. Members, I think it is only fair that the hon. Member, who is replying, is given a chance to do so. Hon. Members, you will decide whether to pass this Motion or not. So, let us not interrupt the hon. Member who is replying.

Proceed, Mr. Wamwere!

Mr. Wamwere: Bw. Naibu Spika wa Muda, Hoja hii ina malengo mawili. Kwanza ni kuwatendea haki watu ambao walinyimwa haki zao ili Wakenya waelewe kwamba hakuna wakati mtu atakaponyimwa haki yake ya kuishi pahali popote katika nchi hii anapotaka, kuunga mkono Serikali au kuipinga bila kuadhibiwa. Lengo lingine la Hoja hii ni kumweleza yeyote ambaye amesahau kwamba ukifanya makosa ya kumfukuza Mkenya mwingine kutoka shamba lake na kulichukua kwa nguvu, atalipoteza shamba hilo.

Kwa hayo machache, ningependa kumwomba kila Mbunge katika Bunge hili ambaye anaamini kwamba yeye ni mzalendo wa nchi hii aiunge mkono Hoja hii.

The Temporary Deputy Speaker (Mr. Poghisio): I will now put the question!

(Question put and agree to)

(Several hon. Members stood up in their places)

Hon. Members: We want a Division! We want a Division!

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Sit down! Hon. Members, it is your right to demand a Division. You have the requisite numbers and I grant you a Division! Ring the Division Bell.

(Division Bell was rung)

(Question put and the House divided)

(Question carried by 47 votes to 46)

AYES: Messrs. Akaranga, Arungah, Bifwoli, Dzoro, Githae, Ivuti, Kagwima, Kamanda, Kariuki M., Kembu-Gitura, Dr. Khalwale, Messrs. Khamasi, Kibunguchy, Mrs. Kilimo, Messrs. Kiunjuri, Konchella, Dr. Kulundu, Prof. Maathai, Dr. Machage, Messrs. Mbai, Miriti, Muchiri, Mrs. Mugo, Messrs. Muiruri, Mukiri, Mungatana, Munya, Muriungi, Murungi, Mutiso J.M., Mwanacha, Mwandawiro, Mwangi, Mwanzia, Ms. Mwau, Messrs. Ndolo, Nyaga N., Nyaga J., Dr. Ojiambo, Eng. Okundi, Messrs. Omondi, Oparanya, Sungu, Mrs. Tett, Eng. Toro, Messrs. Wamwere and Wanjala.

Tellers of the Ayes: Mr. Cheboi and Ms. Mwau.

NOES: Messrs. Biwott, Boit, Cheboi, Chepkitony, Choge, Dahir, Dr. Godana, Messrs. Kajembe, Keter, Kipchumba, Koech J., Koech S., Kones, Korir, Koros, Kosgey, Dr. Kuti, Messrs. Lesrima, Maitha L., Maoka, Mganga, Midiwo, Mohamed H.M., Mohamed A.M., Mohamed A.C., Moroto, Ndambuki, Ngoyoni, Maj-Gen Nkaissery, Messrs. Ogur, Okemo, Prof. Olweny, Prof. Oniang'o, Messrs. Owidi, Poghisio, Rotino, Rutto, Salat, Sambu, Sasura, Serut, Sirma, Sudi, Sugow, Wario and Weya.

Tellers of the Noes: Messrs. Mwangi and Sasura.

PROVISION OF GRADERS TO CONSTITUENCIES

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, in view of the importance of roads in the economic development of this country, acknowledging the valuable contribution of the Kenya Roads Board (KRB) in funding maintenance of roads, aware that funds provided by the Board are not adequate and noting that 25 per cent of the funds are expended on grading roads; this House urges the Government to purchase a grader for each constituency, so that the funds used for hiring graders are saved and utilized for further maintenance of roads.

I have moved this Motion because we all appreciate that the funds that we are given by the Kenya Roads Board (KRB), which is 16 per cent; equivalent to Kshs5.5 million per year, are not enough to maintain our roads. A lot of money is used to grade roads. We are all aware that graders in our districts are all dilapidated. The machinery that we are using now have only the salvage value. We all realise that, the machineries that we have could possibly be 30 to 40 years old and most of them have outlived their usefulness. It is important that we save this money, so that in addition to the Kshs5.5 million, we can have some extra funds to grade our roads.

Mr. Temporary Deputy Speaker, Sir, I have looked at the past expenditure and have realised that out of the Kshs400 million that was released during the past financial year, an equivalent of 25 per cent of that money was used basically to grade roads. We would like to focus on our constituencies for development purposes. If you do a very simple arithmetic, you will realise that a grader will be in good condition for about 20 years to 30 years. According to my calculation, if we were to utilise the 16 per cent in addition to the 24 per cent, 40 per cent of the money will go to our constituencies. Given that each grader will cost about Kshs17 million, then the payback period for that project, in my view, will be about four years. A payback period of four years for such kind of a project shows that, that is quite a good investment. Therefore, we urge the Government to consider purchasing these valuable machines, so that we can maintain our roads.

We all know that roads in urban centres are all tarmacked. Roads in rural areas are either gravelled or murramed. We are talking of 80 per cent of Kenyans using the rural roads. If we really want to assist the rural population, we must address some of their basic requirements, one of which is having a good road network. Our farmers require good and well-maintained roads because this is their lifeline. Farmers pay taxes just like other Kenyans living in the urban centres. The price of one litre of petrol attracts Kshs5.80 as road maintenance levy. There is no exemption for the farmer or any other Kenyan living in the rural areas. We all pay this tax. Therefore, we should ensure that roads in urban centres and rural areas are in good condition. As I said, farmers pay taxes just like any other Kenyans living in the urban centres. If we really want to assist our farmers, we must start by addressing the poor state of roads in the rural areas.

Mr. Temporary Deputy Speaker, Sir, in the rural areas, when it rains many hon. Members hardly reach their homes. That is why many of us have opted to have a house in the nearest trading centre in our constituencies. Some of us, always hire young men to assist us push our vehicles out of

the mud in the rural areas. When our vehicles get stuck in the mud, we waste a lot of time and our vehicles are damaged. Kenyans spend a lot of money in the maintenance of their vehicles. It is time the Government looked at this issue with a view to reducing the amount of expenditure that is used to repair our vehicles.

Mr. Temporary Deputy Speaker, Sir, many of us would like to drive good vehicles. That is why many Kenyans always purchase imported second hand cars---

QUORUM

Mr. Weya: On a point of order, Mr. Temporary Deputy Speaker, Sir. It seems there is no quorum in the House.

The Temporary Deputy Speaker (Mr. Poghisio): I can see there is no quorum in the House. Ring the Division Bell!

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! We now have a quorum.

Proceed, Mr. Kipchumba!

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, as I was saying, many Kenyans would prefer to drive very good vehicles. That can only be done on very good roads. You realise that many of the second-hand vehicles that are imported from Japan and other Asian countries are usually in very good shape. That is only so because they devote part of their Budgets to the maintenance of roads. Many hon. Members will agree with me that even the few graders we have in the districts are used by the same contractors who give out contracts for road maintenance.

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

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

Mr. Temporary Deputy Speaker, Sir, many hon. Members will also agree with me that, when a contract is given to these contractors, they do not have adequate machinery, including the graders and other heavy machinery. What happens is that they use the same graders to grade those roads and at the same time charge the same amount of money as if the grader belongs to them. This is the point at which corruption comes in.

If you look at the expenditure that we were given for the last quarter, you will realise that the cost of grading roads varies from Kshs30,000 to Kshs9,000 from district to district. It will be very difficult to justify an expenditure of Kshs30,000 in one district and Kshs9,000 in another, in the same country. That explains why I am saying that there is a lot of corruption in the sense that some of the graders belong to county councils and municipal councils. It is rare that many of these contractors would pay the equivalent of that amount.

In order for us to reduce corruption, it is important that the Government purchases a grader for each constituency so that it is available for use at all times. It would be easier to maintain the grader when it belongs to the constituency since those maintaining it are the owners. It would also be easily accessible whenever needed for use.

Most of our roads require grading. They are in a very sorry state. Most of our roads require

drainage and this drainage can be achieved by merely grading them. Therefore, we would like a situation whereby the graders are available all the time that we need them. I have looked at the Budget for the Ministry of Roads, Public Works and Housing, and there is quite a lot of money that is budgeted for buying spare parts for the maintenance of these graders in the various districts.

Mr. Temporary Deputy Speaker, Sir, if you were to ask these Members how many graders they have in their various districts, they would say that it would cost more than Ksh1 million to put the available graders on the roads. That is quite a huge amount of money. In order to reduce that expenditure and ensure that we get service, we must dispose off the old graders and buy new ones; so that for the next five to ten years, we do not spend any money on the purchase of spare parts.

A grader is a very expensive tool which may cost between Kshs 17 million and Kshs18 million. Not all the contractors can afford to buy them. Therefore, in most of the cases, it is only the Government or the Ministry of Local Government who owns the available graders. I do not see any reason why we should not buy graders so that the Members of Parliament can control them. All that you need to do in this process is to purchase fuel, save the other money which is meant for maintenance, and that would enable you to grade more kilometres.

Mr. Temporary Deputy Speaker, Sir, as I said before, Kshs5.5 million is allocated to us every year for road maintenance. In fact, Kshs500,000 of that money is used by the engineers and the administrative personnel of the Ministry of Roads, Public Works and Housing to either buy fuel or for inspection purposes. That leaves us with only Kshs5 million for the actual operation. That is like a drop in the ocean and, nonetheless, we appreciate.

As I said before, if the Ministry of Roads, Public Works and Housing would give us another 24 per cent, and share it between constituencies, that money would be sufficient to grade more roads. As of now, as you grade one end of the road in a constituency, the other end of the same road is already being washed away and, therefore, it makes a mockery of the whole exercise.

As I said earlier, the only people we should really care about and try to assist are the farmers and the rural population. My Motion is very straightforward. All we are asking the Government to do is that we should not spend all this money year in, year out in maintaining the salvage value of a grader. All the graders that we have, have only a salvage value. We should instead use the money we spend on their repairs to bring in new machinery. I think if the Ministry does so we will save a lot of money. I do not wish to make any more comments because this is a straightforward Motion.

Therefore, I would like to call upon Mr. Mbau to second the Motion.

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, I rise to second this Motion on the question of availing a grader to each and every constituency in the Republic. The question of provision of physical infrastructure is undoubtedly essential to the revival of our economy. While we appreciate that this sector, especially in our rural areas, is in ruins it is critical to remember that Kenya is an agricultural country. Agriculture is practised in the countryside and not in the urban areas. We, therefore, cannot continue to be perceived as being sincere to our people by continuing to declare that we want to revive our economy if we do not pay particular attention to transport networks from the rural areas to towns. We need transport networks from the areas where we produce the mainstay of our economy to towns where we bring it for consumption.

I want to state that the road network plays a central role and this cannot be overemphasised. However, despite the central role that it plays, if it is not greatly improved, we shall continue to have a very damaged road network in our countryside which nobody uses. The question of designing, building, maintaining and rehabilitating the road network falls squarely within the Ministry of Roads, Public Works and Housing. This duty has been transferred to the District Roads Committee (DRCs) and the Kenya Roads Board. I would want to call upon the Ministry of Roads, Public Works and Housing to ensure that the little equipment that we have is used efficiently and economically.

The DRCs, which were formed sometime in 1999, were given express mandate to co-ordinate

and administer all funds meant for roads in each district. Such funds are expected to come from the fuel levy, tea and coffee cess and other sources like the local authorities. I want to state that, in order for the DRCs to function efficiently and economically, the use of all money should be co-ordinated at the constituency level. We have local authorities that purport to be in the business of maintaining roads. We have coffee growing areas that contribute cess money towards the improvement and rehabilitation of roads. All this money has been used in doing work that has already been done by another department because of lack of co-ordination at the district level. The money allocated to districts for the maintenance of roads is to be administered by district roads engineers. Hon. Members who are the watchdogs of the people do not have control over this money. I do appreciate that the application of the Kenya Roads Board Act has been in existence since 1989. Section 6(2) of the Act provides that 24 per cent of the roads maintenance levy be distributed equitably to all districts. Most districts in this country have never received the 24 per cent of the fuel levy. For example, Maragwa District has never benefited from the 24 per cent fuel levy that was meant for the districts since 1997.

Mr. Temporary Deputy Speaker, Sir, Section 17 of the Kenya Roads Board Act states:-
"The District Roads Committees shall appoint one of the members under paragraph (a) or (b) of Section 2 of the Act, to be Chairmen of the District Roads Committees (DRC)."

Sub-section (2) spells out the composition of members of DRCs. Sub-section 2(a) relates to the chairmen of all local authorities within the districts, while sub-section 2(b) relates to all hon. Members of Parliament in the districts. It says that they should be nominated as chairmen of DRCs. However, the Ministry of Roads, Public Works and Housing, in a circular letter to the District Roads Engineers, now wishes to change the existing status of who should be the chairmen of DRCs. I believe the Minister will inform the House how this particular clause in the Act is to be interpreted.

Mr. Temporary Deputy Speaker, Sir, Section 32 of the Kenya Roads Board Act clearly stated that in exceptional situations, if the revenues from the Fuel Levy Fund are not sufficient to meet the needs of roads in the country, the Ministry of Finance could, with the approval of Parliament, make advances to the Board for purposes of meeting shortfalls that are anticipated in any particular year. The Minister should further determine whether the said advance should later be recovered from the Fund or otherwise. I doubt whether the Minister for Finance has ever enforced this provision. I appeal to him to consider the state of our roads which have been battered by the recent heavy rains as a situation that warrants him to enforce this provision.

Mr. Temporary Deputy Speaker, Sir, to ensure that our roads are maintained throughout the year, we should identify critical aspects or areas that require immediate attention. In supporting the case of buying a grader for each constituency, many other Government Ministries have identified the constituency as the focal point for efficient and accountable utilization of Government funds. I urge the Ministry of Finance to consider advancing adequate funds to the Ministry of Roads, Public Works and Housing to purchase a grader for each constituency. This grader will be used to maintain the roads throughout the year cheaply rather than hiring machinery and equipment, which is very expensive.

The Temporary Deputy Speaker (Mr. Khamasi): Time up!

Mr. Mbau: With those few remarks, I beg to second.

(Question proposed)

Mr. Khamisi: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. I commend the Mover of this Motion for bringing it to this House at this particular time. I say this because some of us are having new experiences with the District Roads Committees (DRCs). When I had my first meeting in Kilifi with my DRC, I discovered certain things that I did not know before, which explains why some of our roads are in such a bad state and, particularly those in my constituency.

We discovered that out of the Kshs5 million that was being sent to each constituency per year, a large percentage of that fund was used for clearing bushes. The reason why they were using that money for clearance is because they did not have the equipment---

ADJOURNMENT

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

The House rose at 12.30 p.m.