

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 18th April, 2007

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### NOTICE OF MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER NO.18

UNSATISFACTORY REPLY TO QUESTION NO.13:  
RELEASE OF KIRUKI COMMISSION REPORT

**Mr. Deputy Speaker:** Hon. Members, I have received a written notice from the hon. Member for Ndhiwa Constituency, Mr. Ojode, of his intention to bring a Motion for Adjournment pursuant to Standing Order No.18 - a matter contained in reply to Question No.013 concerning the Report of the Kiruki Commission on the activities of the exiled Armenians on Wednesday, 11th April, 2007, during the morning Sitting.

Hon. Members, I have considered the matter and have acceded to the request. I will, therefore, call upon the hon. Member to move the Motion of Adjournment at the rise of the House tomorrow, that is Thursday, 19th April, 2007.

Thank you, hon. Members.

### PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of Kenya Medical Research Institute for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya Medical Research Institute for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenyatta National Hospital for the year ended 30th June, 2002, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Finance  
(Mr. Kenneth) on behalf of the  
Minister for Health)*

Annual Report and Accounts of Kenya Industrial Estates for the year ended 30th June, 2003, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya Industrial Estates for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya Industrial Research and Development Institute for

the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

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

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

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

Annual Report and Accounts of Tana and Athi River Development Authority for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Lake Basin Development Authority for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Lake Basin Development Authority for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Finance  
(Mr. Kenneth) on behalf of the Minister  
for Regional Development Authorities)*

Annual Report and Accounts of Kenya Tourist Development Corporation for the year ended 30th June, 2002, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya Tourist Development Corporation for the year ended 30th June, 2003 and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya Tourist Development Corporation for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya Utalii College for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Finance  
(Mr. Kenneth) on behalf of the Minister  
for Tourism and Wildlife)*

Annual Report and Accounts of Jomo Kenyatta University of Agriculture and Technology for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Finance  
(Mr. Kenneth) on behalf of  
the Minister for Education)*

Annual Report and Accounts of Communications Commission of Kenya for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Finance  
(Mr. Kenneth) on behalf of the Minister  
for Information and Communications)*

**Mr. Deputy Speaker:** Mr. Kenneth, how many Papers have you laid on the Table?

**The Assistant Minister for Finance (Mr. Kenneth):** Mr. Deputy Speaker, Sir, they are 16.

**Mr. Deputy Speaker:** Could the Clerk-at-the-Table confirm that they are 16?

*(The Clerk-at-the-Table, (Mr. Ndindiri),  
counted the Papers and confirmed)*

**Mr. Deputy Speaker:** Thank you, Mr. Kenneth.

Mr. Oparanya, do you have something?

**Mr. Oparanya:** Yes, Mr. Deputy Speaker, Sir. I have a Paper to lay on the Table of the House.

The Report of the Sixth Ordinary Session of the Pan African Parliament held in Ghallagher Estate, Midrand, South Africa from 13th November, 2006 to 24th November, 2006.

*(By Mr. Oparanya)*

**Mr. Deputy Speaker:** Mr. Oparanya, do you have anything else?

**Mr. Oparanya:** I want to give notice of a Motion.

**Mr. Deputy Speaker:** Mr. Oparanya, we have not come to that! Is [Mr. Deputy Speaker] there any other Paper you want to lay?

**Mr. Oparanya:** No, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Very well! Next Order!

### NOTICE OF MOTION

#### ADOPTION OF REPORT OF SIXTH ORDINARY SESSION OF PAN AFRICAN PARLIAMENT

**Mr. Oparanya:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, this House adopts the Report of the Sixth Ordinary Session of the Pan African Parliament held in Ghallagher Estate, Midrand, South Africa from 13th November, 2006 to 24th November, 2006, laid on the Table of the House on 18th April, 2007.

**Mr. Deputy Speaker:** Very well! Next Order!

### QUESTIONS BY PRIVATE NOTICE

#### RAMPANT INSECURITY IN KHWISERO

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

(a) Is the Minister aware that there is rampant insecurity in Khwisero as a result of the OCPD in Butere having taken away the police vehicle meant for Khwisero Division?

(b) When will the vehicle be returned?

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

(a) I am aware of cases of insecurity that have been reported in Khwisero Constituency where the police have, all the time, acted very promptly. Currently, there are some cases which are pending in court while others have been finalised.

(b) The motor vehicle No.GK A449G, which is a Land Cruiser, was involved in a road accident on 1st February, 2007, and was extensively damaged. Currently, the station is being served by the OCPD's vehicle for normal operations of Khwisero Division, until the vehicle for Khwisero Division is brought back to the road.

**Mr. Arungah:** Mr. Deputy Speaker, Sir, I am disadvantaged because I have just received the answer right now. However, the information I have on the ground is that, for the last six to seven months, no police vehicle has been sighted anywhere near Khwisero. So, for the Assistant Minister to say that an alternative vehicle is being used, is not true.

Mr. Deputy Speaker, Sir, secondly, at the time this vehicle was involved in an accident, it was within another area. Could he categorically state when the people of Khwisero will get the vehicle that was rightly supposed to be theirs?

**Mr. Kingi:** Mr. Deputy Speaker, Sir, at the moment, Khwisero is served by the vehicle that belongs to the Officer Commanding Police Division (OCPD). That does not mean that the vehicle is stationed at Khwisero, but it is normally deployed to that area as and when it is required.

For this other vehicle, the OCPD has requested for a sum of Kshs340,000 for the purpose of repairing it. We are making arrangements to send him money, so that he can get it fixed.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, since we were told recently that the Government has impounded 900 vehicles, why can the Ministry not get one of these vehicles and deliver it to Khwisero to solve the problem?

**Mr. Kingi:** Mr. Deputy Speaker, Sir, most of the Government vehicles are being withdrawn because of the capacity. Therefore, I do not see how we can then take them back and make use of them.

**Maj. Madoka:** Mr. Deputy Speaker, Sir, could the Assistant Minister inform the House whether his Ministry has a policy to replace the Government vehicles, particularly police vehicles when they are involved in accidents? Many police stations lack vehicles because they have either broken down or something else has happened to them?

**Mr. Kingi:** Mr. Deputy Speaker, Sir, the arrangement we have is that whenever a vehicle breaks down in any one of our police stations, we make arrangements for that station to be served by the nearby stations until such a time that it has been repaired.

**Mr. W. Galgallo:** Mr. Deputy Speaker, Sir, as we are aware, the Government is busy creating several districts in this Republic. It is common knowledge that as per complaints which we are hearing from day to day, that various Government departments; whether it is the Provincial Administration like the district officers and the police, are ill-equipped in terms of infrastructure, equipment and vehicles. On the 9th of this month, one person was reported missing in my neighbouring district. This person comes from my constituency. We found out that the police as per that moment did not have a vehicle to go and search for this person. I had to assist the police with my vehicle, so that they could try to trace that missing person. Could the Assistant Minister tell us whether it is better for this country to improve the existing departments instead of creating new administrative centres?

**Mr. Kingi:** Mr. Deputy Speaker, Sir, first of all, let me thank the hon. Member for having assisted our police department by giving them a vehicle.

Mr. Deputy Speaker, Sir, I would also like to assure him that we are doing both. We are trying to improve the facilities of our Police Department, and, at the same time, we are also

increasing districts. We want to bring services closer to the people.

**Mr. Arungah:** Mr. Deputy Speaker, Sir, at the time this vehicle was involved in an accident, it had been away from the station for about seven months. I, therefore, do not see why the people of Khwisero should suffer because of an accident that occurred elsewhere. Could the Assistant Minister assure this House that he will find an alternative vehicle as they wait for the money to repair the one that is damaged?

**Mr. Kingi:** Mr. Deputy Speaker, Sir, Khwisero is being served by a vehicle belonging to the OCPD. That is the current arrangement as we make arrangements to send money for the repair of this vehicle.

**Mr. Deputy Speaker:** Next Question by Private Notice by Mr. Khamisi!

BEATING UP OF 11-YEAR-OLD KENYAN  
BOY BY GERMAN NATIONAL

**Mr. Khamisi:** Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Immigration and Registration of Persons the following Question by Private Notice.

(a) Is the Minister aware that on 18th November, 2006, a German national, Mr. Jochen Michael Rink beat an 11-year-old Kenyan child without any justification?

(b) Is he also aware that the German was fined only Kshs60,000 or nine months imprisonment when he appeared before the Kilifi Magistrate on 5th April, 2007?

(c) In view of the seriousness of the matter and the racial tension the incident has created in the area, could the Minister consider deporting the foreigner with immediate effect?

**The Minister of State for Immigration and Registration of Persons (Mr. Konchella):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware about the incident in question.

(b) I am also not aware about the prosecution, trial and sentencing of the German national.

(c) The Ministry will take appropriate action as portrayed by the hon. Member of Parliament for Bahari if a recommendation for deportation of the subject is presented to the Ministry of State for Administration and National Security.

**Mr. Khamisi:** Mr. Deputy Speaker, Sir, I am shocked at the ignorance of this Minister in as far as this case is concerned!

*(Applause)*

Mr. Minister, this incident happened in Mtwapa on November 18th and this individual was actually taken to court before the Senior Resident Magistrate, Mr. Charles Obulutsa, on 5th April and he was sentenced accordingly as I stated in the Question.

Mr. Deputy Speaker, Sir, this issue of molestation and assault of Kenyans by foreigners is on the rise. Since the Minister is now aware, could he investigate this matter, so that this individual can be punished accordingly?

**Mr. Deputy Speaker:** Mr. Minister, before you answer the supplementary question, the hon. Member has given you full details, including the fines, but one wonders whether you sought information from the Judiciary. To me, it is a very serious matter; unless really you want to make Kenya a country where anyone comes, assaults its citizens, then disappears or stays. So, if you do not have the answer, the Chair will be magnanimous to give you more time to look for more information.

I do not think it is right to simply say you are not aware and yet, the hon. Member says the man was fined Kshs60,000 before the Kilifi Magistrate on 5th April, 2007. It will not be difficult to

get this information. Mr. Minister, what do you say?

**Mr. Konchella:** Mr. Deputy Speaker, Sir, I am also wondering why the hon. Member is so ignorant of the procedures of the Government because he knows what is supposed to be done. I do not just deport people because somebody has ordered so. There is a process and procedure. If this man has already been prosecuted in court as the hon. Member says, I do not have any information about that. He has not even provided court evidence to that effect. The hon. Member needs to inform the Minister of State, for Administration and National Security, so that he takes the necessary action.

**Mr. Ligale:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to challenge the ruling of the Chair? The Chair assisted and asked him to go and counter-check this information from the other relevant authorities, but now he is challenging it on the Floor of this House! Is he in order?

**Mr. Konchella:** Mr. Deputy Speaker, Sir, the issue of ignorance is not mine. I would like to say that I was simply answering the hon. Member's Question. But, otherwise, I will abide by the ruling of the Chair, that I request the relevant Ministry to undertake investigations. Once we are advised, we will take the appropriate action.

**Maj-Gen. Nkaiserry:** On a point of order, Mr. Deputy Speaker, Sir. It is very surprising that a Government which is supposed to undertake the responsibility of ensuring the security of Kenyans--- A good example is the Lord Delamere's grandson's case, where a game warden was killed and the Government said that it was not aware. When the Artur brothers came to this country, the Government said that they were investors, yet, they were coming to do wrong things.

Mr. Deputy Speaker, Sir, I now, this German actually beat up a Kenyan. The Government was given two weeks by the Questioner to find out exactly what happened. Now this Minister comes and tells the House that he is not aware of the incident, yet, the Government is supposed to be responsible for the lives of Kenyans. We cannot allow this!

**Mr. Konchella:** Mr. Deputy Speaker, Sir, could I ask the hon. Member to reduce his temper and ask a question?

**Mr. Deputy Speaker:** Order! Hon. Members, I think we are not getting anywhere!

Mr. Minister, please, listen to the Chair! This German beat up an 11-year-old, but not a grown-up man, so that we could speculate that they were quarrelling over something else. Would you not be concerned?

If you know that the incident happened, what action would you take against such a person who is not a citizen of this country?

**Mr. Konchella:** Mr. Deputy Speaker, Sir, I would like to assure this House that I will investigate the matter and take appropriate action.

**Mr. Deputy Speaker:** Therefore, the Chair will defer this Question to Tuesday afternoon, so that the Minister can come up with an appropriate response. This is because, obviously, it is the responsibility of the House to look into this matter.

*(Question deferred)*

## ORAL ANSWERS TO QUESTIONS

*Question No.135*

ALLOCATION OF PLOTS IN  
MAKUENI COUNTY COUNCIL

**Mr. J.M. Mutiso** asked the Minister for Local Government:-

(a) whether he is aware that the Government allocated plots in Makueni County Council in 1992;

(b) whether he could state who was allocated the following plots:-

(i) Plan III Zone "B" Plot No.50 - Sultan Hamud

(ii) Plan III

Zone "B" Plot No.24 - Sultan Hamud

(iii) BCR Plan

1 Plot No.24 - Emali Town

(iv) Plan IV 1 "B" Plot No.40 - Makindu Town; and,

(c) when the Government will process title deeds for the allottees.

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

(a) Yes, I am aware.

(b) Plot No.50, Plan III, Zone "B", Sultan Hamud, was allocated to Emma Mueni Mbondo. Two, Plot No.24, Plan III, Zone "B", Sultan Hamud, was allocated to David N. Rukunga. Three, Plot No.24, BCR Plan 1, Emali, was allocated to Mukimbika Nesa Self-Help Group. Four, Plot No.40, Plan IV, Zone "B", Makindu Town, we also allocated to Mukimbika Nesa Self-Help Group.

(c) Allottees who have been issued with the allotment letters by the Commissioner of Lands have not paid registration fees to the council to facilitate the issuance of titles by the Ministry of Lands. Once that is done, the allottees' names will be forwarded to the Ministry of Lands, so that they can be issued with title deeds.

**Mr. J.M. Mutiso:** Mr. Deputy Speaker, Sir, the allottees of these plots have remained mysterious for a long time. I would like to thank the Assistant Minister for, at least, giving the names of the allottees.

Could the Assistant Minister tell this House how much the registration fees which the allottees are supposed to pay to the Ministry or council, for them to be able to get title deeds is?

**Mr. Shaaban:** Mr. Deputy Speaker, Sir, I do not have that information now, but I will be able to provide it to the hon. Member in my office at anytime.

**Mr. Wambora:** Mr. Deputy Speaker, Sir, is the Assistant Minister aware that there are very many poor Kenyans who are not able to pay the fees required to process title deeds? Could the Government consider exempting them from paying these fees, so that they can get their title deeds?

**Mr. Shaaban:** Mr. Deputy Speaker, Sir, this registration fee is a source of income for the various local authorities, so that they can deliver services to the areas they represent. Therefore, it cannot be waived.

**Mr. Omondi:** Mr. Deputy Speaker, Sir, the local authorities usually give a time limit within which these letters of allotment are valid. If the payment is not made within that period, then the letters of allotment cease to be valid. How is this rule holding for these particular allotments?

**Mr. Shaaban:** Mr. Deputy Speaker, Sir, the letters of allotment are usually given for a particular period, so that the owners can comply with certain regulations. If they do not do so, then the relevant law takes its course.

**Mr. Deputy Speaker:** Mr. J.M. Mutiso, are you satisfied?

**Mr. J.M. Mutiso:** Mr. Deputy Speaker, Sir, I am satisfied, but I would like to ask one more question.

Mr. Deputy Speaker, Sir, I would like to ask the Assistant Minister to give an undertaking that the beneficiaries or allottees will be able to pay the requisite fees and be issued with title deeds.

**Mr. Shaaban:** Mr. Deputy Speaker, Sir, yes, we will fully comply.

**Mr. Deputy Speaker:** Next Question by Mr. J. Nyagah, the Member of Parliament for

Gachoka Constituency!

*Question No.138*

HINDRANCES OF SHAREHOLDING LAW  
IN TELECOMMUNICATIONS SECTOR

**Mr. J. Nyagah** asked the Minister for Information and Communications:-

(a) whether he is aware that the law requiring that 30 per cent of shares in the telecommunications sector be locally-owned is a hindrance to the growth of the industry; and,

(b) what plans he has to address this anomaly.

**The Assistant Minister for Information and Communications** (Mr. Were): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the law requiring that 30 per cent of shares in the telecommunications sector be locally-owned, is a hindrance to the growth of the industry. The requirement has, indeed, hindered the licensing of the second national fixed line telephone operator and the third mobile telephone operator.

Mr. Deputy Speaker, Sir, the records held by the Government indicate that in the two instances, the local partners were unable to raise the 30 per cent and, thus, stifling the licensing process.

(b) My Ministry is undertaking a policy review to ensure that the local equity participation will only apply to small licences, such as internet and retail services and telecommunications dealers and contractors, where many Kenyans are capable of participating.

Mr. Deputy Speaker, Sir, bidders for large infrastructure projects will be allowed to commence operations, but gradually increase the local equity participation, through partnerships or listings of the shares at the Nairobi Stock Exchange within a specified period.

**Mr. J. Nyagah:** Mr. Deputy Speaker, Sir, given the opportunities for corruption that exist in this particular industry, and we also know why this was done in the first place, is it possible for this

new amendment to the law to be brought to this House immediately so that we can approve it in order to legalise this position instead of leaving it vague? We know the possibilities of leaving it vague and what it means to the Kenyan economy.

**Mr. Were:** Mr. Deputy Speaker, Sir, this condition is not something that is new and it was not brought about by this Government. Actually, the requirement of local participation is an old issue. As at 2001, the requirement was that local participation should have been 60 per cent but it was realized that it was too high. That is why it was reduced to 30 per cent.

Mr. Deputy Speaker, Sir, I can assure the House that this change in law will be brought very soon.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. M'Mukindia:** Thank you, Mr. Deputy Speaker, Sir. Personally, I support the principle of setting aside 30 per cent ownership because there has been concern in the past as Kenyans have been marginalized in their own country.

In view of the fact that it is important for Kenyans to own some of these very lucrative and profitable telecommunications companies, why is the Government not setting aside a Government-guaranteed venture capital fund to enable wananchi to participate in the purchase of 30 per cent shares?

*(Applause)*



**Mr. Were:** Mr. Deputy Speaker, Sir, as I have said earlier, the idea was to make Kenyans own part of these resources. But now that it has been realized that it is difficult, I would like to request hon. Members to come up with other suggestions because one of the suggestions that we had was to lift the requirement. But that is also a good suggestion that can be given to the Government so that it can be considered, because it involves money.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, could the Assistant Minister---

**Mr. M'Mukindia:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not answered my question. The question was: Why is the Government not setting aside a Government-guaranteed capital venture fund to enable wananchi to buy 30 per cent shareholding in these telecommunication companies?

**Mr. Were:** Mr. Deputy Speaker, Sir, I thought I said that we will consider it because it is a good suggestion.

**Mr. Angwenyi:** Thank you, Mr. Deputy Speaker, Sir. Could the Assistant Minister consider a policy where we lift this 30 per cent requirement for local ownership but make sure that at the end of five years, 50 per cent of each of these companies reverts to Kenyans through the Nairobi Stock Exchange?

**Mr. Were:** Mr. Deputy Speaker, Sir, actually, that is the suggestion that we have come up with and which we intend to put in the legal notice to the effect that, within the time when we announce that we are offering a second or third national operator, we will allow foreign investors to come in and own 100 per cent. But within a period of three to five years, we will require them to float the shares in the stock exchange so that our own people can have between 30 to 50 per cent.

Thank you.

**Mr. Masanya:** Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister because this has been a big problem. We have seen the co-operative movement and Kenyans suffer because of this policy. I would like him to confirm that before the third mobile operator is put in place, in fact, this Parliament would have approved that new amendment which is being drafted. I did not say the "Cabinet", I said "House"!

**Mr. Were:** Mr. Deputy Speaker, Sir, I said earlier that we also realize the importance of having a third mobile operator and we will make sure that, that is done.

Thank you.

**Mr. Deputy Speaker:** Next Question, hon. Member for Hamisi, Mr. Khaniri!

**An hon. Member:** It is the hon. Member for Konoin Constituency!

**Mr. Deputy Speaker:** I am sorry! Question No.139 is for the hon. Member for Konoin Constituency, Mr. S. Koech.

Proceed, Mr. S. Koech!

*Question No.139*

MEDICAL OFFICERS/EQUIPMENT  
FOR KOIWA HEALTH CENTRE

**Mr. S. Koech** asked the Minister for Health:-

- (a) whether he is aware that Koiwa Health Centre is operating below capacity as a result of inadequate staffing and supplies; and,
- (b) when he will post additional medical officers and provide equipment to enhance service delivery at the health centre.

**The Assistant Minister for Health** (Dr. Kibunguchy): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry is currently improving services at the health centre by enhancing utilization of the facility.

(b) My Ministry has already posted one registered clinical officer, one laboratory technologist, three nurses and arrangements are still being made to post one more nurse.

Koiwa Health Centre has been receiving regular supplies as entitled. It has continuously received supplies on a quarterly basis, like other health centres. The last supply to this facility was on 16th April, 2007.

With regard to equipment, recently, my Ministry issued standard equipment for health centres to Koiwa Health Centre.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. S. Koech:** Mr. Deputy Speaker, Sir, while thanking the Assistant Minister for the answer, I wish to state that this is a huge facility which is going to waste. It was originally designed to be a sub-district hospital, but as you have heard, it is a health centre. Could the Assistant Minister undertake to upgrade this health centre to a sub-district hospital and post a fully fledged doctor to raise the level of confidence in the services of this facility?

**Dr. Kibunguchy:** Mr. Deputy Speaker, Sir, indeed, the Ministry will consider that request. But the request of whether we should upgrade a dispensary to a health centre or a health centre to a sub-district hospital normally comes from the ground. It is the people from that area who will meet and pass the minutes through the District Development Committee (DDC). The minutes then come to us and if we think it is warranted, then we do as the people have requested.

**Dr. Manduku:** Thank you, Mr. Speaker, Sir. Staffing in the Ministry of Health is very crucial because, lately, with the Constituencies Development Fund (CDF), so many health centres have been put up in the whole country but only a few have been gazetted. Very many are due for gazette and so many of them are still under construction. But those ones which have been gazetted have not been given any staff! As many as they look now, what arrangements has the Ministry made to ensure that all these facilities which are being put up using Government money are staffed so that they can serve the people?

*(Applause)*

**Dr. Kibunguchy:** Mr. Deputy Speaker, Sir, the Ministry of Health has never shied away from saying that we do not have enough health workers. But one thing that I would like to assure hon. Members and the country about is that, all the health facilities that have been registered have now been operationalized. When I say "operationalized", we mean that we have sent adequate staff, supplies in terms of drugs and equipment.

Mr. Deputy Speaker, Sir, the Ministry of Health is, however, even going to go further than that. We have asked all our District Medical Officers of Health (DMOH) to rationalize staff in their districts. Right now, any facility which is registered and has even one health worker, we are willing and ready to send them drugs and supplies.

**Mrs. Kilimo:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, Mrs. Kilimo! I thought that you wanted to ask a question and I have no problem with that.

What is your point of order, if it is not a question?

**Mrs. Kilimo:** Mr. Deputy Speaker, Sir, I think the Assistant Minister is misleading this House by saying that they do not have enough personnel in the Ministry of Health. They are not replacing those staff who have retired or who have left because of natural attrition. There are so

many people who are trained but they have not been employed.

Mr. Deputy Speaker, Sir, could he tell this House what he is going to do about this situation because we have enough medical personnel?

**Mr. Deputy Speaker:** That would have been a good question. Mr. Assistant Minister, you can address the question. It is not a point of order!

*(Applause)*

**Dr. Kibunguchy:** Mr. Deputy Speaker, Sir, in fact, she is confirming what I said. I said that we do not have enough health workers in our Ministry and I have never shied away from saying that. I did not say that we do not have enough trained health workers in the country.

I know we have enough trained health workers in this country. I would like to ask the hon. Member to commend the Ministry because for the very first time since last year, we have started employing health workers.

**Mr. S. Koech:** Mr. Deputy Speaker, Sir, this is an area of rough terrain. I believe it is worse than Torabora in Afghanistan, although I have not been there. People currently use donkeys to transport patients to hospitals.

Could the Assistant Minister consider allocating an ambulance to this facility?

**Dr. Kibunguchy:** Mr. Deputy Speaker, Sir, that is something that we could look into. However, at the moment, we have availed ambulances to all our provincial and district hospitals.

Mr. Deputy Speaker, Sir, I know the issue of new districts has dominated this House and as a Ministry, we are also considering sending ambulances to the newly-created districts in our next phase and after that, we will come to facilities like Koiwa Health Centre.

*Question No.175*

UPGRADING OF MAJENGO-  
SHAMAKHOKHO ROAD

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

- (a) whether he is aware that Majengo-Hamisi-Shamakhokho Road is an important link in the economy of Hamisi Constituency; and,
- (b) when the road will be upgraded to bitumen standards.

**The Minister for Roads and Public Works** (Mr. Nyachae): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Majengo-Hamisi-Shamakhokho Road is an important link in the economy of Hamisi Constituency.

(b) The Majengo-Hamisi-Shamakhokho Road is under the District Roads Committee, which has the responsibility for the programming its repair and upgrading, if necessary, to bitumen standards.

**Mr. Khaniri:** Mr. Deputy Speaker, Sir, I want to thank the Minister for his answer. In part "b" of his answer, he has said that it is the responsibility of the District Roads Committee to upgrade this particular road to bitumen standards.

I want to inform him that under the able chairmanship of hon. Marende, who can bear me witness, we sat in 2005, deliberated on this issue and we recommended to the Ministry that this road should be upgraded. I made a follow-up personally and I had a meeting with the then Minister and his Permanent Secretary and they assured me that this road would be captured in 2006/2007 Financial Year.

Now that the Minister is aware that we recommended this road for upgrading, could he consider providing funds in the next financial year to upgrade it?

**Mr. Nyachae:** Mr. Deputy Speaker, Sir, the hon. Member is giving me new information. There is nothing in the Ministry to indicate that there was a recommendation. Recommendations to upgrade roads should come from the DRC and the hon. Member is a Member of that committee. He should be kind enough to bring me a copy of that recommendation. There is also no memo in the file to indicate that there was a meeting between my predecessor and the hon. Member. Therefore, I would like to know the date when he had a meeting with my predecessor, so that I can follow the issue up. As it is, I am giving the factual information regarding this file.

For your information, the only area which is being covered is near the town, which the local authority has started tarmacking. With regard to the rest of the road, up to Shamakhokho, I still have to get a recommendation from the DRC, so that I can follow up the matter with the Ministry of Finance. To upgrade this road, we need more money and I need the hon. Member's support to do this.

**Archbishop Ondiek:** Mr. Deputy Speaker, Sir, the Minister is saying he needs to have a recommendation from the DRC to upgrade a road; I do not know up to which level of grading. In my constituency, there are roads which are graded up to grade "C" and they are not tarmacked. What is he telling the House? Is he telling the House that once a road is upgraded, it should be tarmacked? Why not the other roads?

**Mr. Nyachae:** Mr. Deputy Speaker, Sir, when roads are upgraded, it is not automatic that money will also come in immediately after the grading. This strengthens our position to look for funds, either from the Ministry of Finance or from our partners abroad.

If the hon. Member could be honest, he can confirm that we have been discussing this particular road and I am looking for money to do this road. So, he should not come here to complain when he had been discussing the matter with me.

**Mr. J.M. Mutiso:** Mr. Deputy Speaker, Sir, in the last Budget, we had a great imbalance of roads being earmarked for funding through the Government Budget. So many roads have been recommended for upgrading, but when it comes to the actual budgeting, only particular areas, either "politically-correct" or otherwise, are allocated this money.

Could the Minister undertake to ensure that in this year's Budget, we are going to see a fair distribution of funds?

**Mr. Nyachae:** Mr. Deputy Speaker, Sir, I do not want to get involved in the "politically-correct" talk, because I do not understand it. The hon. Member who is [**Mr. Nyachae**] talking about some areas being "politically-correct" or not, knows that if Kenyans were to do a survey, they would find that his home district has a very big share of our roads' money. How many of the people there, including himself, are "politically-correct"?

Let us serve the country as a whole, whether you are "politically-correct" or not. I do not understand this talk. To be "politically-correct" is to be Kenyan.

**Mr. Khaniri:** Mr. Deputy Speaker, Sir, I have no further questions, but I am happy that the Minister has accepted that this particular road is an important link for my people. I want to give him the assurance that I will furnish him with the relevant documents that he has requested for. I hope that when I do that, this road will be given priority.

**Mr. Nyachae:** Mr. Deputy Speaker, Sir, I want to repeat my assurance. I want to welcome the hon. Member to my office so that we can go into all those details. He should not avoid that office. It belongs to him as well. After all, I know him from the days when his dad used to help Kisiis to grow tea.

MEASURES TO CUSHION LOCAL  
SUGAR INDUSTRY

**Mr. Oparanya** asked the Minister for Agriculture what steps he has taken to cushion the local sugar industry against imported sugar at the expiry of COMESA safeguard measures.

**The Minister for Agriculture** (Mr. Kirwa): Mr. Deputy Speaker, Sir, I beg to reply.

These are the measures the Ministry has undertaken to address the issue of the expiry of COMESA safeguard measures:-

- (i) We have improved on corporate governance in the industry.
- (ii) We have reduced interest lending rates on Sugar Development Levy (SDL) from 10 per cent to 5 per cent.
- (iii) We have waived accrued interest and penalties on SDL amounting to Kshs4.7 billion.
- (iv) We have lent over Kshs3.5 billion to the industry for the last four years.
- (v) We have retired all farmers' arrears amounting to Kshs2.3 billion, of which Kshs1.15 billion was disbursed through the Kenya Sugar Board.
- (vi) We have also stepped up research funding from 5 per cent to 1 per cent of all the collected revenues from the SDL.
- (vii) We want to finalise a Sessional Paper and a Cabinet Memo on the revitalisation of the sugar industry for presentation to the Cabinet for consideration and restructuring of the entire industry.
- (viii) enhance credit accessibility to sugar-cane farmers through direct lending by the AFC.
- (ix) through Kenya Sugar Board funding; individual companies are undertaking factory modernisation to improve on the efficiency to the required benchmark standards.

Finally, we have sought the support of the EU through the ACP-EU Sugar Protocol for funding of the industry projects to make it competitive, focusing on the following areas:-

- (i) diversification of product base;
- (ii) infrastructure development;
- (iii) privatisation of the said companies; and,
- (iv) research.

**Mr. Oparanya:** Mr. Deputy Speaker, Sir, I want to thank the Minister for that answer. However, there are two important issues that affect the sugar industry, which the Minister has not touched on. These are under-capitalization and high taxation. Due to high taxation, the production costs have become quite high. I am surprised that the Minister has not mentioned these two issues in his answer. How is he tackling these two issues?

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, it was not possible, within the time allotted, to say all the things that I have done and those which we are doing. What I said is that in the Cabinet memo, we have captured a number of issues, one of them being that of re-structuring the balance sheets of all the sugar companies, totalling close to Kshs20 billion to ensure that they have a working balance sheet that can be useful to any investor. The issue of taxes is also captured, but I would want the House to bear in mind that when we talk of any levies or taxes, we also take part of this money to re-build the same sugar industry. For that reason, we are considering discussions with the Ministry of Finance to see what we can do about the 16 per cent Value Added Tax (VAT) that is levied on sugar, given the fact that sugar is a food commodity.

**Mr. Mukiri:** Mr. Deputy Speaker, Sir, this is a very serious issue, considering that the safeguard measures will come to an end in 2008. You have heard what the Minister said about the future plans that they have. I would want to know whether our factories will be able to produce

sugar competitively and survive when we open our market to competition in 2008. The Minister has talked about future plans, but we have less than one year before the safeguard measures period comes to an end. What is he doing? Are we sure that our sugar industry will survive once the safeguard measures are removed?

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, the definition of the word "future" starts with tomorrow. Suffice to say the following: We have taken into consideration the issue of safeguard measures. As you know, akin to all protocols internationally, you have to give the position of what you have done as a country before you request further extension of safeguard measures period. Meetings are on-going. Today, we sent three officers to Djibouti for discussions. From 11th May to 14th May, 2007, we will have a series of meetings in Kenya. I do not want to pre-empt the discussions at those meetings, but at that particular time, we will be able to put our case strongly before the rest of the states for their consideration.

**Mr. Deputy Speaker:** Hon. Members, I know that this is, really, an important Question but, looking at my clock, I can see that time is not on our side. So, let us have Prof. Olweny and then we shall have the last question.

**Prof. Olweny:** Mr. Deputy Speaker, Sir, I would like to ask the Minister whether he is convinced that all the sugar that is imported by Kenya from COMESA countries is actually milled in those countries. If not, how is he handling that issue?

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, that is one of the issues that we are considering, because under the Rule of Origin, any country that does not, in any way, value-add a product to 40 per cent does not qualify to re-export that commodity to a neighbouring country. The information available within my Ministry, and the sector, is that we are far ahead of the competition in ensuring that when the COMESA safeguard period ends, we shall be able to face competition without any problem.

**Mr. Oparanya:** Mr. Deputy Speaker, Sir, the Minister said that he has enhanced credit accessibility to sugar farmers through direct lending by the AFC. He knows very well that lending by the AFC is only to large-scale farmers, who own 20 acres or more, while most of the sugar-cane farmers are small-scale farmers. What has he done to ensure that small-scale farmers get credit?

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, under the AFC lending configuration, specifically for the sugar industry, we have what we call "group lending", where members of various societies or organisations, or groups of farmers, can be lent money regardless of the size of land they own.

**Mr. Deputy Speaker:** Very well.  
Next Question, Mr. Karaba!

*Question No.198*

MINIMUM ENTRY GRADE REQUIREMENT  
TO PUBLIC UNIVERSITIES

**Mr. Karaba** asked the Minister for Education:-

- (a) what the minimum entry grade requirement is to public universities;
- (b) how many students have attained this grade since 2003/2004 academic year to date; and,
- (c) what steps the Ministry is taking to ensure that students with minimum qualifications are admitted to public universities.

**The Assistant Minister for Education (Dr. Mwiria):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) The minimum entry grade required for entry to public universities is C plus.

(b) The number of students who have attained this grade since 2003/2004 academic year to 2005/2006 academic year is 199,373.

(c) The Ministry will take the following steps, among others, to address the problem of admission of students with minimum qualification to public universities:-

(i) We are trying to encourage the expansion of the current universities through the upgrading of their campuses to constituent colleges as well as establishing new campuses; we are insisting that those universities which have regional facilities should expand them much more to accommodate more students as is the case with the parallel degree programmes.

(ii) De-linking admission from accommodation.

(iii) Promoting private sector investment in the development of university education by giving investors incentives to get them to open up institutions.

(iv) Considering innovative alternatives such as distant learning.

(v) Upgrading middle level colleges to offer degree programmes and, in some cases, to offer both degree and diploma courses.

(vi) Explore the possibility of establishing new universities, as is happening in the case of Mombasa. I am sure, this strategy will be considered for other areas of this country.

(vii) Basically, develop and implement capacity building programmes for academic and university staff managers, so that they are able to manage change that is related to measures to expand opportunities.

**Mr. Karaba:** Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for that very good answer. In response to part (b) of the Question, he said that 189,000 students qualified with grade C plus. What is the actual number of students who joined universities out of the 189,373 who qualified for admission?

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, I have given that number because it is what I have been asked to give, but you can estimate. Every year, public universities admit between 10,000 and 12,000 students, while private universities admit, maybe, another 8,000 students. So, about 20,000 students are admitted to universities each year. So, we can say that for the last three years, between 50,000 and 60,000 students have managed to find places in universities. That is just an estimate. I was not asked that question. However, we can get more accurate figures for the question, if he wants.

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

**Mr. Deputy Speaker:** The Shadow Minister for Education, Mr. Kamotho. Mr. Kamotho, you were on your feet?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, the Assistant Minister has told us that the minimum entry grade to public universities is C+. We know that, that was the minimum right from the beginning. The number of students getting C+ and above has increased tremendously. We know that the actual entry grade to public universities is no longer C+. What is the current entry grade?

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, the C+ minimum requirement was established from the beginning. The Joint Admissions Board met and decided that, although we cannot accommodate all the students, if you have a C+ and above, you are eligible for admission into a university because you have passed your exams. I agree with Mr. Kamotho that many students got

grade C+ and above. Last year, 62,000 students got C+ and above but, maybe, only 20 per cent will make it.

Mr. Deputy Speaker, Sir, last year, the minimum entry was a B+ of 68 points. So, it is true that C+ is not what you need. If you have a C+, you cannot make it to a public university. But, ideally, you are eligible. It is only that there are no places to accommodate all those numbers.

**Mr. Bahari:** Mr. Deputy Speaker, Sir, the measures the Assistant Minister has enumerated are not new. Those measures were there even when I was at the university. Could he tell us exactly how effective have those measures been? Only 30 per cent of that number qualify to join public universities.

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, I do not think the situation is as it was when the hon. Member was at the university. I think he has not told us the truth there. Many things have since changed, including the universities opening up.

First of all, the Module II Programme is a much more recent phenomenon. Secondly, most of those universities have campuses outside the capital City. For example, Kenyatta University is opening campuses at Kitui and Mombasa. Egerton University has campuses outside the Rift Valley Province and so on. So, all those universities are doing their best. Recently, the President was talking about the support we are likely to get from the United Arab Emirates (UAE) to establish a university in Mombasa. We are going to open up Nairobi and Mombasa polytechnics to offer degree programmes. Those are new measures that have been instituted since the hon. Member left the university. We would like to do even better!

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

**Mr. Deputy Speaker:** Hon. Members, it is already past Question Time. If you would allow me, I will ask two more Members to ask their questions and then we close. Mr. Ahenda has not asked a question for a long time.

Proceed, Mr. Ahenda, then, I will go to this side!

**Mr. Ahenda:** Thank you, Mr. Deputy Speaker, Sir. My bone of contention is that the disparity is so big. Out of over 190,000 students, only 60,000 will make it to public universities. That is as per the estimates that the Assistant Minister has given us. What immediate measures do you have to admit those students, apart from the future plans?

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, "immediately" is very unrealistic term when you are dealing with university education. You cannot just decide. You cannot declare, "let there be light", and there is light. We need to plan for it. We are just encouraging universities to expand more. But, I would like to let the hon. Member know that, that will take a bit of time. Some of the measures that we are implementing now were considered three or four years ago. We are getting there progressively. We hope that some of the ideas we are proposing now will be implemented in the next one or two years.

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

**Mr. Deputy Speaker:** Let us hear Mr. Wambora and then, the last question.

**Mr. Wambora:** Mr. Deputy Speaker, Sir, there is an immediate solution that can be taken by the Ministry to ensure that more students with minimum grade C+ can go to the university. Is the Assistant Minister aware that the major reason why we are not admitting many grade C+ students is because we are not allowing students to be day scholars? Could the Ministry change the



policy and facilitate those students who can get accommodation near the campuses to be day scholars?

*(Applause)*

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, hon. Members are clapping as if we have not made that point before. We have said that many times! In fact, I have said it here many times that we are asking universities to de-link admission from accommodation. That point has been made many times and we are negotiating that with the universities. Secondly, the Module II degree programmes are for students who are, actually, not accommodated at the universities. But I agree that is a tough one because the universities are using that to generate some income. So, we are insisting that universities de-link admission from accommodation. Let students who have relatives in Nairobi get admissions to public universities. They can be accommodated there and go to the university. It cannot be possible that you can only have day students if they can afford to pay for private education. I think we should make it possible for students from public institutions and poor families to access university education. So, I agree with the hon. Member. We have to push for that and ensure that universities implement that.

**Mr. Deputy Speaker:** Mr. Assistant Minister, you remember when you were responding, you gave one of the handicaps as accommodation. Now, you are saying that you are asking universities to do it. Are you not in a position to say: "From now on, de-link admission from accommodation and admit more students?"

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, if you remember, that is the second point that I made. We will de-link admission from bed space in public universities. So, the Ministry is insisting that universities should no longer tie bed space to accommodation. We are insisting on that measure to ensure that we accommodate more students. So, already, that is something that we believe in. We are insisting that it must done.

*(Mr. Karaba stood up  
in his place)*

**Mr. Deputy Speaker:** Okay! Last question, Mr. Karaba. I thought I had asked it for you.

**Mr. Karaba:** Mr. Deputy Speaker, Sir, considering that C+ is a grade that can attract over 200,000 students to join universities, could the Ministry consider giving loans and bursaries to students who score C+, instead of considering only those with B+ and above? Students go to Makerere University in Uganda due to lack of space. They should also benefit from those loans and bursaries.

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, as long as you get to university with a C+, you are entitled to apply for a loan. But the resources are limited. So, when the resources are limited, we get back to the same point - who gets admitted. It is competition just like with the bursaries. It is not possible! But we would like that to remain open.

**Mr. Deputy Speaker:** Thank you, Assistant Minister. Hon. Members, we are now ten minutes past the time allotted for Questions. But, nevertheless, I still want to finish with the last Question that is on the Order Paper. I will, therefore, exceed the time a little bit by asking the Member for Emuhaya, Mr. Marende, to ask his Question.

*Question No.199*

MEASURES TO ADDRESS INCOME  
DISPARITIES IN KENYA

**Mr. Marende** asked the Minister for Planning and National Development:-

- (a) whether he could explain why, for the past five years, Kenya has been ranked among the leading countries globally where income distribution is so disproportionate that the disparity between the low and high income earners is too enormous and, therefore, income distribution, alarmingly, unequal; and,  
(b) what urgent steps the Government is taking to address that situation.

**The Minister for Planning and National Development** (Mr. Obwocha): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Kenya Government has, in the past, acknowledged the existence of an income distribution inequality. That is reflected in the Welfare Monitoring surveys which were carried in 1994 and 1997. The new Government has put in place policy documents to address that issue. The Economic Recovery for Wealth and Employment Creation addresses equity and poverty reduction. In promoting that, we have put in place several measures to increase access to socio-economic opportunities for all. We have introduced the Free Primary Education Programme, the School Feeding Programme, the Youth Enterprise Fund and the recently proposed Women Enterprise Fund. Those are very important interventions.

Mr. Deputy Speaker, Sir, there are also innovative policy interventions such as the Constituencies Development Fund (CDF), Local Authorities Transfer Fund (LATF) as well as Constituency Education Bursary Funds which is assisting students from poor households to access secondary education. There is also a special plan for Arid and Semi-Arid Lands (ASALs), which have lagged behind for a long time. We have pumped money into that programme. In Upper Eastern and Upper Rift districts, more than Kshs11 billion has been invested through a new programme.

In urban areas, you know the slum upgrading of low cost housing is being implemented to improve living conditions of the millions of the urban poor.

Mr. Deputy Speaker, Sir, lastly, it is also important to note that there has been increase in Government budgetary expenditure on core poverty programmes to ensure that they are sufficiently funded to facilitate access to services. Four per cent of our Gross Domestic Product (GDP) is addressing this issue.

(b) Finally, I have given the hon. Member a comprehensive two-page answer on what the Government is doing to address this issue. My predecessor put in place a survey; the Kenya Household Budget Integrated Survey (KHBIS), the Report is coming out to show where the welfare of Kenyans is.

Thank you.

**Mr. Marende:** Mr. Deputy Speaker, Sir, I want to thank the Minister for that long exposition on the Government's intentions to bring about equality and equity as much as possible. However, the answer by the Minister is largely lip-service to a very grave situation. As we speak, 10 per cent of the Kenyan population live in opulence; 33 per cent barely eke out a living while 57 per cent live below the poverty line and in squalid conditions. Could the Minister come up with tangible answers to questions such as: When will this Government give land to the landless? When will this Government provide free health services to Kenyans? When will this Government provide free secondary education to Kenyans so that this imbalance can be corrected?

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, you will appreciate what I said. This 57 per cent he is talking about was from a survey done in the previous Government in 1997. Ten years have passed! My predecessor put in place a survey and so, we should be releasing the new figures to show where we are. These other issues he is talking about that is land, health and secondary school education are among the many other programmes I have said we have put in place.

You know that for secondary education we have one million students. If you take an average of Kshs20,000 fees per annum, you need Kshs20 billion. This is what we are addressing. If it is possible, this Government will do it.

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

**Mr. Deputy Speaker:** Order! I will give the chance to Mr. Billow, Mr. Odoyo and then we will have the last question!

**Mr. Billow:** Thank you, Mr. Deputy Speaker, Sir. The Minister did not answer the first question properly which is clearly asking why there are the disparities, with regard to income distribution. An example is in the public service where the lowest income is Kshs5,000 in Job Group 'A' and the highest in the public service, is over Kshs2.5 million per month. Those are some of the things. However, let me ask my question with regard to the second part of his answer where he said that billions of shillings have been invested in areas like in the North Eastern Province. The news about that money that seems to have been reported, time and again; about the North Eastern Province is quite misleading. The billions that they have invested and they talk about is the cost of famine relief being given to people. The question that is causing all these problems is the imbalance in resource allocation in the Budget. What action is the Government going to take, which it can do in the short term, in terms of addressing the inequalities inherent in the annual allocation of resources in the Budget? That is where our problem is!

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, the hon. Member is very well informed. I am not talking about distribution of famine relief. I am talking about the programmes that have been produced over this period when the new Government took over from 2002.

So, if Mr. Billow wants to have access to that report, I am ready to give it to him. It is not lip-service! It is Kshs11 billion on the programme; the water, boreholes and the programmes we have put in place since the new Government came into place. The programme is continuous and I can assure him that it is going to be reflected even in this year's Budget.

**Mr. Odoyo:** Mr. Deputy Speaker, Sir, the Minister is a well known Chartered Accountant. I would, therefore, like to address my question to a well known Chartered Accountant.

Mr. Deputy Speaker, Sir, could he confirm or deny that despite the much touted growth rate of 5.8 per cent, poverty levels in this country have increased since the Minister came into office?

*(Applause)*

I have confirmed, by among others, international bodies like the United Nations Development Programme (UNDP) and---

**Mr. Deputy Speaker:** That is enough, Mr. Odoyo!

**Mr. Odoyo:** I could go on, Mr. Deputy Speaker, Sir.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, while I appreciate his comment, the 5.8 per cent growth rate is in the various sectors of the economy, from agriculture to tourism. He knows how these sectors have flourished. All those sectors are the ones that contribute to 5.8 per cent growth rate.

However, on poverty levels, I have said that my predecessor, his friend, Prof. Anyang'-Nyong'o, put in place the KHBIS. I am going to read that Report and tell you that the poverty levels have reduced in the last ten years.

**Hon. Members:** Ah!

**Mr. Marende:** Mr. Deputy Speaker, Sir, the answers given by the Minister, obviously, are

unsatisfactory. He wants to lay blame on the previous regime, yet this Government has now been in power for four years and a half. Surely, this Government must wake up and substantively address the plight of Kenyans.

Mr. Deputy Speaker, Sir, could the Minister say whether or not, in fact, they will provide answers to the prevailing situation? They are in the Government and it is their duty; they are under compulsion to stop Kenyans from suffering? The inequalities that are there must be addressed by them!

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, when this Government took power, it was awake. It cannot, therefore, wake up again! We are saying that in the new Budget, these programmes are going to be there.

I am asking the hon. Member to use his Constituencies Development Fund (CDF) properly to address the health facilities, bursaries and all the local---

**An hon. Member:** He did not hear the question!

**Mr. Deputy Speaker:** He heard it!

*(Mr. Ojode stood up in his place)*

Sit down, Mr. Ojode!

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, he should give bursaries properly so that parents can use a bit of the money. Instead of paying school fees, the parents can use the money elsewhere. That is the way to reduce poverty levels.

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

**Mr. Deputy Speaker:** Thank you, Mr. Minister!

Order, hon. Members! Look at the clock! We are already 20 minutes past Question Time. We cannot go beyond that.

That is the end of Question Time! Thank you for your co-operation.

Proceed, Mr. Karaba!

### POINT OF ORDER

#### PROPOSED CONSTRUCTION OF DAGORETTI EDUCATIONAL CENTRE ON LENANA HIGH SCHOOL PLOT

**Mr. Karaba:** Thank you very much, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement regarding the recent war of words between the Board of Governors and the Parents Teachers Association (PTA) of Lenana High School, which is a national school---

*(Mr. J.M. Mutiso and Prof. Saitoti consulted loudly)*

**Mr. Deputy Speaker:** Mr. J.M. Mutiso, will you let the Minister for Education listen to that point because Mr. Karaba is addressing him?

Proceed, Mr. Karaba!

**Mr. Karaba:** Mr. Deputy Speaker, Sir, I am trying to seek a Ministerial Statement regarding the recent war of words between the BoG, the PTA of Lenana High School and the hon. Member of the area, who happens to be an Assistant Minister for Education.

**Mr. Deputy Speaker:** Hon. Member for what area?

**Mr. Karaba:** Mr. Deputy Speaker, Sir, the hon. Member for the area where the school is located. The war of words was regarding the construction of the proposed Dagoretti Educational Centre on the 40-acre plot belonging to the school.

Mr. Deputy Speaker, Sir, I am asking the Minister whether he is aware of that and what the Government's position is with regard to this matter.

**The Minister for Education** (Prof. Saitoti): Mr. Deputy Speaker, Sir, I am aware that there has been that discussion which has featured quite prominently in the media. However, I would like to seek the indulgence of the Chair so that I can come with a comprehensive Statement about the matter some time next week.

**Mr. Deputy Speaker:** Mr. Minister, we will allow you to make the Statement either on Tuesday or Wednesday next week. Is Tuesday fine with you?

**The Minister for Education** (Prof. Saitoti): Mr. Deputy Speaker, Sir, Wednesday will be a much better day because there are certain discussions on the matter still going on.

**Mr. Deputy Speaker:** Very well, Wednesday afternoon will do.  
Next Order!

## BILLS

### *First Readings*

#### THE EMPLOYMENT BILL

#### THE LABOUR RELATIONS BILL

*(Orders for First Readings read - Read  
the First Time - and ordered to  
be referred to the relevant  
Departmental Committees)*

## MOTION

#### ADOPTION OF 1999/2000 PAC REPORT

THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 1999/2000 laid on the Table of the House on Thursday, 26th October, 2006.

*(Mr. Omingo on 12.4.2007)  
(Resumption of Debate interrupted  
on 17.4.2007)*

**Mr. Deputy Speaker:** Who was on the Floor? Mr. Midiwo, you have 13 minutes left!

**Mr. Midiwo:** Thank you, Mr. Deputy Speaker, Sir.

*(Mr. Odoyo consulted loudly)*

Mr. Deputy Speaker, Sir, protect me from these loud consultations.

**Mr. Deputy Speaker:** Order, Mr. Odoyo! Could you, please, move to your place?

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I was on the Floor yesterday before the House adjourned and I would like to thank you again for giving me this opportunity. I was talking about the Report of the Public Accounts Committee (PAC) on the Government of Kenya Accounts for

the year 1999/2000. I would like to thank an accountable Minister in the name of Mr. Obwocha because, for once, when he was on the Floor of the House, he owned up that the 5.8 per cent economic growth rate is just on targeted sectors, for example, tourism and it does not necessarily mean that there is economic growth in the country. That was a good thing, at least, when we are talking about issues of accountability.

**The Assistant Minister for Planning and National Development** (Mr. Ethuro): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead this House that the Minister for Planning and National Development said that the 5.8 per cent economic growth rate is non-existent? If anything, he confirmed that there is an economic growth rate of 5.8 per cent in this country which is impacting positively on poverty.

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, that is frivolous. I did not really say that.

Mr. Deputy Speaker, Sir, in the Report, there is something interesting about State House, which we suspect is happening today. In 1999/2000, State House did not pay its bills, instead it carried them forward to the following year. This is an issue to do with public accounting, especially where public resources are concerned. We know that State House operates under a budget today as it was then. So, I see no reason why a public institution, which is the highest office in the land, should not pay its bills. It just goes to show that money was used for reasons not intended. We are talking about issues of corruption.

Part of the problem is that these Reports are presented before the House many years later after the facts. The Minister for Finance has just laid on the Table a similar Report for 2003/2004 for the Lake Basin Development Authority. Now, it is three years later and we cannot help that institution even if it was collapsing.

Mr. Deputy Speaker, Sir, look at Kenyatta National Hospital, it is today that the Report for 2001/2002 has been laid on the Table. I do not think that is fair to the country. It is also not fair that once recommendations are made, they are not implemented by the Executive arm of this Government.

Mr. Deputy Speaker, Sir, there is the issue of corruption in the Judiciary. You cannot develop this country unless you curb corruption in the Judiciary. Corruption in the Judiciary starts with interference by the Executive. There are instances where a Cabinet Minister goes to court and their cases are heard very hurriedly just because they happen to intimidate the court.

**Mr. Ojode:** On a point of order, Mr. Deputy Speaker, Sir. Did you hear the hon. Member say that Cabinet Ministers go to court to interfere with and intimidate the Judiciary?

Could he, please, substantiate his remarks?

**Mr. Deputy Speaker:** Mr. Midiwo, did you say that a Cabinet Minister has gone to court or goes to court to intimidate the Judiciary?

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I had not said that, but I was going to say that Cabinet Ministers are really intimidating the court system. The Judiciary is not working well and that is fuelling corruption in this country. The Office of the Chief Justice is corrupt. The Office of the Director of Public Prosecutions (DPP) is extremely corrupt and, we as a House, cannot sit back and watch without doing anything.

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

**Mr. Deputy Speaker:** Order, hon. Members! Will you, please, sit down? What is your point of order, Capt. Nakitare?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, but he has not substantiated what I asked him.

**Mr. Deputy Speaker:** Proceed, Capt. Nakitare!

**Capt. Nakitare:** On a point of order, Mr. Deputy Speaker, Sir. You heard the hon. Member mention that the Chief Justice is corrupt.

Could he, please, produce evidence to that effect? Is he really in order to mention somebody who cannot represent himself in this House?

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I am talking about facts. I am very well aware of the fact that you cannot go accusing people who cannot defend themselves in this House.

I have a letter here written by the Vice- President and Minister for Home Affairs to the Magistrate, Busia Law Court.

*(Applause)*

**Mr. Deputy Speaker:** Mr. Midiwo, just before you go on to say what you want to say, you talked about the Office of the Chief Justice being corrupt. I heard it with my own ears.

**Mr. Midiwo:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** I just want to draw your attention to Standing Order No.73(1) which says:-

"Neither the personal conduct of the President, nor any conduct of Mr. Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the ruler or the government or the representative in Kenya of any friendly country shall be referred to adversely except upon a specific substantive Motion moved for that purpose."

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I spoke of the office not the character of the Chief Justice himself. I have not said that the Chief Justice is corrupt. However, I want to talk about a specific---

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

**Mr. Deputy Speaker:** Order, hon. Members! Let the hon. Member explain his point! Hon. Members, would you let me control the House?

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, let me illustrate my point.

**Mr. Deputy Speaker:** Respond to my---

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I did not talk about the Chief Justice. I said the court system, the Office of the Director of Public Prosecutions and the office of the Chief Justice.

Mr. Deputy Speaker, Sir, I have also spoken about the Office of the Vice- President and Minister for Home Affairs. I have a specific case in point and I am holding the evidence.

**Mr. Deputy Speaker:** So, you have clarified that you did not mention either the Chief Justice or any judge?

**Mr. Midiwo:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Very well! Then, in that case, you are off the hook!  
Please, proceed!

*(Mr. Ojode stood up in his place)*

Mr. Ojode, I do not know what is itchy! What is it?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, the hon. Member on the Floor said that Cabinet Ministers are also corrupt. I want him to substantiate the allegation.

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, the Vice-President and Minister for Home Affairs is a member of the Cabinet. I am holding---

**Mr. Deputy Speaker:** Order, Mr. Midiwo! If you want to bring a matter referring to the

Vice-President and Minister for Home Affairs, you are free to bring a Motion.

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I am only saying that---

**Mr. Deputy Speaker:** Order, Mr. Midiwo! If you want to bring a specific matter about a Cabinet Minister, including the Vice-President and Minister for Home Affairs, on an allegation of corruption, you will have to comply with Standing Order No.73(1). You need to bring a substantive Motion and move it for that purpose! That is what the Standing Orders say.

*(Applause)*

Hon. Members, the issue of tossing names of people here and there and leaving them hanging--- We have Standing Orders which protect integrity of certain officers. They must be followed. These are not my orders. They are your orders.

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

**Mr. Deputy Speaker:** Order, Mr. Kajwang! I will not allow any more points of order. I have already addressed, Mr. Midiwo!

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, this is a very substantial point of order.

**Mr. Deputy Speaker:** Mr. Midiwo has been addressed by the Chair. Why do you not let him respond, first of all.

**Mr. Kajwang:** But, Mr. Deputy Speaker, Sir---

**Mr. Deputy Speaker:** Mr. Kajwang, do you want to respond? Let Mr. Midiwo respond to what the Chair has addressed to him before you can stand up.

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I am well aware of the Standing Orders. I will not abrogate any section of it. I am just illustrating that corruption in our justice system cannot allow accountability in this country. We must have a fair justice system for accountability.

I was using a case in point. I have a letter here with me. I want to table it, so that I do not accuse anybody unfairly. It is written by Mr. Moody Awori. It is instructing a magistrate to release people who are personally known to him from a custody in Busia District. These are people who have murdered others---

*(Applause)*

**Mr. Deputy Speaker:** Let us have that letter first! Bring it here!

*(Mr. Midiwo handed over the letter to Mr. Deputy Speaker)*

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, attached to that letter is a reply by the magistrate. It is asking the Vice-President and Minister for Home Affairs to stop interfering with the Judiciary.

*(Applause)*

Mr. Deputy Speaker, Sir, this is a serious offence. It is about people who have murdered Kenyans.

**Mr. Deputy Speaker:** Order, Mr. Midiwo! If I were to remember exactly what you said, you said that, the Vice-President and Minister for Home Affairs, Mr. Moody Awori, had written a letter asking a magistrate to release people known to him. That is the statement you made.

The letter I have here simply says, "Will you, please, let me know the status of that case". There is no place where the question of releasing arises from the letter I am holding. Therefore, Mr.



Midiwo, you have made an allegation against the Vice-President and Minister for Home Affairs, that he wrote a letter to the magistrate asking him to release certain people. I have the letter here with me. There is no place where it suggests, whatsoever, that any person be released.

For that reason, I am holding only one letter from the Vice-President and Minister for Home Affairs---

**Hon. Members:** Read it! Read it!

**Mr. Deputy Speaker:** Order, hon. Members! Are you directing the Chair on what to do? If you want me to read the letter and I can go ahead and do so it has nothing to do with what Mr. Midiwo is alleging. It says:

"I have received a letter from Mr. Lumumba on the above case involving Mr.

Okumu and Wandera, please, let me know the status of the case."

That is the end of the letter. It is just a one-sentence letter. Mr. Midiwo, does that say, "release" that person?

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, just for your information, Mr. Lumumba is a criminal in custody. He is charged with murder. How could he be communicating with the Vice-President and Minister for Home Affairs in writing?

*(Applause)*

**Mr. Deputy Speaker:** Order! Mr. Midiwo, now you are already condemning a person as a murderer. That is not the issue. It is not the issue of this House to pass judgement on people in court.

The matter at hand here is that you said that the Vice-President and Minister for Home Affairs asked that these people be released. However, the letter you have produced here does not say so.

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, let me withdraw that.

**Mr. Deputy Speaker:** Order, Mr. Midiwo, let me finish! On that particular matter, you have to withdraw that statement and then proceed to contribute. Otherwise, you are really out of order! What you have said does not tally with the letter you have produced here.

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I withdraw that---

**Mr. N. Nyagah:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, Mr. N. Nyagah! I am dealing with Mr. Midiwo!

Mr. Midiwo, the Chair has already addressed---

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I have withdrawn that statement. But the sequencing of that letter---

**Mr. Deputy Speaker:** Order! Order!

**Mr. Midiwo:** I have withdrawn, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Mr. Midiwo, please, you are taking a lot of this House's time. You produced a letter and made a statement. The two do not tally. Withdraw, apologise and proceed!

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I withdraw and apologise. Sir,---

**Mr. Deputy Speaker:** Very well! Proceed!

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, the letter before the House---

**Mr. Mwiraria:** On a point of order, Mr. Deputy Speaker, Sir. Mr. Midiwo alleged that the office of the Chief Justice is corrupt. He went on to allege that the entire Judiciary is corrupt. Could you, in fairness, tell the House whether that accusation is not directed to the judges?

**Archbishop Ondiek:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Why can you not abide by the rules of the House? By now you must be knowing the rules of the House. The hon. Member is on a point of order. How can you stand on

another point of order?

**Archbishop Ondiek:** On a point of order, Mr. Deputy Speaker, Sir. I was just alerting you. Is he allowed to speak from the Dispatch Box?

*(Mr. Mwiraria moved from the Dispatch Box to the Back Bench)*

**Mr. Deputy Speaker:** Mr. Mwiraria now you are at the right place.

**Mr. Mwiraria:** Yes, Mr. Deputy Speaker, Sir. I am sorry I got agitated when I was consulting with the Minister. But the

issue I was bringing out is that the allegation is that the office of the Chief Justice is corrupt. That was immediately followed by the statement that the Judiciary is corrupt. Is he not breaching the Standing Order No.73 which you read to him? Can he really say that he is not accusing the Chief Justice and the judges by implication, which is prohibited?

**Mr. Deputy Speaker:** Mr. Midiwo, it is you who put yourself into the mess.

**Mr. Midiwo:** Yes, Mr. Deputy Speaker, Sir. Let me get myself out of the mess. It is contempt of court for somebody who is not an officer of the court to write to the judge to influence the direction of a case. That is the issue that we are addressing; accountability. That letter has been copied to the Chief Justice. I do have more letters written by people---

**Mr. Deputy Speaker:** Mr. Midiwo, your time is up. I have been informed by the Clerk that your time is up. You squandered your time by making allegations that you could not substantiate.

**Mr. Midiwo:** But, Mr. Deputy Speaker, Sir---

**Mr. Deputy Speaker:** Your time is up!

**The Minister of State for National Heritage (Mr. Shakombo):** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Not on that matter. What is it? Mr. Midiwo's time is up.

**The Minister of State for National Heritage (Mr. Shakombo):** On a point of order, Mr. Deputy Speaker, Sir. Since the hon. Member has brought up all kinds of accusations and allegations which he cannot validly convince anyone of us, is it not in order for him to withdraw everything so that it is removed from the record?

**Mr. Deputy Speaker:** I would have been more concerned if he specifically said that the Chief Justice or a particular judge are corrupt. If it is a general matter, I would not really pin him down on that. Now, Mr. Midiwo's time is up. Who else wants to contribute on the matter?

**Mr. Kipchumba:** Thank you, Mr. Deputy Speaker, Sir. I also want to support this Motion; the adoption of the Report of the PAC for 1999/2000. Just as many hon. Members have said in this House, the biggest problem that we have had with many reports since Independence, is the failure by the Government to act on the recommendations of the House. Therefore, this Government, just like the previous governments of Mr. Kenyatta and Mr. Moi, are all the same. They belong to the same generation and therefore, this Government has not come with any difference.

This and any other government must know that audit queries do not die. You may fail to act on the audit queries of yester-years, but many of the hon. Members know that these queries will catch up with you in the near future. We, in the Public Accounts Committee (PAC), have struggled to ensure that we do, on an annual basis, two reports of the Controller and Auditor-General. We have done that very well to the extent that this financial year, we should be able to catch up with officers when they are still in office. It is our hope that the reports that are produced in any financial year are dealt with in the successive years so that any Minister or Permanent Secretary who is still in office should be able to answer for his sins.

Mr. Deputy Speaker, Sir, we have done very well. We have now done 2004/2005.

Therefore, anybody who thinks that he can commit crime and run away will be shocked that PAC is catching up very fast.

Our only let down, as I said before, is failure by the Government. If this Government cannot act on the audit reports, the Government that will come into power next year will be able, in good faith, to act on the same reports. Therefore, it is only fair that when this House gives work to its own Committee, they should be able to act on the report.

Mr. Deputy Speaker, Sir, my disappointment with many officers of the Government is their continued repetition of the same mistake year in, year out. We have seen cases of under-expenditure. Every year, this House votes monies for various projects but when audits are done every financial year, we realise that many of the Ministries under-spend their various Votes. We have made recommendations year in, year out, since Independence that every Ministry without reasonable cause must be able to spend all its money. But it has become a song. We do it this year, we do it next year and we reiterate it next year. Many of our constituents suffer in the consequence to the extent that they are unable--- But there are Ministries which have done very well. For example, the Ministry of Energy has done very well to the extent that they should be given more funds. But certain Ministries should, in fact, get lower funds. That is why we have introduced the new Budget Bill. This will ensure that any Ministry that is unable to spend or act on any audit reports, the Minister responsible must bear the consequences.

There are some small Ministries which are given Kshs10 billion and they are unable to spend even 50 per cent of that amount. But we have other Ministries which are given Kshs50 billion and they are able to spend all the money. It is time that the performance contracts that have been given to the various Accounting Officers be pegged to their ability to spend that money.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. M'Mukindia) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, we have made recommendations that there should be no queries on imprests. If you look at all the reports of PAC year in, year out, you will notice that there are a lot of imprests accruing from various officers. It is now law that you must surrender your imprest within 48 hours. But when many of those Accounting Officers are asked that question, they say that many of the officers retired before surrendering all the imprests and that they have written to them letters using their last known addresses. You will wonder, when those officers are being released from duty, what is the job of the Accounting Officers? What is the job of the management to the extent that they release officers to go on retirement and yet they have not cleared huge amounts of imprests? There are people who owe this Government millions of shillings in imprests that has not been followed.

Mr. Temporary Deputy Speaker, Sir, we have cases of failure by the Government to provide counter-part funds. Every year, the Government in its Budget, is required to provide for counter-part funds in various projects. It is disheartening that while donors provide their portion of funding for the various projects, the Government has consistently failed to meet its obligation of providing counter-part funds. I think we must legislate in future that whenever we vote in monies in our estimates, that the counter-part funds must always be provided for.

Mr. Temporary Deputy Speaker, Sir, we have also made recommendations that various contractors must be deregistered. Even in this Report, there are cases of roads, like the Ziwa-Kitale Road, which was constructed using quite a lot of money by TAM Construction Company. The road never lasted two years, and yet a tamarck road must be guaranteed to last at least more than ten years. Those contractors continue to be given contracts in this country. They are very many. I think

we must legislate to punish any Minister, or officer of Government, who ensures that projects are done by companies that have been blacklisted by a Committee of this House. This is a very serious matter. We continue to lose a lot of money.

Mr. Temporary Deputy Speaker, Sir, the most interesting topic that I always deal with in the PAC is the issue of pending bills. Since I joined Parliament, every year, there are issues to do with pending bills, to the extent that billions of shillings have not been paid to contractors. All that this Government has done is to buy time. There have now been very many committees on pending bills called by various names. Now, the current one is called "the Pending Bills Finalisation Committee", on which we have no report. It continues to assume that it can finalise these pending bills issues. Some of the bills are so basic. If, indeed, a Ministry has no query on a bill and a contractor has done a job, why can he not be paid? If the contractor has not done the job, why can that issue not be dealt with there and then? We continue to provide, in our books of accounts, quite substantial amounts of money to meet pending bills owed to various contractors. It is a shame that we cannot sort out a matter that has been pending for a long time.

The Government says it inherited these pending bills, but what has it done about them? It is hopeless to be a person who cannot make a decision in society. You better make a decision, get it wrong but get it right the next time. But we cannot, and should not, continue to provide in our books, year in, year out, for people who must be paid. This finalisation committee continues to incur a lot of expenses. By the end of last year, it had incurred a bill of up to Kshs80 million, all on a report that might not be acceptable to the contractors. This is because there was no contract in the first place between the contractors and the Government. So, any report that this committee comes up with will be liable to be challenged in court. Therefore, it is a waste of funds and time.

I want to request the Government to look into this issue of pending bills once and for all; it should negotiate with the contractors, and a way out found in relation to bills which cannot be paid. You cannot continue to pretend that you are looking into bills which are so obvious. Some of them relate to electricity, telephone charges, construction works which were verified by various engineers and so on. It is time this Government makes a final decision.

Mr. Temporary Deputy Speaker, Sir, we have cases in public expenditure where Parliamentary approval has not been given, yet various Accounting Officers continue to incur expenditure. This Parliament will be toothless if, indeed, there are Accounting Officers who continue to incur expenditure with impunity without Parliamentary approval. I think this House must rise to the occasion. There is no point in us approving funds in this House, if Accounting Officers will commit Government beyond what has been approved. I think we must, as a House, legislate.

The biggest problem we have in accounting in Government today is failure to institute necessary sanctions. Accounting Officers continue to incur irregular expenditure and violate the laid down Government financial regulations with impunity. There are no rules or penalties. All you do is probably transfer an officer to another office, or do nothing at all. I think it is time that we amended and put into law our financial regulations, so that anybody who violates any financial regulation is made to pay for it. If, for example, an Accounting Officer incurs expenditure beyond what is approved by Parliament, that officer must, by law, be made to pay the unauthorised excess expenditure. You cannot continue to allow people to incur expenditure, which has never been approved and they still go scot free. I think the Departmental Committee on Finance, Planning and Trade must look into these issues if the Minister is unable to do that.

Mr. Temporary Deputy Speaker, Sir, another issue that has puzzled us is the failure by local authorities to ensure that they keep proper books of accounts. The Controller and Auditor-General can only audit books which have been prepared by accountants. If you look at the books for various local authorities, you will realise that since Independence many of them--- In fact, for the first time last year, the Controller and Auditor-General was able to audit only a few of them, yet

local authorities now have become the bodies through which the Government will ensure that funds are expended. The money that is transferred to local authorities is almost equivalent to the CDF allocation. This year alone, they were given up to Kshs7 billion. It would be outrageous that huge amounts of money are not followed up with an audit, or to ensure preparation of proper books of accounts. Mr. Temporary Deputy Speaker, Sir, the biggest problem, as many local authorities will tell you, is that they do not have the necessary expertise. This country is not in short of accountants. I think it was deliberate that accountants were not posted to the local authorities, so that proper books were not prepared and, therefore, the Controller and Auditor-General was unable to audit the local authorities, hence monies were misappropriated in various local authorities. You realise that when the CDF kitty was established, people forgot about monies that are transferred to local authorities completely, and to the extent that nobody talks about it, yet those are the monies that are not accounted for. In fact, no PAC has looked at the accounts of any local authority. If we do that this year, then this will be the first time we will have done it.

I, therefore, want to request that the Ministry of Finance, or the Ministry of Local Government, employs competent staff. I do not understand why a Minister should be posted to the Ministry of Local Government, be in office for five years, or whatever period, be removed or resign without ever learning that, indeed, all the monies that have been transferred to the various local authorities have not been audited or accounted for. I think this is a shame and an embarrassment to this country.

Mr. Temporary Deputy Speaker, Sir, another problem that we have regards the use of the Contingency Fund (CF). The CF is supposed to be used in unforeseen cases. But, in many occasions, some of that money has been withdrawn and used for cases which were clearly within our knowledge. If, indeed, we cannot use that money for unforeseen circumstances, there is no need for that Fund. That Fund was created to assist when there is famine, flooding or any other calamities that befall this country. That money is withdrawn and replenished almost immediately, or in the subsequent financial year. That money can easily be misused. It is money that is set aside in the Budget to take care of unforeseen cases. So, it is very important that we become very strict on the use of the CF. If that is not done, then cases of corruption can easily crop in.

Mr. Temporary Deputy Speaker, Sir, finally, there is the issue of Government guarantees. If you look at the reports of the Public Accounts Committee (PAC) since Independence, the Government has continued to guarantee loans to various parastatals and Government departments. To date, it is not known how much money the Government has guaranteed various State corporations and departments. It is embarrassing! The Government does not know how much it has guaranteed various organisations. Many of those parastatals get those guarantees and yet, they know they do not have the capacity to pay those funds. It is high time we instituted a special audit of all the money that the Government has guaranteed various organisations. We could be paying money and services were not provided. That is a case where corruption could have easily cropped in.

A former Chairman of PAC, Mr. Omingo, brought a Motion that urged the Government to conduct an audit of all the money that it has guaranteed. But that Motion was shot down by this House. Nothing has been done since then. Every year, we, in PAC, ask: "How much money has the Government guaranteed various parastatals?" Nobody seems to know. Even the parastatal chiefs will tell you that the Investments Section of the Government should be able to give that information. If you go to them, they have no clue! They say the various parastatals should know. There are cases where the Government even paid for a loan before its maturity date. All we are told is that the donors will give the money and the Government is told to pay a certain amount for a number of years. The Government does that without questioning or analyzing the books. But they will tell you that the Treasury knows. Yet, they are the consumer departments of the Treasury. I do not think it is fair to expect the Treasury--- I know it is the responsibility of the Treasury to source

for funds. But it is also the responsibility of the various departments and parastatals, who are the final consumers, to know how much was borrowed, what is pending and when it should be paid. You cannot continue to pay monies which you have no idea about. We can repay those monies forever! At times, I wonder whether all the loans that this country has incurred are actually genuine. Sincerely, this country must look at some of those loans. It is not fair for the future generations to pay for monies which they have no clue about and, probably, monies that were not rightly incurred. That is corruption of the highest order!

Mr. Temporary Deputy Speaker, Sir, cases of variations are some of the problems that this country faces. You award a tender worth Kshs10 million to construct a road and before the contractor commences operations, he varies the contract from Kshs10 million to Kshs15 million. He starts work and, again, varies the contract to Kshs20 million. By the time the contractor completes work, you will have paid a contract sum five times the original value. We have cases in the PAC where a contract has been varied more than 1,000 times. I have always told engineers: If the cost of constructing a road is not plus or minus 10 per cent, then engineering ceases to be a science. It cannot be guesswork. You cannot tell me that this Chamber will cost Kshs10 million today and, finally, it costs Kshs200 million. What is design all about? Design, in my view, ceases to be any science that I thought I knew. I wonder why various Government departments would want to agree with the contractors when they issue various variations. I know variations are allowed. But they are plus or minus 10 per cent. You cannot be perfect in terms of estimates. There could be other unforeseen cases. But that must not exceed certain limitations. Therefore, we must provide it in law that, no contract will be varied by more than 15 per cent or 10 per cent. If you vary a contract of Kshs100 million by 10 per cent, we are talking about Kshs 10 billion! That is money which is adequate to finance the Ministry of Agriculture, which is the backbone of this country. If you varied the same by 50 per cent, we are talking about Kshs50 billion.

**The Assistant Minister for Health** (Dr. Kibunguchy): On a point of order, Mr. Temporary Deputy Speaker, Sir. I have been in this House since we started debate on the Report of the PAC. I can see that hon. Members have started to repeat themselves. Would I be in order to ask the Mover to reply?

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Let Mr. Kipchumba finalise his contribution. Then, I will call upon the Mover to reply.

Proceed, Mr. Kipchumba!

**Mr. Kipchumba:** Mr. Temporary Deputy Speaker, Sir, I was just finalising on the issue of variations. Many Government officers would not like to hear about variations because that is where they make a lot of money. We must legislate a law that requires all contracts not to be varied by more than 10 per cent to 15 per cent. That initiative must come from the Government, which preaches zero-tolerance to corruption.

I was very impressed when His Excellency the President talked about our oversight committees. He said that they have done a very good job. But he failed to mention that the Government has been unable to act on the same reports. I wish that, in the next Budget Speech, the Minister for Finance--- It is from the Treasury that we are supposed to get Treasury memorandums showing what the Government has done with the various reports. We should get such a report. It is only fair that the Treasury acts on the various reports.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Hon. Members, I will give Mr. ole Ntimama five minutes to say something. Thereafter, Mr. Omingo will reply.

**Mr. ole Ntimama:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. It is unfortunate that we are ending this debate when we are just a few of us on this side. Some hon. Members are, probably, still taking their tea leisurely out there. They might have wanted to contribute to this very important Motion.

Mr. Temporary Deputy Speaker, Sir, I have a reason to say that I was member of that Committee, but only partially. What happened is that, after the General Elections, and after some of us fought very vigorously to get this Government in power and have His Excellency the President elected--- Although I consider myself a very important hon. Member of the Liberal Democratic Party (LDP), which was part of the coalition, I was left floating for about one and a half years. The short time I was a Member of the PAC, I took it to be a very important Committee for the development and economy of this country and, indeed, even for other areas, like the security and good governance. However, what surprises me, and I think hon. Kipchumba and other hon. Members said, is that no action has been taken on the recommendations made by the PAC. Even the small things that we recommended have not been acted upon. This Report talk about mega financial scandals. It also talks about individuals in parastatals and public service misappropriating funds. However, no action has been taken against them.

We have been talking about variation of contracts. We can only vary a contract by following the regulations of procurement. We are only allowed to vary a contract up to only 24 per cent of the original value. However, when Chairman of the PIC was contributing to this Motion, he said some of these contracts were varied by up to 200 per cent. If these things are happening, then it is really serious. I do not know why the Government does not take action on these things. We all know that the road system is actually our lifeline. Although most of the contributions for our roads is from the donors, we need to scrutinise everything. We should not bury our heads in the sand in the hope that our development partners will do a good job for this country.

Mr. Temporary Deputy Speaker, Sir, I still think that we have lost the war on graft. I have said so, many times in this House. It is a pity that a major scandal, for example, Anglo Leasing, has disappeared into thin air. Members of the public are still waiting to see what action this Government will take against perpetrators of this mega scandal. We want to see those people prosecuted. It is sad that, so far, no action has been taken against them. The Goldenberg scandal has also disappeared into thin air despite all the billions of shillings that were lost. I believe that there is always a cartel in these scandals which involves senior public servants in the Ministries and the Judiciary.

Mr. Temporary Deputy Speaker, Sir, even the ineptitude of the office of the Attorney-General has been alluded to by many hon. Members when contributing to this Motion. One of them is that he does not even inform the Ministries of the decision of the courts and how it should be implemented. It shows very clearly that there is a well established cartel that is involved in all these scandals. For example, the so-called cowboy contractors were paid a lot of money despite the fact that they did nothing on our roads. It shows the cartel assisted them to vary the contracts. If a contractor varies a contract by about 220 per cent, then he is definitely claiming billions of shillings despite the fact that he did not do any work at all.

Mr. Temporary Deputy Speaker, Sir, it is important that we take seriously these democratic ideals of credibility and transparency. Definitely, these are the two ideals which go to build up level democracy that we have ignored. We are not transparent and credible. The Government should know where its total credibility lies and this is one particular area about misappropriation of finances. The Committee mentioned people who have misappropriated finances and we know them. They know what happened. However, no action is taken. If not action is taken, the time of these Members of Parliament, some honest public servants and some of the witnesses who come to present their evidence before this Committee is wasted. So, one wonders why we have to actually spend so much money and time to come up with this kind of report if no action is ever taken.

The most important thing here for us to do now is to curb corruption. The essence of having the PAC is to assist the Government know how money is spent by various Ministries; what happens to the money we allocate to Ministries and who is responsible for misappropriation of Government funds. Action must be taken against those people. We must charge or prosecute them.

However, nothing happens to them. Corruption is a very serious disease in this country, but we do not seem to be fighting it. If we do not fight it, there is no hope that this country will ever develop economically, politically and socially. Corruption is a disease that will definitely not let this country progress at all. Simply as they say, it is the rich stealing from the poor. That is what corruption is all about.

I have said several times on the Floor of this House that although the 5.8 per cent growth rate of the economy has been publicised and glorified, I do not believe it. This is because what is on the ground does not show that any economic growth has been achieved. There are many poor people than there were before. There are more people living below the poverty line than there were before. Definitely, it is the rich or the same thieves who stolen public money who are amassing more wealth. So, when we are told that the economy has grown by 5.8 per cent, we should ask the poor people if that is so. They will definitely say that it is a myth.

Mr. Temporary Deputy Speaker, Sir, I want to say very clearly, before I sit down, that something must be done about corruption. There are two big scandals that are actually bedeviling this country, namely; Goldenberg and Anglo Leasing. What is happening on them? We do not see anything. We see the courts happily releasing people who have been implicated in Goldenberg scandal and yet, evidence has been given that shows clearly that the money was embezzled. The money involved in this scandal nearly drove this country to the rocks economically.

Mr. Temporary Deputy Speaker, Sir, look at Anglo Leasing scandal, nothing is happening! So, we are assuming that nothing happens at all. We are encouraging many people to steal because the perpetrators of these mega scandals are being freed by our courts.

Mr. Temporary Deputy Speaker, Sir, my last words because I do not have very much time, is to say that the recommendations of the PAC must be taken seriously by the Government.

I beg to support.

**The Minister for Justice and Constitutional Affairs** (Ms. Karua): Thank you, Mr. Temporary Deputy Speaker, Sir, for this opportunity to officially support the Report.

Mr. Temporary Deputy Speaker, Sir, I want to say that over the years, the various reports of the PAC have proved invaluable to this country in terms of raising the bar of accountability in operations of the Government and its parastatals. Without the queries raised in these forums, this country would never know what actually goes on behind closed doors.

Mr. Temporary Deputy Speaker, Sir, the only lamentation I have heard from majority of the hon. Members is about the implementation of the recommendations of the Report. I do want to concede that, here, we have a problem. But I do not think that even though the reports have not been implemented fully, or have barely been implemented, when things are documented, especially where criminal offences have been revealed, they never go stale. So, know yee all, whom indictments have been given by the Public Accounts Committee (PAC), that you will still be called upon by the people of Kenya to account for your deeds.

Mr. Temporary Deputy Speaker, Sir, Parliament is complaining that the relevant Government agencies have not taken action. But I want to agree with hon. Ethuro, who contributed yesterday, that Parliament shares part of this blame. It is within our powers to pass a law that clearly states that once a query has been raised on one by the PAC, until he or she is cleared by a court of law, he or she should not continue holding public office in the Civil Service, nor should he or she vie for a position in a public office, whether as a councillor, Member of Parliament or even as President. Therefore, this Parliament has the means to ensure that anybody, whose conduct is questionable, is barred from public office. Those who think that they are unfairly named, would then expedite their cases in courts of law, to ensure that the courts give them a clean bill of health, or consign them to the Kamiti Maximum Prison, if they so deserve. I am, therefore, saying that collectively, as a Parliament, we also have some work to do.

Mr. Temporary Deputy Speaker, Sir, it is unfortunate that we are now debating the Report



of the accounts for the year 1999/2000, yet, we are in 2007. We have a backlog of seven years. It is not something to be proud of, but I want to applaud the various hon. Members of the PAC. They have really tried to breach the gap, which has been quite big. Although the Controller and Auditor-General has been churning out reports, they have not been scrutinized on a timely basis, because of bureaucratic reasons. I think it is the duty of Parliament, through the watchdog Committees, to ensure that we are current, and that each year we debate the previous year's report, so that by the time people are indicted, they will have not retired or departed from this earth.

It is necessary that we deal with current matters, and not post-mortem. For Parliament to be able to hold other institutions to account, it must be accountable itself. We must be bold enough to audit ourselves and say that Parliament is less accountable than it has ever been. We cannot pride ourselves as being the best Parliament. We go under the accolade of the worst. We must scrutinise our own conduct, individually and collectively, which is earning us a bad name. How shall we be able to scrutinise others? How can we even push for implementation, if quite a number of parliamentarians are themselves subject of these reports? Is it, therefore, enough to just lament about the Government?

I want to join those who have hinted that there are also allegations of impropriety on individual hon. Members who are serving in Parliamentary Committees. There are allegations of cash-for-questions and cash-for-reports. It does not matter whether that one hon. Member or those two hon. Members who are indulging or alleged to indulge in corruption have been able to influence the entire report. Even if they are not able to influence it, but they receive benefits in a dishonest manner, they give the Committee and Parliament a bad name. We have cause to worry and I do not remember of any single case or allegation that has been investigated to the end by our Powers and Privileges Committee.

Mr. Temporary Deputy Speaker, Sir, unless if we are able to rise to the occasion and not only scrutinise our individual conduct, but also push for implementation by the Parliamentary Service Commission (PSC), of allegations of impropriety within the institution of Parliament itself--

Some are appearing in the successive PAC reports, including the matter mentioned here yesterday, of the Continental House, and the many things that have gone on wrong with not only its purchase, but also its partitioning, equipping *et cetera*.

Mr. Temporary Deputy Speaker, Sir, we stand indicted not only as national leaders, but also as citizens of this country. The question we must ask ourselves is whether everyone of us is doing his or her best to root out corruption and raise the bar on accountability and public issues in this country.

A colleague did mention my Ministry. Yes, my Ministry co-ordinates the war against corruption, and also churns out policies. Implementation is to the individual institutions given the mandate by the Constitution. If it is the Judiciary, it has the sole prerogative to manage and steer the cases. If it is the Office of the Attorney-General, it has the mandate and sole prerogative of prosecutions. The same applies to the investigators. Even under the Anti-Corruption and Economic Crimes Act, the Kenya Anti-Corruption Commission (KACC) is totally independent. It tables its reports to this House.

We can talk about policy, but we must find a way of ensuring that each of the institutions that are supposed to do the actual implementation do deliver. Co-ordinating Government efforts, which is a role undertaken by the Office of the President, is no mean task. This is because you may state one thing in policy, but individuals may go the opposite direction. As a Government, we are trying our best to ensure that there is individual accountability. That is why we have come up with performance contracting; where one is not able to pass the buck to the next person. One, individually, must account for his or her actions. You can lose your job for not performing. That is the only way we shall also be able to get the culprits who are making us lose money through

procurement of goods or delivery of services.

Mr. Temporary Deputy Speaker, Sir, I, therefore, call for a collective approach, where the war against corruption is seen as a bi-partisan issue, and is not politicised. Today, it is those with pending cases on corruption who shout the loudest, that the Government is doing nothing about the war against corruption, when they are the same individuals who have paralysed their cases in courts. Even if you are not guilty, why do you not let the case proceed to its logical conclusion? If you have filed a constitutional reference, why do you not let it be heard, so that the court is either stopped forever, or your case proceeds? This double-speak must stop among leaders. I want to state it here for the record and appeal to Kenyans, through this forum, that as we hit the campaign trail seeking leadership of our individual constituencies and country, let Kenyans scrutinise our records. Anybody with pending matters, whether on appeal, actual pending cases or constitutional reference, on economic crimes or allegations of fraud, impropriety, corruption, theft, *et cetera*, the constituents should first tell them, whether aspirants or sitting hon. Members, to expedite their matters, so that their record is known. How would we expect accountable leadership from those who are not accountable themselves? I think we have got to make up our minds, as a country, as to where we want to go. Then, we shall not stand here and lament.

Finally, Mr. Temporary Deputy Speaker, Sir, every time there is hiring or firing, especially firing in Government departments, we now have choruses of "tribalism". Yes, hon. Members will stand here and tell the Government that it is not implementing reports. If we cannot give our CEOs a free hand to hire and fire, how do you expect reports to be implemented? If your kinsman, tribesman or tribeswoman, for that matter, is fired unfairly, there are procedures you can take. For instance, they can take the case to court. If it is a public affair, they can appeal to the Public Service Commission and, thereafter, go to court. There is no procedure where a person may be returned to work because you came and called people names here in Parliament. Anybody who has a serious case should take it through the normal channel. When your kinsman is hired, that time we do not hear of it. But when he is fired, then you start talking about tribes. We have to exhibit national leadership.

If we have a genuine issue about the distribution of jobs, yes, let it be raised. But let us not bring side issues and claims of ethnic bias when somebody is fired for a specific wrong doing. It is on record that this Parliament was pushing for an appointment to an office in the Kenya Anti-Corruption Commission (KACC), of a person who was under scrutiny. I would have expected that, as a watchdog Committee of the public, we would be saying: "Can you quickly investigate those allegations and clear the persons or condemn them", so that if they are cleared, we, as a House, would be able to demand for their appointment. If they are not cleared, then we will be able to say: "Sorry, you do not fit in this job". But for the House to purport to say: "Appoint first and investigate later", this House can be said by the public and by reasonable people to have been routing for opaqueness. Let us not have double standards.

Mr. Temporary Deputy Speaker, Sir, if we are genuine about raising the bar on accountability, let us demonstrate it in our actions. Let us also not sit, either as Chairs of Committees or Committee Members to deliberate on a matter on which we have an interest, and especially a business interest. Why would you want to talk about taxation of a certain company if it is a trading partner of your family concern? These are very serious issues that are emerging in this Parliament. We will have to deal with them and, collectively, we will have to go under the banner of an institution that is rated worst than the other.

I think we have food for thought and from the Government side, I want to say that we accept the Report and call upon the House to continue raising the bar on accountability.

*(Applause)*

They should also do it in a non-partisan manner and to affirm that these Reports are largely known to actually be accurate and a basis of investigations and further action by the Executive. Coming from the Executive, I want to say: Yes, we will do our best to implement the Report.

With those few remarks, I beg to support.

*(Applause)*

**Mr. Omingo:** Mr. Temporary Deputy Speaker, Sir, I want to start by thanking all hon. Members who have contributed to this Motion. It is important that we appreciate the input of this Report. I want to state for the record that, for the first time, the Public Accounts Committee, I am reliably informed, has done reports for up to 2003/2004. Therefore, it is for this House to expedite the debates and be current so that we do not deliberate - not even on corpses, but on dry bones whose autopsy cannot give you any reason or purpose for the death of that person. I also want to thank the Committee under the Chairmanship of hon. Kenyatta for moving fast enough to be able to be current.

Mr. Temporary Deputy Speaker, Sir, I would like to make a few comments on the issues which have been raised by hon. Members. First, on the integrity of the Committee that did this Report. For the first time, we did reports for two financial years in one year and this was at the time when Parliament was actually busy in Bomas of Kenya. We tried to have 105 sittings and do two reports, for 1998/1999 and 1999/2000, and I thank the Committee Members who made it possible. I also think that there was extreme openness and accountability and my Committee was never compromised at any one time and our decisions were raised by consensus.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, on the quality of work, we did get interviews from all those people concerned and we recorded all the interviews verbatim. We made recommendations based on the findings that were factually extracted from the evidence given.

Mr. Temporary Deputy Speaker, Sir, you will note that yesterday, we had to stop the Business of the House temporarily to invite the Government to come and listen to what we were telling them. It is from that point in time that Ms. Karua came on board. From that listening of the deliberations, she has given us extremely good comments and I want to thank her on behalf of the Opposition and the Committee. She has made a few comments that are positive about the Report and that we must lead by example. It is not enough to talk about graft if you are actually corrupt yourself.

Mr. Temporary Deputy Speaker, Sir, this House must also stand to be counted. Continental House was a sham, it is still a sham and it will continue to be a sham. Until we undo that, we will lose credence and credibility. It is important that the Tender Committee that bid for the purchase of Continental House and the Ministers then who procured it on behalf of the Treasury need to stand the test of time. I want to invite them to respond to the request by the Minister for Justice and Constitutional Affairs to step aside and even get embarrassed to seek positions when they actually participated in an awkward trend of events where the house was procured for Kshs460 million and renovated for more than the cost of acquisition and yet it is still in the same state it was. It is a shame! We need to stand up to be counted for us to be credible. That is why, nowadays, I do not sign my name as "honourable" because "some of us" are quite dishonourable. We are so dishonest even with our own selves.

**An hon. Member:** That is horrible!

**Mr. Omingo:** An adult man of Kenyan origin picks money from his right pocket, stuffs it in his left pocket and runs away like he has stolen his own resources! That is why we must actually

stand up to be counted.

Mr. Temporary Deputy Speaker, Sir, I quite agree with the Minister's sentiments that we must not shout about who is appointed. But if a measure of purity is associated with a section of Kenyans, then we are also not sincere because if you replace exactly from the same region, there may not necessarily be a situation where the best boys and girls come from that region to fight graft. If we are also replacing, let us give other considerations beyond a particular creed, tribe, sense of belonging, old boy of a particular school or a grey-haired man or woman for that matter. We must also do it in a balanced manner to be able to give Kenyans value and the image we deserve, because we are 42 tribes and not one!

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, I want to agree with some hon. Members who said that the Attorney-General's Office has actually let us, this country and the Government down. At one time, I shared a very informal talk with a senior Government colleague whose name I will withhold. The talk was very informal, although useful, for the Executive to realize that they are not doing a good job in terms of the legal framework of this country. That stems out from the discussion that we had in our Committee. We asked one executive how he has managed to serve so well in the Kibaki Administration when he was so good in the other regime. The explanation we got was wanting. He said that he used his meekness to gain favour with the former regime, and that now, he is using his professional prowess to serve the Kibaki regime. That tells you that we have chameleons in our midst. A person could serve so well in two regimes that are completely different. That senior Government also told me that you need an officer in that office whom you can talk to.

That confirms the fact that we have refused and we are unable to carry our own weight in terms of fighting graft. You cannot lift your own weight because when you start touching that toe that has jiggers, it is painful and then you stop mid-stream. Therefore, graft will not be eliminated. Some stones are so heavy to be turned and this is the reason why there must be a total change of thinking and re-organisation of Government.

Madam Minister has said that she co-ordinates and churns out policy on graft. I want to remind her that she has so many vehicles, some of which do not have engines to propel the agenda of fighting against corruption. They are too many. I wish she had a few, which she can focus on. You will find blame shifting from one institution to the other. Some of these institutions do not have engines and you have to push them to fight graft. They will not move.

Mr. Temporary Deputy Speaker, Sir, I want to go back to the issue of promissory notes and illegal contracts. This country, rich as it is, is bleeding in the hands of corruption. I repeat that our country Kenya is a rich country; a fertile mother. We have been raping the children of mother Kenya. We continue doing it year after year. We continue paying for services not rendered in this country.

I also want to share the sentiments of hon. Wamwere, that even if it means going to the International Court of Justice to stop the Kenyan child from suffering and paying debts for which nothing has been received, we had better go there.

Madam Karua is a very brilliant and courageous Minister. We can go to the International Court of Justice and even if the promissory notes are irrevocable, we can repudiate them and refuse to pay. After all, what would they do to us? We can eat our *githeri* and forget about them. The only problem is that we have no financial strength to stand on our own because we are overly dependant on the donor contribution. We must stop that. Let us tailor our jacket to the size of our body, and then coupled with the efficient application of the little that we have, we shall have surplus resources to improve our infrastructure and provide basic requirements to our people.

Mr. Temporary Deputy Speaker, Sir, we have talked about the relevance of the Report and I have raised the issue of the old report mirroring on the current report. That is why Anglo Leasing is a replica of Goldenberg. There are so many more such contracts from both the previous and the current regimes. It may sound old, but it is from history that we map and mirror into the future. As the Minister has said, it is true that history will judge us very harshly. Some of the people who have been mentioned in this Report are here. It does not matter how long it will take, but when time comes, you will be made to answer for your sins. Know yee, therefore, all men, that once we let out the dogs, you will be hunted.

We have talked about the issue of Government's interest in fighting graft. It is important that we do not focus on graft as to who it touches, whether a man from a certain region, a brother or a person with whom we went through the same cultural rituals. Let us save the Kenyan child from collapse and from the burden of debt.

Finally, I would like to draw the attention of the PAC and the Controller and Auditor-General, who is doing an extremely good job, to the fact that beyond waiting for these reports to come, we should be having our hands on. Let us deal with issues that are on going, so that we can stop them. We were lucky that we trampled on Anglo Leasing and we stopped the issue before it blew up. Some things are on going and the Departmental Committee on Finance, Planning and Trade should look at the Budget and ask the various Ministries whether they deserve the Budget of this year, based on the value they have given to Kenyans from the previous Budget.

Mr. Temporary Deputy Speaker, Sir, when I was contributing, I said that most of our Budgets are simply a factor of our previous years' Budget, factored by 10 per cent. There is no reason, logic, value or commitment. As a result, there is a lot of wastage of our resources to the extent that some resources are re-located to areas that are "politically correct". Indeed, that is also corruption in itself. That is abuse of office. That is why we require Parliament, through the Departmental Committee on Finance, Planning and Trade, to interrogate the Budget before it is presented to the House, so that we can account and give value for money to Kenyans.

The support we have received from the Minister for Justice and Constitutional Affairs gives me a bit of hope, that one time, things will be different. I want to believe that it does not only call for her action as an individual, but it is a collective responsibility. You may want to be driving your vehicle at 120 kilometres per hour, but if your partner or your co-driver slams his leg on the clutch, you will never move. Therefore, it is the collective responsibility of the Government to address the issues that affect Kenyans and the Kenyan child who is carrying a burden of debt because of wastage. The Kenyan child bears debts to the tune of Kshs750 billion. This is equivalent to about Kshs34,000 per child. From the moment a child is born, he or she will continue paying for Anglo Leasing, Goldenberg and Forensic Laboratory type of contracts.

This is painful. I have never known of a mother who gives birth to children and kills them. Kenya is an exceptional example. We must stand to be counted. I plead for reason and common sense to prevail. We should focus on mother Kenya; the fertile mother, serve her better, so that we can reap wonderful resources.

With those few remarks, I beg to move.

*(Question put and agreed to)*

## **BILLS**

### *Second Reading*

#### THE SUPPLIES PRACTITIONERS MANAGEMENT BILL

**Prof. Ojiambo:** Mr. Temporary Deputy Speaker, Sir, I beg to move that the Supplies

Practitioners Management Bill be now read a Second Time.

This is a Bill for an Act of Parliament to make provision for the training, registration and licensing of suppliers practitioners and to regulate their practice for connected purposes. The Act may be cited as Supplies Practitioners Management Act, 2007.

This Bill had been debated in this House, completed and was awaiting Third Reading, when unfortunately, time expired during the last Session. Therefore, the Bill lapsed. This House had very comprehensively discussed this Bill. It had also received the report of the House Committee and the report from the Minister's office. Any amendments that the Ministry of Finance had, had also been submitted. Therefore, the re-printed Bill is a comprehensive document that has brought together all the views that were expressed in this House, including all the amendments that had been brought forth. Therefore, we have very little to talk about the Bill.

Nevertheless, I want to emphasise that this Bill is very important and urgent, and this House should pass it. As we said when we were debating the Bill last year, the Bill is important for the smooth operationalisation of the Public Procurement and Disposal Act.

Mr. Temporary Deputy Speaker, Sir, we did mention that the Public Procurement and Disposal Act had recognized the fact that professionalism was very important in implementing an efficient procurement system. We also did mention that, indeed, that Act had called for the establishment of a professional organisation. That is the subject of this Bill. We have, over and again, talked about corruption in this country. Indeed, that is the subject that the Public Accounts Committee has been dwelling upon.

In all our discussions, it has been mentioned that procurement has been used by corrupt individuals as a means of enriching themselves. This has been repeated every time we have made mention of the Ministry of Roads and Public Works with regard to procurement, road maintenance, *et cetera*. We aim, therefore, to seal loopholes that have enabled public and private servants to squander recklessly the resources of this country. Apart from the many billions of shillings that the Kenyan child bears on his back as a loan that he must suffer to re-pay when he or she actually does not know how it came about, we also recognise the fact that this country spends nearly Kshs150 billion on public procurement every year, during which period also losses of about Kshs30 billion are incurred through poor procurement practices. So, all this has opened up loopholes and caused siphoning of public resources that could have been well used to develop this nation. Those are resources which could go towards the education of our children, improvement of health services, feeding of the poor and reduction of poverty in this country that the *mwananchi* suffers today. This House must make it difficult for the vice called "corruption" to exist in Kenya.

In summary, this Bill provides for training, as we have said. In broad terms, administrative provisions are outlined for the management of the supplies practitioners profession. We have provisions for their examination, registration and licensing. We have a provision on arbitration and discipline. This is very important, because people entrusted with the resources of this country have mishandled them and have not been held to account because there has been no legal framework within which to do so.

Mr. Temporary Deputy Speaker, Sir, this time round, we are saying that, as we enact this Bill, public officers who will manage the procurement process will be held to account for their actions. We also have in this Bill provisions on finance and miscellaneous provisions to ensure that the ethics and integrity of the profession are protected. We have schedules on the conduct of business and affairs of the council of the proposed institute to manage the affairs of this profession.

In summary, we intend to close the loopholes in the Public Procurement and Disposal Act that was passed by this House in the year 2005. We also, by this Bill, intend to clarify who is a procurement professional whom the Public Procurement and Disposal Act, 2005, says shall be primarily responsible for ensuring that the public entity fulfils its obligation under that Act.

Mr. Temporary Deputy Speaker, Sir, I did say that this Bill had been extensively discussed,

and so I will not go into the details and repeat myself on what we have already so nicely completed. Therefore, I will rest my case at that and request Mr. Oparanya, who is a Member of the Departmental Committee on Finance, Planning and Trade, to second this debate.

I beg to move.

**Mr. Oparanya:** Thank you, Mr. Temporary Deputy Speaker, Sir. As the Mover has said, this Bill was extensively discussed before we went for the long recess last year, and it was referred to our Committee Stage. We raised quite a number of issues, which we discussed. I am happy to report, on behalf of the Departmental Committee on Finance, Planning and Trade, that all the issues that we raised have now been accommodated in the Bill. Therefore, on that basis, I second the Bill.

Mr. Temporary Deputy Speaker, Sir, this Bill is actually trying to establish the Institute of Supplies Management and make procurement officers professionals like accountants, engineers and lawyers. Even within the organisation structure of the Government, this Bill is trying to raise the level of procurement officers. At the moment, procurement officers are considered to be very low grade cadre. We are now giving them authority to be in charge of procurement. Currently, decisions relating to procurement of goods and services in the public sector are made by people who do not understand the procurement procedures.

We have just concluded debate on the Public Accounts Committee Report. You have heard what has been said during that debate. Most of the issues raised in that Report have to do with procurement in the public sector. They include issues like variation of contracts, double payments, *et cetera*. With the establishment of an institute, procurement officers will have the mandate to ensure that procurement is done in a professional manner. You have heard the Mover say that we lose billions of shillings through procurement annually. In fact, 6 per cent of the total Budget is lost because of poor or fraudulent procurement. That accounts for about Kshs30 billion annually. Once we have proper procurement officers in place, that money will be saved.

Mr. Temporary Deputy Speaker, Sir, the Bill seeks to establish an examination board, which will make sure that procurement officers go through proper training, examination and are issued with proper certificates. It also seeks to establish the registration board. Once established, the two boards will operate from different locations by different people, so that they can act independently.

Having gone through the Bill, I would like to bring to the notice of the Mover, two or three issues. One, the Bill seeks to provide for the chairman of the institute, who is supposed to have experience of five years. In all other professions, once one is qualified, whether one has experience of one month or two months, one qualifies to be a chairman. However, this Bill imposes the condition that the chairman of the proposed institute will need five years' experience. Secondly, the Bill is not gender sensitive. In most of its provisions, it refers to "he" instead of referring to "he" or "she". So, I hope that this situation will be corrected.

Lastly, on the Disciplinary Committee, the Bill provides for eight members. I feel that among those members, there should be an accountant or someone who is well versed with financial matters to help in those disciplinary matters. Otherwise, I support the Bill. We have gone through it and the Departmental Committee on Finance, Planning and Trade has nothing to add. I am happy that what we proposed has been incorporated. I, therefore, wish to second the Bill

*(Question proposed)*

**Mr. Muturi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say one or two words about this re-published Bill. I am also happy, just like the Mover and the Secunder have said, that a lot of the issues that were discussed before Parliament went on Recess last year have been incorporated in the now re-published Bill, thereby, making the

work during the Committee Stage much easier.

Mr. Temporary Deputy Speaker, Sir, there cannot be any gain-saying about the importance of professionalising our procurement order. As you know, a lot of goods and services that are procured for the Government and other Government agencies are currently done by people of dubious qualifications. This Bill, therefore, makes the first and the only effort in Independent Kenya to introduce professionalism in an area that is extremely critical. It makes provisions about qualification and examinations. It is important that those who describe themselves as procurement professionals, after the passage of this Bill, are people who can be held to account for transgressions that we have witnessed year in, year out, as we examine public expenditure both in mainstream Government and in the parastatal world. By enacting this Bill, Parliament and, indeed, the Mover is requiring that, even the private sector in this country shall be accordingly guided to engage, within their procurement department, people who are professionally qualified. I am, indeed, gratified by the fact that, many people who are involved in the procurement management in this country have taken part in the formulation of this Bill. They have taken part in the various discussions that came up with this Bill.

Mr. Temporary Deputy Speaker, Sir, all that we want to say is this: Procurement will no longer be an area for quacks. Like all other professions-- I want to really congratulate Prof. Ojiambo for moving this Bill because it a realisation on her part that this area is so crucial to the entire process of development of this country. For a long time, we have left it to people who nobody can say what they are qualified in. We have seen medical doctors who have risen to the levels of Permanent Secretaries. They engage in procurement exercises. In the process, when things go wrong, they are able to quickly say at the appropriate time when they are being interrogated: "Hold on! I only trained in medicine. But, unfortunately, the appointing authority assumed that I am also a procurement professional!" We now say that, that practice will be a thing of the past. I think this is an enlightened Bill which both sides of the House should pass. We had passed its Second Reading last year without much ado.

I, therefore, beg to support. Thank you.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Hon. Members, it seems that nobody else is willing to contribute to this matter. I now call upon Prof. Ojiambo to reply.

**Prof. Ojiambo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I am happy to take this opportunity to thank the Seconder, Mr. Oparanya, and Mr. Muturi for supporting this Bill. I am sure the reason why nobody else is willing to contribute to this Bill is because there is nothing left, other than its legislation. We do not need to repeat the obvious. It was so well done. I want to say that I am looking forward to the Committee Stage, when we will go through it clause by clause, and see

whether there is anything that we need to put right. What are remaining are some typographical errors that I am sure this House will help us to correct. I have noted that in some sections of this Bill, the printer still made reference to "he", instead of "he/she". That is the gender language that this House wants. We will put that right.

With those few remarks, I am delighted that this Bill has been read the Second Time.

*(Question put and agreed to)*

*(The Bill was read a Second Time  
and committed to a Committee  
of the whole House tomorrow)*

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Next Order!



*Second Reading*  
THE NUTRITIONISTS AND DIETICIANS BILL

**Prof. Ojiambo:** Mr. Temporary Deputy Speaker, Sir, I beg to move that the Nutritionist and Dieticians Bill, 2007, be read a Second Time.

Mr. Temporary Deputy Speaker, Sir, this is a Bill for an Act of Parliament to make provisions for the training, registrations and licensing of nutritionists and dieticians; to provide for the regulation of their standards and practice; to ensure their effective participation in matters relating to nutrition and dietetics, and for connected purposes. This is another Bill that we had discussed in this House at the end of last year and was awaiting Third Reading.

It was merely stopped before going through because the last day that we were supposed to have had the Third Reading, it was the day that we were moving the Motion of Adjournment. There were a lot of other issues to be discussed that afternoon and, therefore, it lapsed.

Mr. Temporary Deputy Speaker, Sir, this Bill had also been looked at. It had also received the Committee amendments and approval and had been discussed by the Ministry of Health. We have gone through it once more with those relevant organisations and if there are any issues, they will be brought at the Third Reading, in the Committee Stage.

I want to say that, again, the Committee on Health went through this Bill very comprehensively and brought in the aspects that this country would be interested to see put into practice. This Bill is very urgent because this country has never had any law or regulations to guide the nutrition and dietetics practices of this country, yet this country suffers a lot from malnutrition, hunger, famine and diseases brought about by poor feeding. We have inherited a lot of diseases that were once regarded as diseases of the affluent nations. Our country today suffers heart and kidney diseases, and those cancers that we do not know where they come from simply because our feeding practices and the standards of the contents of our foods have not been determined by the scientists in this country. We need the nutritionists in matters relating to food eating, digestion and conversion of food substances in who we are. What we eat is what we are! Food also has its own expert who is called a nutritionist. We need that person in this country to set standards; to make us be healthy human beings. That person should help us to plan for our optimum requirements and guide us as to what is good for individuals, various ages, healthy and sick bodies.

Mr. Temporary Deputy Speaker, Sir, the nutritionist in this country has not been recognised by profession. That is why we are saying that it is a pity that we were not able to pass this Bill last December. It has also taken another three months waiting. We would like to have it passed as soon as possible.

The Bill, as we have said, has gone through and also given provisions on administrative arrangements on what we have called examination and registration. There has been a suggestion that we call the examinations board an accreditation board. There are areas that, I think, the Minister for Health will bring up during the third stage as amendments. According to our discussions and looking through the reprinted version, we have agreed that those are necessary amendments and we have no problem with them.

Mr. Temporary Deputy Speaker, Sir, like I have said, I feel that this is a Bill that need not, again, be repeated but that it moves on to the Third Reading; and that we can handle the areas of amendments as amendments to the Bill during the Third Reading.

With those few remarks, I beg to move and ask Eng. Okundi to second.

**Eng. Okundi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to second and support this very important Bill; The Nutritionists and Dieticians Bill.

I want to talk about this Bill from the point of view of advancement which is in place in many countries and also some scientific advancements which will affect us. We all know that our old mothers, grandmothers and grandfathers used to feed largely on natural foods; vegetables of

various kinds like mushrooms. These kinds of foods had the effect of naturally introducing treatment which made our people more healthy and lengthened their lives substantially. However, with the advancement of science, unless we have control on nutrition, we will come into contact with various food products and preservatives. This will be partly due to so many changes in the way of enhancing incomes in the food production industry. As the body takes these kinds of foods, we find that there have been very many and varied effects to the body. The result is, scientifically, there will be major hormonal changes because the body is controlled by various hormones it produces. These hormones dictate the manner in which various foods and substances which come into the blood circulation and body digestion system will operate for your benefit or unhappiness in terms of disease. So, hormonal changes have made people at a very young age not to be able to digest certain foods, particularly, calcium, potassium, iron and certain other minerals. You, therefore, find that people are being urged to buy various tablets. For instance, we now have companies like the South African-based GNLD which sells various tablets. You are told by anybody who is not even a doctor; not a properly qualified medical practitioner, that if you take those tablets they will help you in a certain way. We also have drug sellers using the Chinese tablets and drugs called TIANSHI. Again, they will tell you that if you do certain things, they will help in a particular way and so on. What this means is the absence of a proper legal framework to guide our food industry. I think this Bill is coming in at the right time.

Mr. Temporary Deputy Speaker, Sir, we know the generic drugs. India is one third world country which has done very well in producing generic drugs. Most of the drugs from India are either original or generic drugs. However, these are related to the capacity of the body to digest the various foods that we have so that they can help us.

Mr. Temporary Deputy Speaker, Sir, I believe, and I know that it is common knowledge, that food is the basic medicine for the body. If you feed well, guard yourself and observe meal times, normally, you will maintain a healthy body and become less dependent on doctors' advice all the time on the kind of medicine you need to take. It is, therefore, very important for us to pass this Bill. Let this Bill now become a governing framework which will guide the food industry as a whole. The food industry, the pharmaceutical industry and all other food-related industries have experts who will use the law and even come up with proposals on how to make the law much more proper.

Mr. Temporary Deputy Speaker, Sir, more advanced countries, like the USA, have extensive laws regarding food and nutrition. People there learn nutrition in various academic branches and do research as well as studies in the universities. So, I think that we better jump ahead and pass this Bill so that we can have an excellent framework which will allow for nutrition to be studied in this country and people to feel confident that they can legally practice in the area of nutrition. That way, they can even offer advice to various drug sellers, like GNLD International and Tianshi International Company. I know that more of these companies will come up. We only used to know of GNLD International, but now we know of Tianshi International Company and almost everybody in our offices sells drugs from these two organisations. Our people are good. Kenyans are very understanding and appreciative of what their colleagues tell them. We do not turn people away. So, you will find even very senior people, including hon. Members here, with these drugs from either GNLD International or Tianshi International Company given to them by people who have never been anywhere near where these drugs are properly studied and listed. They do not know exactly what these drugs do.

What what is being manifested is the fact that there is absence of this law and the fact that people are not dealing with that problem. We know that many of our children have died of malnutrition. In fact, quite often, we see pictures of, say, an African child with a huge tummy and almost no flesh elsewhere on him except the thin bones on his body. What does that indicate? It is all about lack of nutrition. It is a wonder that all this time we have never thought that we can come

up with a law which can provide us with the opportunity to raise funds to be used to handle issues of nutrition.

Mr. Temporary Deputy Speaker, Sir, even if our children are dying of malnutrition, as is happening in parts of Africa and also parts of Kenya, we should be able to know, precisely, the kind of nutrition we can give these children supplemented to the foods that are given to them freely so that they can retain good health.

I thought that I should highlight these issues even though I am not an expert in this field. However, I know that even in this House, there are people who have graduated in nutrition. This is surely a good area which we can expand on. I am sure we will pass this Bill.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. J.M. Mutiso:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support this Bill. Right from the outset, I would like to congratulate Prof. Ojiambo for her efforts in trying to bring important legislation to this House. She has also tried to illuminate areas that we tend to ignore.

Mr. Temporary Deputy Speaker, Sir, nutrition is a very important subject because it affects all of us. It touches on our health and, therefore, it affects all Kenyans. I am very much interested, particularly, in the part relating to the provision of regulation of standards by the nutritionists and dieticians.

I have been involved in several initiatives, particularly at the World Forum, The World Trade Organisation (WTO) and the European Union (EU) and one of the most important aspects of trade has been the nutritional value of the food commodities that are being traded. We currently have a stalemate as far as the WTO negotiations are concerned because of some of the issues pertaining to nutritional levels of some of the food products. Mr. Temporary Deputy Speaker, Sir, agriculture is a very contentious subject not because of the subsidy issue or market access, but because of what we call "exceptional clauses" whereby a country is allowed to protect its food products by using what they call "sanitary and phytosanitary standards." By passing this Bill, we are going to develop the capacity of various policy departments to effectively deal with this issue of regulation of standards. The effective participation in these matters pertaining to nutrition and dietetics have been confined mostly to the Ministry of Health.

Even when it comes to the training of nutritionists, I think we have only one institution in the country; that is, Kenya Medical Training College in Karen, which just offers a diploma course in this field. I do not know much about what our universities offer. However, this is an area where we require a policy guideline and a new framework such as the one being proposed here.

Mr. Temporary Deputy Speaker, Sir, this Bill will go a long way in trying to shed light on areas where the Government can look into as far as the issue of training is concerned. Since I am not also an expert in this field, I think the relevant Departmental Committee will try to harmonise issues pertaining to prescription and conduct of examination. This is an issue that concerns the relevant examination bodies.

Mr. Temporary Deputy Speaker, Sir, I believe that we have relevant accredited institutions, which have been granted charters to examine courses in this field. I believe that those relevant departments will harmonise this issue as far as examinations for nutritionists and dieticians is concerned.

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

**The Assistant Minister for Health** (Dr. Kibunguchy): Thank you, Mr. Temporary Deputy Speaker, Sir. I will be very brief because, as Prof. Ojiambo stated, we discussed this Bill, extensively, during the last Session and we were in agreement in many areas. However, before I

tackle one or two areas about this Bill, First of all, I would like to congratulate Prof. Ojiambo for her tireless efforts in making sure that nutritionists and dieticians of this country have a home, so to speak, where they can all belong.

I would also like to congratulate her, because in the course of trying to work out this Bill, we had an opportunity to sit together with her and the technocrats from the Ministry of Health and other people who deal with the issues of nutrition in this country. We harmonised and ironed out some of the grey areas that were causing a bit of discomfort in various quarters. As I stand here giving the Ministry's position, I can confidently say that most of the areas and, some of the amendments we will be proposing during the Third Reading, have been discussed with Prof. Ojiambo. We are in agreement. As I said earlier, this is a Bill we have talked about. It is long overdue. It will give nutritionists and dieticians a clear framework from which to work and enforce standards in terms of training and practice. To us in the Ministry of Health, this Bill is most welcome.

I will touch on three areas. One of the areas is that as we have seen in this country, we have two extremes. This applies in virtually everything. We have extremes in terms of riches and poverty. We keep talking about it. We also have two extremes in terms nutrition. On one extreme we have the malnourished; people who cannot get enough to eat in terms of both quality and quantity. In the other extreme, we have the obese; people who eat junk and unhealthy foods. That is why many people say we are what we eat.

Mr. Temporary Deputy Speaker, Sir, one of the things this Bill will do is to look at some of the newer aspects we are witnessing in this country. Some of the areas that Eng. Okundi mentioned, will be addressed by this Bill. They call them food and, sometimes, we call them drugs. They are being sold all over the world. They are being touted as a cure to most of our problems. The issue of food supplementation is with us. In some areas, it is good, but others, are dubious or not very clear. This Bill will enable us move into those areas and ensure that foods that come to this country are suitable for human consumption.

Mr. Temporary Deputy Speaker, Sir, the second area I would like to talk about is the way we, at the Ministry, feel. We are in agreement with Prof. Ojiambo in the way the arrangement of the whole Bill should flow. First, the Bill talks about an institute. We are in agreement that an institute is the body that will bring all nutritionist and dieticians in this country into one basket. The institute will meet at least once a year. It will basically deal with the welfare of its members.

Mr. Temporary Deputy Speaker, Sir, below the institute we have a much leaner setting called the council. We do not have a problem with the names. It will be a much more professional body. It will look at the aspects of training. I would like to inform hon. Members that training is not only at the tertiary institutions. In fact, most of our universities offer degree courses in nutrition. Some people have even PhD degrees in nutrition.

The council will deal with aspects of training, curriculum, examination setting, standards and registration. If possible, it will also discipline members of the institute.

Mr. Temporary Deputy Speaker, Sir, below the council we have three arms that will look at various aspects of the council. One of the arms will look at the aspect of training, the other registration, *et cetera*. So, if it flows that way, we do not have any conflict and duplication. We are in agreement as to how it will be.

Finally, we are entering into an areas where we say professionals must regulate themselves. Professionals know what their problems are. They should be able to set standards. They should also be able to set in motion steps to discipline errant members of their profession. This is one of the things that this Bill does. We are in agreement. As much as possible, professionals should be able to regulate themselves. They should not be regulated by some big brother sitting somewhere.

With those few remarks, on behalf of the Ministry of Health, I support the Bill.

**The Assistant Minister for Education** (Mrs. Mugo): Thank you Mr. Temporary Deputy

Speaker, Sir, for giving me the opportunity to support this Bill.

Mr. Temporary Deputy Speaker, Sir, I want to join my colleagues who have congratulated Prof. Ojiambo for this very timely Bill.

This is a Bill that needs support from all of us. We should not only support it by passing it in this House, but also making sure that it is given wide publicity. Everybody who needs to know about it should do so, and make use of it.

Mr. Temporary Deputy Speaker, Sir, I have in mind training for those responsible for putting food on the table. To make this Bill useful, every house wife should be trained. By and large, it is the mothers who put food on the table for their families. We could use many women organisations like the Maendeleo ya Wanawake Organisation and others spread all over the country to make sure that mothers are trained in nutrition.

I believe that we could fight many diseases, especially where children are concerned, just by understanding and passing knowledge to mothers. We have come to a point where many people think that for good nutrition we need very expensive foods. This is not the truth. Sometimes, the very expensive foods cause big problems to our health. Simple foods like the wild vegetables, most of us were brought up on, are no longer there. We have examples of our grandparents who hardly ever needed medication. However, they lived for many years. This is because of the natural foods they made use of.

Mr. Temporary Deputy Speaker, Sir, we have become a dumping ground. Business people bring in products that have expired. You just need to look at a shelf in a supermarket and see how many foods have expired and are on the shelves. Nobody is taking care of that. A housewife or any house-keeper will come and buy those foods because sometimes they are on "sale." I hope that this Bill will find a connection with the consumers organizations and they will be empowered to even take these people to court or to an authority which will be created to take care of nutrition in this country. That is a very worrying area through which many Kenyans are throwing their money away and not getting value for it. If anything, sometimes they pick diseases from those expired foods.

Mr. Temporary Deputy Speaker, Sir, another area that is very worrying is the genetically modified foods. I think, as a nation, we should know our stand on that because it is slowly sipping into the country. We do not know whether it is safe or not. I do not think that there is a policy, as a country, about what to do with genetically modified foods. Yes, we are hungry and some arguments have been put forward that we would rather get that food or go hungry because it produces quickly and in abundance. But we do not want our people to get a lot of food and then end up dealing with diseases, some of them incurable, which are brought about by foods we do not understand. I hope that the council or the institute that, that law falls within, will be empowered to look more into those areas. They will be able to do more research and get more information even from the international organizations to see what the rest of the world is doing.

For example, are the genetically modified foods being eaten in the United States of America and other countries or are they producing them for us? We should accept development and how we can grow more food but we should not do it blindly. Let me say that Kenya is not poor in terms of food. We used to think that we cannot feed ourselves. But we have seen that in the last four years since the NARC Government came to power, we have not been importing food. We have been able to feed ourselves. It is just maybe the issue of market creating. That is moving those foods fast enough to areas where there is hunger.

Those are areas that this Bill will address very critically regarding how we could grow enough food for ourselves through irrigation and how to move it to the areas where it is needed, so that, no Kenyan goes hungry. Food sufficiency or food security should be tied to this Bill. When this Bill is finally passed, I believe that the line Ministries will do their duties. They are many of them like the Ministry of Agriculture, Ministry of Education and the Ministry of Health. It is not a one Ministry business. They will all take part in making sure that we make use of this very good

Bill. We do not want to pass Bills and then some of them end up on shelves; they do not get to see the light of day. We want to see a case like The Sexual Offence Bill where the initiative on the implementation was launched.

Mr. Temporary Deputy Speaker, Sir, we take nutrition for granted or sometimes we think that it is not a glamorous field, but it is a field that would keep this country healthy. Without a healthy nation, we cannot be a working nation. So, I join the others in congratulating Prof. Ojiambo for the Bill, but the bigger challenge is to this House, the Government and the nation as a whole. This is everybody's Bill and together we will make good use of it.

Mr. Temporary Deputy Speaker, Sir, there is also the advertising area which we need to check. We see some brands of alcohol or liquor being advertised. We must look at how advertising is hurting the nation. It is not just liquor only. There are many people who believe that everything they see on the screen or hear on the FM stations is good for them. I hope that this Bill will be empowered to rein in such people who do not think about the health of the nation but how much money they can make.

With those few remarks, I welcome this Bill very much, first as a mother and a legislator. We will now have a legal framework in which to regulate the nutrition of our people. I beg to support.

**Mr. Ahenda:** Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this chance. I will also start by thanking Prof. Ojiambo for this timely Bill. I will start by giving an old adage which says: "One man's food is another man's poison." Sometimes, we do not just eat to fill the bag. This type of Bill should be modelled in the line of USA food and drug administration. My friend knows what I mean. We should have knowledge of the calorific value of any food that we eat. We have just been eating a lot of junk food. It is not the quantity of the food that this Bill wants to get but the value of what you are going to eat.

Occasionally, I have seen our Government running up and down with bags of maize wherever there is hunger and famine in Turkana. That is not the type of food that, that person needs at that time. You should think about the protein value you are taking to somebody dying of hunger. This is what this Bill is looking for. What is on the shelf? What is the calorific value in that food in the tins? If we have to eat, we do not just eat anything to feel your tummy but the value you are getting from the food you are eating. That is what this Bill is all about. There is a misconception that we just eat what is given to us on the table. Such behaviour should go with this Bill. Huge chunks of *ingokho na busuma* should go away with this Bill. We are looking at the value of food.

Mr. Temporary Deputy Speaker, Sir, some years back, I met an American who had come to do some research on the type of food that we are eating, particularly in Maasailand and in Luo Nyanza. According to that American, there should be no living Luo around Lake Victoria because of it being a malaria prone area and how malaria is so deadly. But it came out, from his research, that the type of food they are eating had some value and resistance to malaria and that is why they are still living. That is the type of research that we should put in place so that we find out why Luos are still living in that malaria prone area. What do they eat? What is the value of that food? The famous omena should be number one to us. Actually, I am glad that these days you find it in the supermarkets. This is what we should be eating, so that we develop resistance. The Maasai would all have died from cardiovascular diseases for eating meat. But the type of food nutrient the Maasai get from that meat does not cause cardiovascular diseases. This is the type of calorific value we have in our foods. I think I will have to end my contribution to give a chance to the Mover to reply.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): As you know, this Bill had been discussed extensively in the last Session. So, we are basically repeating ourselves. So, I will call upon Prof. Ojiambo to briefly reply.

**Prof. Ojiambo:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me

the opportunity to reply. I want to start by thanking those who have contributed to this Second Reading debate on the Nutritionists and Dieticians Bill. I want to thank hon. Okundi for seconding the debate, hon. Mutiso, hon. Mugo and hon. Ahenda. I want to say that I have been very impressed by the knowledge and command the Members have on this subject. I am very happy that we will be able to report to the organisation that is going to take over the management of this Bill that we have a lot of talent in this House, and that it should feel free to come and tap from here to fill some of the committees that are going to be set up under the proposed council.

Mr. Temporary Deputy Speaker, Sir, I want to assure the Minister for Health that we will go by what we have discussed together. The structure of this Bill will be as we agreed. We will have the institute and the council. We will give the council power to increase membership any time it feels it needs expertise as this subject keeps expanding with time and age.

I want to agree that there are a lot of extremes that this Bill must bear in mind, and which we will point out when we hand over to the professional managers. I am sure they are aware of these extremes. There is extreme malnutrition and extreme over-feeding now in Kenya. We suffer malnutrition but we also see obesity coming up because of lack of information and knowledge.

People go for the junk that hon. Ahenda has talked about. People eat hidden calories that are useless to the body and thus cause extraneous side effects to the system. This results in all kinds of diseases that are now affecting our people.

Mr. Temporary Deputy Speaker, Sir, I want to assure hon. Mugo that we will draw a lot from the Ministry of Education, both at formal and tertiary education and research levels. We will make use of their expertise and knowledge in examination-setting, regulation of standards and so on.

Mr. Temporary Deputy Speaker, Sir, in the composition of the council, we have expanded to it include---

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, Prof. Ojiambo! Do you want this Bill passed?

**Prof. Ojiambo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I just want to say that I have taken note of all that has been said, and it will be incorporated into the Bill.

With those remarks, I beg to move.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Hon. Members, for the next Order, Order No.12, the Fiscal Management Bill, I am informed that the hon. Oloo-Aringo is out of the country, and for that reason, we will have to skip this Order and move on to Order No.13, the Political Parties Bill.

*Second Reading*

THE FISCAL MANAGEMENT BILL

*(Bill deferred)*

*Second Reading*

THE POLITICAL PARTIES BILL

**The Minister for Justice and Constitutional Affairs** (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Political Parties Bill be now read a Second Time.

This is a Bill that seeks to provide a framework for the registration, regulation and funding of political parties. As you are aware, currently political parties are registered under the Societies Act. This mode of registration has been found to be inadequate for the regulation of political parties.

It is, therefore, necessary that we get a law that is specifically for political parties, and that provides not only for the registration and regulation but also for matters incidental thereto.

Mr. Temporary Deputy Speaker, Sir, I want to state at the very outset that this Bill has been developed over many years with stakeholders. This is a journey that began during the last Parliament, and it is actually a pity that we are now going to debate the Bill at the tail-end of this Parliament.

Mr. Temporary Deputy Speaker, Sir, it is agreed generally by all the stakeholders that we need more than ever before to streamline our political parties, and our conduct as politicians in order to nurture democracy. The various sides of the House have had their share of complaints on how we operate as political parties. This is a Bill that is intended to cure all the maladies. In this Bill, a political party is described as "any association or organisation of persons which has, for its objects or purposes, or one of more of its objects or purposes, the proposing or supporting of candidates for national assembly or local authority elections, with a view to forming or influencing the formation of the Government of Kenya or any local authority within Kenya".

So, the description of a political party literally gives the objective of that party's existence, that is to accede to power, whether in a local authority or in a Government. Therefore, it is quite clear that this definition would not fit briefcase parties, parties that are formed solely for purposes other than being able to take over Government.

Mr. Temporary Deputy Speaker, Sir, one of the salient features of the Political Parties Bill is provision for the Office of the Registrar of Political Parties, an office with operational independence, but housed at the Electoral Commission of Kenya. Many have wondered how an independent body can have an independent office. But we are talking about operational autonomy here, just as today the Registrar of Societies operates autonomously under a constitutional office, the office of the Attorney-General.

Since political parties are formed for purposes of capturing power through elections, their best home would not be the office of the Attorney-General, but that of the Electoral Commission of Kenya. Among the things that this Bill provides for---

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Hon. Members, the Minister will continue to move the Bill tomorrow.

This House stands adjourned until tomorrow, Thursday, 19th April, 2007, at 2.30 p.m.

The House rose at 6.30 p.m.