

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 30th November, 2006

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of the Kenya Medical Training College for the year ended 30th June, 2001, and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Kenya Medical Training College for the year ended 30th June, 2002, and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Kenya Medical Training College for the year ended 30th June, 2003, and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Kenya Medical Training College for the year ended 30th June, 2004, and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Kenya Medical Training College for the year ended 30th June, 2005, and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for
Health (Dr. Machage) on behalf
of the Minister for Health)*

Annual Report and Accounts of the County Council of Ijara for the year ended 30th June, 2005 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for
Health (Dr. Machage) on behalf of
the Minister for Local Government)*

Annual Report and Accounts of the National Water Conservation and Pipeline Corporation for the year ended 30th June, 2005, and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for
Health (Dr. Machage) on behalf of the
Minister for Water and Irrigation)*

QUESTIONS BY PRIVATE NOTICE

GRABBING OF MADARAKA
PRIMARY SCHOOL LAND

Eng. Muriuki: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Lands the following Question by Private Notice.

(a) Is the Minister aware that Plot No.191 in Lesirko Scheme belonging to Madaraka Primary School in Ol'Kalou Constituency has been grabbed and subdivided?

(b) Is the Minister also aware that private developers have threatened the school with eviction?

(c) Could the Minister tell the House who the owners of Plot Nos. 1057, 1058, 1133, 1134, 3133 and 3134, all of which were part of the school land, are?

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

(a) I am not aware.

(b) I am also not aware.

(c) I am aware of the existence of Plots Nos. 3114 and 3115 which still belong to the Settlement Fund Trustee (SFT) as there is a dispute between Madaraka Primary and Lesirko Co-operative Society. Plot No.3114 belongs to a school, but it has not been documented.

Eng. Muriuki: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for that answer. This Question was deferred two weeks ago because the answer was not satisfactory. The issue was, who is the owner of Plots No.3114 and No.3115? Since this is a public utility plot, could he kindly confirm that one is a school and the other one is a cattle dip, as has been requested by the local residents, so that we close this chapter?

Mr. Kamama: Mr. Deputy Speaker, Sir, our job at the Ministry is to make sure that we serve Kenyans to the best of our ability. I want to confirm that Plot No.3114 belongs to the school and Plot No.3115 is a cattle dip.

Mr. Deputy Speaker: Eng. Muriuki, what do you want to say?

Eng. Muriuki: Mr. Deputy Speaker, Sir, I just want to sincerely thank the Assistant Minister. I will tell the people in Ol'Kalou Constituency, that they now have their school land back.

Mr. Deputy Speaker: Very well. I believe with that, there are no further supplementary questions.

Next Question, Mr. Mirugi!

DRYING UP OF LAKES ELEMENTAITA/NAKURU

Mr. Mirugi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Tourism and Wildlife the following Question by Private Notice.

(a) Is the Minister aware that lakes Elementaita and Nakuru are about to dry up completely?

(b) What measures has the Minister taken to ensure that the status of these two lakes does not deteriorate any further?

(c) How much money has been set aside this financial year towards conservation of the lakes?

*(Mr. Kenyatta was applauded as
he entered into the Chamber)*

Mr. Deputy Speaker: Order, hon. Members! Let us concentrate on the business before the House!

Proceed, Mr. Muriungi!

The Assistant Minister for Tourism and Wildlife (Mr. Muriungi): Mr. Deputy Speaker, Sir, first of all, may I apologise most sincerely for not being available to answer this Question yesterday. This was due to reasons and circumstances beyond my control. However, I beg to reply.

(a) Yes, I am aware that both lakes Nakuru and Elementaita are drying up due to climate change, degradation of the catchment area, land use change in the region and the existence of the Cabro Project in Lake Elementaita.

(b) Both lakes have been declared as wetlands of international importance, otherwise called, Ramsar sites. Lake Nakuru, Kenya's first Ramsar Site, was listed in 1990 while Lake Elementaita, the fifth Ramsar Site, was designated last year. The Kenya Wildlife Service (KWS) is also working with the local communities to sensitize and educate them on the importance of the two lakes to the country.

(c) This financial year, the KWS has set aside Kshs36,424,920 for the management of the entire park and Kshs1,075,880 towards conservation and research on environmental issues.

Mr. Mirugi: Mr. Deputy Speaker, Sir, Lake Nakuru has been drying up for the last ten years. It has been a progressive process. We know so far that these lakes are drying up because the rivers that supply them with water have also dried up. Could the Assistant Minister consider gazetting the Mau catchment area so that the encroachment by individuals on that land can stop and vigorous tree planting exercise can be conducted in that area to reverse this trend?

Mr. Muriungi: Mr. Deputy Speaker, Sir, I would like to thank the hon. Member for coming up with suggestions on how to solve this problem. We know that the problem of desertification and climate change is a very serious one. That is why we hosted the world conference on climate change about two weeks ago. The two lakes are served by rivers which originate from areas where there is a lot of forest degradation. Lake Nakuru is served by four rivers, that is Makalia, Enderit, Naishi, Njoro, Lamudiac and also some supply from the natural springs on the northern part of the lake. Lake Elementaita is also fed by two inflowing rivers and hot springs on the southern part of the lake as well as run off water and direct rainfall. The problem that we have, and which must be solved, is the gazettelement of Lake Elementaita for protection. As things are now, the area around Lake Elementaita is enclosed by communal and community land owners. Therefore, it will be necessary for the other Ministries concerned, that is the Ministry of Environment and Natural Resources and the Ministry of Lands to work with my Ministry so that we can have this land gazetted as a protected area. As soon as that is done and people are educated, I know these lakes will be saved.

Mr. Deputy Speaker: I would like to ask Ministers to, please, paraphrase their answers because they are taking quite a long time.

Mr. Balala: Mr. Deputy Speaker, Sir, we are aware that Lake Nakuru and Lake Elementaita are drying up due to environmental problems. There is much more beyond that. There is the usage of water from these lakes for industrial use and also for the floriculture industry. Is there any control over the usage of water from these lakes?

Mr. Muriungi: Mr. Deputy Speaker, Sir, water from Lake Naivasha is mainly soda ash. Therefore, it cannot be used for irrigation. The water from Lake Nakuru can be used for irrigation. Therefore, that is why I am saying that it will require an Inter-Ministerial approach to control the usage of this water.

Mr. Mukiri: Mr. Deputy Speaker, Sir, the answer the Assistant Minister is giving is not a serious one. This is a very serious issue. Our tourism industry, especially within the Central Rift depends on Lake Nakuru and Lake Elementaita. The Assistant Minister is talking about

gazettement of the schemes, most of which are in my constituency. He has said that the Government will gazette that area. He is not being serious. I know the Government cannot remove the people who have title deeds from those schemes. What is the Assistant Minister doing to make sure that we increase the amount of forest cover within the Mau region, whether it is in the settlement schemes or in the other areas where the Government has refused to plant trees?

Mr. Muriungi: Mr. Deputy Speaker, Sir, I did not speak of gazetting the settlement areas in Molo. I talked of protecting the area around Lake Elementaita. The Ministry of Environment and Natural Resources is doing its best to protect forest areas. This Question is outside the scope of the Ministry of Tourism and Wildlife. I am sure the other Ministry is doing something about it.

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that there is an ecological disaster looming because for many years the Government has not been able to protect the environment of this country? Right now, East Mau has caused all these problems because it was destroyed and the rivers flowing to Lake Nakuru and Lake Elementaita have all dried up. The flamingoes have moved to Lake Natron. Is the Assistant Minister aware that even the Mau West area is still being invaded by people who go in and destroy the indigenous forest and yet the Government does not do anything about it? Could the Assistant Minister assure the---

Mr. Deputy Speaker: Order, Mr. ole Ntimama! You have asked a question, let the Assistant Minister answer now.

Mr. ole Ntimama: Including the Mau Forest---

Mr. Deputy Speaker: Order, Mr. ole Ntimama!

Mr. Muriungi: Mr. Deputy Speaker, Sir, in the first part of my answer, I said that I am aware that these lakes are threatened. I would also like to say strongly that the Government will do whatever is within its means to protect river sources in Kenya, including the Mau area and other water towers.

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

Mr. Deputy Speaker: Order, Mr. Gitau! We are on Question Time.

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

Mr. Deputy Speaker: Order, Mr. Gitau! You are being disorderly.

Mr. Bett: Mr. Deputy Speaker, Sir, I do not think the Government is being serious on protecting our environment. This particular lake sources water from Mau Forest. Last weekend, I visited the area and found trees being cut down right in the middle of the forest. Last year, this House enacted a law on preservation of forests, but it has not been operationalised. When will the Government operationalise the Forest Act to save our environment?

Mr. Muriungi: I think the Ministry responsible should respond to that question at an appropriate time. Could the hon. Member find out from the Ministry of Environment and Natural Resources when the Act will be operationalised?

Mr. Deputy Speaker: Mr. Gitau, I want to hear your point of order.

Mr. Gitau: Mr. Deputy Speaker, Sir, it appears that the Assistant Minister is not able to give an adequate answer to this Question. Would I be in order to ask you to redirect this Question to the Ministry of Environment and Natural Resources so that it can be properly addressed? That was my point of order.

Mr. Deputy Speaker: I tend to agree with Mr. Gitau. I know the Assistant Minister has done his best to answer this Question but we all know about the looming disaster in Lake Nakuru and Lake Elementaita. The Assistant Minister said that it should be handled by Inter-Ministerial efforts. Therefore, I think it will be in order for me to direct that this Question be referred to the Ministry of Environment and Natural Resources.

Mr. Gitau, thank you for that point of order.

(Question deferred)

(Applause)

ORAL ANSWERS TO QUESTIONS

Question No.484

FUNDING FOR JOY TOWN PRIMARY SCHOOL

Mr. Gitau asked the Minister for Education:-

(a) whether he is aware that Joy Town Primary School in Thika, which is the only school in Central Province that caters for the physically handicapped, is in a dilapidated state and requires urgent rehabilitation estimated to cost over Kshs4 million; and,

(b) whether he could consider funding the institution to avoid its collapse.

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

(a) I am aware that Joy Town Primary School is currently in a very bad shape and requires urgent rehabilitation at an estimated cost of Kshs1.6 million and not Kshs4 million.

(b) In 2005/2006 financial year, the Ministry released a total of Kshs200 million for special schools in the country, both primary and secondary schools. Out of that, Joy Town Primary School got almost Kshs1.13 million vide Cheque No.CBK 136656 dated 30th June, 2006. Before that, another Kshs300,000 had been released to the same school. We are doing our best and repairs are in progress.

Mr. Gitau: Mr. Deputy Speaker, Sir, the Assistant Minister agrees that this school is in a very bad state. Is he satisfied that Kshs1.3 million is enough to rehabilitate the school, knowing its condition? While we thank him for the contribution, could he consider a grant of, at least, Kshs4 million to help this very vital institution?

Dr. Mwiria: Mr. Deputy Speaker, Sir, it is not a matter of considering. Certainly, next year, we will vote some more money to that institution along with other special institutions. Yes, we shall do it.

Mr. Deputy Speaker: You see, Mr. Gitau, this time, you are very persuasive, but you are very aggressive to the Chair when you are asking for a point of order. You have persuaded the Assistant Minister and he has given you an assurance that he will be able to help. I think it is the manner in which you ask for something.

Mr. Gitau: Mr. Deputy Speaker, Sir, I am not aggressive. It is only that sometimes the Chair seems to know what I want to say.

(Laughter)

Mr. Khamisi: Mr. Deputy Speaker, Sir, I do not think particular attention has been put on special education by this Government. I have a similar case in my area involving the Kibarani School for the Deaf which is in deplorable condition. The money that they are getting is inadequate. Could the Assistant Minister assure this House that he will consider bringing a special request to this House in the next Budget so that these schools can be adequately provided with buildings and equipment?

Mr. Deputy Speaker: Did you say next Parliament or next session?

Mr. Khamisi: I said next Budget, Mr. Deputy Speaker, Sir.

Dr. Mwiria: Mr. Deputy Speaker, Sir, that is a very fair request. We shall try that in the next Parliament.

Mr. Gitau: Mr. Deputy Speaker, Sir, could I ask the Assistant Minister if it is possible that we jointly pay a visit to this school?

(Loud consultations)

Mr. Deputy Speaker, Sir, I need your protection.

Mr. Deputy Speaker: Order, hon. Members! Could you allow Mr. Gitau to ask his question?

Mr. Gitau: Mr. Deputy Speaker, Sir, I am requesting that the Assistant Minister pays a visit to this school with me so that he can see the needs of this school that the Ministry can immediately give assistance.

Dr. Mwiria: Mr. Deputy Speaker, Sir, the invitation is okay but not with string attached that we have to come up with some money immediately. I can visit the school, but I will not promise immediate release of money. We will do that when there are resources.

Question No.274

IRREGULAR COLLECTION OF FUNDS
BY WOMEN ORGANISATION

Mr. C. Kilonzo asked the Minister of State for Administration and National Security:-

(a) whether he is aware that an organisation by the name of Kenyan Women Workers Organisation of P.O. Box 61068, Nairobi, has been collecting monies from women in Yatta promising to assist them buy a house in Nairobi;

(b) whether he is further aware that over Kshs1 million was collected between 1999 and 2000 when the organisation went underground; and,

(c) what action the Government will take to assist these poor women recover their money from the organisation.

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

(a) I am aware that Kenya Women Workers Organisation collected money from 34 women members in Yatta Division, Machakos District, as shares towards the construction of housing units for each member.

(b) I am also aware that the total amount collected from these women was Kshs279,500 and not over Kshs1 million as stated.

(c) The Government is willing to assist the group get the refund of their contributions once they report the matter formally to the police for necessary investigations and action.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I am surprised because if a crime has been committed and the Government knows where this particular organisation is, must it be reported first for them to take action? Why does the Ministry not go ahead to investigate this organisation and have this money refunded?

Mr. Kingi: Mr. Deputy Speaker, Sir, the women have been to the DO's office and they were advised to report the matter formally to the police. They went to the DC and they were similarly advised so that investigations could be instituted. But since they have not done that, we

are unable to make a move. So, we advise the Member to ask these people to report the matter formally to the police so that we can take action.

Mr. Sambu: Mr. Deputy Speaker, Sir, a crime has been committed and the evidence is there. The people on the ground know that the Government is represented by the DO. This is because when they go to the police station, they may be harassed as is often the case. Why is it that this Government cannot take action once a matter has been reported to a DO, a chief or even a DC? Even in schools, headmasters defraud schools, like in the case in the Question I brought here. People are roaming the streets yet they have stolen public money.

Mr. Kingi: Mr. Deputy Speaker, Sir, what I am asking for is not over and above what we expect. We accept they reported the matter. But we advised them to report it formally with the police so that the police can now carry out investigations and help the women to recover their money. That is all we are asking them to do.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, organisations of this kind are many; who go around swindling money from the poor. Similar Questions have been raised in this House. What is the Government doing to ensure that before an organisation starts collecting money from the community, it is vetted to ensure that it is genuine?

Mr. Kingi: Mr. Deputy Speaker, Sir, before such organisations are registered, I am sure investigation is carried out to ensure they are valid. But once in a while, these organisations turn and start fleecing money from the public. This is why we are saying once this habit begins, they should report the matter to the police so that necessary action can be taken.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to ask the women to report to the police yet when they went there, they were told it is a civil matter and no action is being taken? Could the Government safeguard the interests of Kenyan women?

Mr. Deputy Speaker: Now, Mr. K. Kilonzo, you have brought up a new matter here. The Assistant Minister asked the Member to inform the women to report the matter to the police. Now, you have said they have already reported and been told it is a civil matter. Is that correct, Mr. C. Kilonzo?

Mr. C. Kilonzo: That is the position, Mr. Deputy Speaker, Sir. They have already reported to the police and they were told it is a civil case. That is why they went to the DO's office and then to the DC.

Mr. Kingi: Mr. Deputy Speaker, Sir, as far as I am aware, this matter has not been reported to the police. But if the Member can come and discuss the matter with me, we can sort it out.

Mr. Deputy Speaker: Very well. Mr. C. Kilonzo, you can consult the Assistant Minister.

Question No.617

ILLEGAL SEIZURE OF PUBLIC
UTILITY PLOT IN SOTIK

Mr. Kimeto asked the Minister for Lands:-

(a) whether he is aware that Plot No.158, in Koiyet Co-operative Society Limited, was set aside as a public utility to be used by Kipsimbor Primary School, Kipsimbor Market and Koiyet Cattle Dip;

(b) what he is doing to repossess the land which has been seized by land officials and registered in the name of Mr. Kiprotich Kigen; and,

(c) whether he could undertake to visit the area as a goodwill gesture to the affected residents.

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

(a) I am not aware that Plot No.158 in Koiyet Settlement Scheme was set aside for a township in 1971.

(b) I cannot repossess the land since I have no reason to do so.

(c) I may visit the area as a goodwill gesture to the affected residents, and since hon. Kimeto is my friend, we can also inspect CDF projects on the same day.

Mr. Kimeto: Mr. Deputy Speaker, Sir, this Question has come up here for the second time. The first time it came, Mr. Ojode was the Assistant Minister and he admitted that the institutions were built on public land. Mr. Ojode said he was going to compensate the people. I now wonder why this Assistant Minister is saying he is not aware, yet it is not more than two years since Mr. Ojode said that. It is the same Ministry which has not taken more than two years; the same Government which has not taken more than two years and has forgotten what it was aware of. Could the Assistant Minister tell us whether he is saying the truth? At the same time, he has said that he could visit the area to see the affected people. Why do you not know that there are people who have been affected?

Mr. Kamama: Mr. Deputy Speaker, Sir, this is a dispute that has taken quite some time. The issue of compensation of the same Plot No.158 was mooted in 1976 by the then Director of Settlement. However, I want to assure the House that the policy on compulsory acquisition is a long process and Mr. Kimeto can come to my office so that we can discuss the modalities and logistics of doing this. Otherwise, Plot No.158 legitimately belongs to Mr. Kigen and he was given by the Settlement Fund Trustee (SFT). He had actually paid all the requisite funds and I think repossessing it without compensating him is not going to be fair. So, we will be ready to assist the hon. Member, subject to the policies that I have stated.

Mr. Kimeto: Mr. Deputy Speaker, Sir, the Assistant Minister has said that he is ready to assist. By what means is he ready to assist when he has already said he is not aware? By what means are you going to assist the community? The secondary school and the primary school are there. How can the affected people know that the hon. Assistant Minister has given them the right answer?

Mr. Kamama: Mr. Deputy Speaker, Sir, I will visit Sotik to assess the actual situation on the ground. This plot, as I said, legitimately belongs to Mr. Kigen. There are structures on this plot, but we know that is illegal. So, I will visit the area and assist the hon. Member.

Mr. Deputy Speaker: I really do not understand. Mr. Kimeto, the Assistant Minister has been magnanimous. He has even offered that you go to his office so that you can discuss the modalities of resolving these problems. Why can you not accept that invitation?

Mr. Ochilo-Ayacko: On a point of order, Mr. Deputy Speaker, Sir. You heard the Assistant Minister say that the school and other public utilities on this plot are there illegally. There is a concept in law called "adverse possession". When the Assistant Minister talks of illegality, is he in order to mislead the House and yet we know there is a concept in law known as "adverse possession". These people have adversely possessed this land for more than 12 years and are entitled to it.

Mr. Kamama: Mr. Deputy Speaker, Sir, I am very much aware of the concept of "adverse possession" in law. However, before you can possess land, there is a process of doing it. Therefore, I ask the hon. Member to come to my office and then we shall be able to assist him in the best way possible. We know all those concepts and it is not that we are oblivious of the obtaining legal facts.

GRABBING OF PLOTS IN
MADETENI SETTLEMENT SCHEME

Mr. Khamisi asked the Minister for Lands:-

(a) who owns the following plots in Madeteni Settlement Scheme: Nos.501, 505, 377, 391, 424, 396, 419, 418, 111, 338, 533, 539, 456, 564, 403, 422, 503, 608, 534, 350, 550, 612, 605, 219 and 140;

(b) if he is aware that the plots were grabbed from the original allottees; and,

(c) if the answer to "b" above is in the affirmative, when the plots will be given back to their original owners.

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

(a) The owners of the plots are as follows: Plot No.111, Chengo Chai Jefwa; Plot No.140, Chengo K. Kashasha, Ngowa Chengo, Mae Chengo and Benson K. Kitsao; Plot No. 219, Stella Karamta and Dickson C. Nguma; Plot No.338 Mbwamad Hussein Bwamkuu---

Mr. Deputy Speaker: Mr. Kamama, there are so many names on the list you are reading. Are you going to read all those names? Could you, please, lay the list of the names of people who own those plots because they are so many for you to read out now.

Mr. Kamama: Mr. Deputy Speaker, Sir, I will do exactly that. I will lay on the Table part "a" of my answer.

*(Mr. Kamama laid the document
on the Table)*

(b) I am not aware.

(c) People listed in part "a" of my answer above are the ones on the ground and are considered as the original allottees and were issued with letters of offer.

Mr. Deputy Speaker: Mr. Khamisi, do you have the list of names now?

Mr. Khamisi: Mr. Deputy Speaker, Sir, I have got it now. However, I am very disappointed with that answer because you cannot talk about original allottees when you have people on this list who are not indigenous people in this area. We have, for example, a Mrs. Margaret Safari in the list. With all due respect, this lady is a councillor in Nairobi City Council. She is, therefore, not an indigenous person of that area. How could she have been allocated the plot? Could the Assistant Minister, please, shade some light on that question?

Mr. Kamama: Mr. Deputy Speaker, Sir, first of all, I want to address the issue of whether the allottees are indigenous Kenyans or indigenous people from the Coast Province. According to the Constitution, every Kenya has a right to own land anywhere between Lokichoggio and Lunga Lunga. So, the person named has full rights to own land in that region.

Mr. Deputy Speaker, Sir, could the hon. Member declare his interest in this matter?

Mr. Ndolo: Mr. Deputy Speaker, Sir, it looks like this Government issues two different allotment letters for the same plot. This is common because if you go round you will find more than one person in possession of an allotment letter for the same parcel of land. Could the Assistant Minister tell this House if officers in the Ministry issue fake allotment letters or not? If they do so, what are they going to do to ensure that the allotment letters given to people are the right ones?

Mr. Kamama: Mr. Deputy Speaker, Sir, the issue of double allocation used to be common in the previous regime. In fact, it used to be the order of the day. However, we have now rectified that situation and the issue of double allocation will now be a thing of the past. It will never happen in this Government.

Mr. Khamisi: Mr. Deputy Speaker, it was ordered that title deeds be issued to all the people of Coast Province. The only area that has not been issued with title deeds is this particular area. The reason why this area has not been issued with title deeds is because there are controversies. If you go through this list of names, you will find that one plot has been allocated to up to five people. Could the Assistant Minister explain how one plot can be issued to five different people?

Mr. Kamama: Mr. Deputy Speaker, Sir, I want the hon. Member to mention specifics. I want him to give that plot number and I will make sure that something is done to rectify the situation.

Question No.623

REVIVAL OF MOLO POTATO
COOLING PLANT

Mr. Mukiri asked the Minister for Agriculture why the Government has not revived the Molo Potato Cooling Plant and Factory.

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

Contrary to the Question, the Government has already revived the Molo Potato Cooling Plant. Indeed, Agricultural Development Corporation (ADC) has set aside Kshs4 million this year to rehabilitate the factory in order to enhance its capacity.

Mr. Mukiri: Mr. Deputy Speaker, Sir, the growing of potatoes is the mainstay of a lot of people in Rift Valley Province and some parts of Central Province.

I asked a similar Question in 2003 and the Minister said that part of the reason why the factory had not been revived was because much of the land that belongs to ADC had been grabbed and, they were, therefore, not able to revive the Molo Potato Cooling Plant. I do not agree with the Minister's current answer. From 2003 up to now, how much money has the Government invested in this factory and for what purpose? We need to know exactly what the Government has done now that the Minister has said that the factory was revived.

Mr. Kirwa: Mr. Deputy Speaker, Sir, indeed, it is true that there was no land. We went ahead to buy 800 acres for seed multiplication of potatoes.

Secondly, I said that we have invested Kshs4 million for the purpose of improving the capacity to 50,000 bags of potatoes every year. It is true that we managed to keep 3,000 potato seeds this year and if the hon. Member could visit his constituency this weekend, he will confirm what I am saying.

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

Mr. Deputy Speaker: Mr. Mukiri, I will give you an opportunity to ask another question. Let me give Mr. Cheboi this opportunity to assist you.

Mr. Cheboi: Mr. Deputy Speaker, Sir, this Question touches on matters in a constituency neighbouring mine. My constituencies are, therefore, also beneficiaries. Whereas I am happy with the Minister's response where he told us that the Ministry has invested Kshs4 million in the factory, could he, please, tell us what the original acreage, where this factory is situated, was and how much land is remaining as we speak now.

Mr. Kirwa: Mr. Deputy Speaker, Sir, it was over 2,000 acres and all of it has been taken away. We have bought back 800 acres for the purpose of reviving the plant.

Mr. Cheboi: Mr. Deputy Speaker, Sir, I am not asking about the Agricultural Development Corporation (ADC) Farm. I am asking about the plot where the cooling plant is situated. Definitely, it cannot be 800 acres; it cannot even be 10 acres.

Mr. Deputy Speaker: Mr. Minister, Mr. Cheboi wants to know the original acreage of the factory and what remains to date.

Mr. Kirwa: Mr. Deputy Speaker, Sir, I may not have that information as of now, but I do know that the factory is still intact and we have divided a section of it. We have been able to store 3,000 bags of potatoes this year which we have given to the farmers for purposes of planting.

Mr. Manoti: Mr. Deputy Speaker, Sir, arising from the Minister's answer that the 2,000 acres were grabbed, which was public land and the Ministry has gone ahead to spend public money to buy 800 acres, was it not necessary for the Government to repossess that land from the grabbers instead of spending public money to buy land?

Mr. Kirwa: Mr. Deputy Speaker, Sir, I think the word "grabbed" belongs to the hon. Member. I said the land had been allocated to other individuals and, therefore, the most prudent way was to buy back the land.

Mr. Mukiri: Mr. Deputy Speaker, Sir, the Minister did not answer my first question. Could the Minister tell us how much money the Government has invested in the factory so that he can say that they are reviving it? Secondly, is the Minister satisfied that the Kshs4 million is enough to revive this factory considering the fact that much of the land that was supposed to be used for this purpose was grabbed? Thirdly, could he tell us the location of the 800 acres of land that he says the Government has bought and what is its title deed number?

Mr. Kirwa: Mr. Deputy Speaker, Sir, we have spent Kshs1.5 million to revive a section of the plant and that is the one which stores 3,000 bags of potatoes. The details of the title deed number are not available to me, but I can confirm that 800 acres are available and we have them in our position.

Mr. Deputy Speaker: Next Question by Prof. Anyang'-Nyong'o!

Question No.569

GRAVELLING OF MASENO-KOMBEWA ROAD

Mr. Raila, on behalf of **Prof. Anyang'-Nyong'o**, asked the Minister for Roads and Public Works:-

(a) why there has been a delay in completing the gravelling of the Maseno-Kombewa D245 Road; and,

(b) whether he is aware that part of this road is currently impassable from Wangarot to Akado.

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

(a) The gravelling of Maseno-Kombewa Road, D245, was delayed because the project commenced four months late.

(b) I am aware that during the rainy season some sections of the road are impassable from Wangarot to Akado. The contractor has been paid Kshs30,863,853 which is about 30 per cent of the contract sum.

Mr. Raila: Mr. Deputy Speaker, Sir, work on this road was supposed to have been completed some time last year. The Assistant Minister has not given the House the anticipated time of completion of this project. The road is impassable and people are being inconvenienced. Could the Assistant Minister confirm to the House that this road is probably one of those other roads which the Ministry has decreed not to be completed because the people of those areas voted against the Government during the referendum?

Eng. Toro: Mr. Deputy Speaker, Sir, I do not agree with that allegation because the contractor called Eagle Construction Company was awarded a contract to gravel this road which runs through two sections. He commenced the work and I said 30 per cent of the work has been done and we have asked him to give us a revised programme of work to show us when he is going to finish or whether he can be able to finish the remaining work within the contract period of 18 months. We are still waiting for him to justify the revised programme. Otherwise, the issue that they voted against the Government during the referendum does not arise because the contractor is not a Government one but a private one.

Mr. Marende: Mr. Deputy Speaker, Sir, part of this road passes through my constituency, Emuhaya, and it is a very vital road. Could the Assistant Minister confirm that there is still money available to finish the gravelling of this road? Secondly, if there is money still available, how much is it?

Eng. Toro: Mr. Deputy Speaker, Sir, the contract sum of this road is Kshs95,575,000. I said that the contractor has already been paid Kshs30 million for the certificates that he has forwarded. He can only argue that there is no money if the contractor had forwarded certificates and we have failed to pay. So, I can assure the hon. Member that the money is there and as soon as the contractor presents his certificates for work done, he will continue to be paid.

Mr. Raila: Mr. Deputy Speaker, Sir, the Assistant Minister is saying that the contractor has resumed work. One would assume that by the time the contractor is resuming work, he has already submitted a revised work programme which has been approved by the Ministry. If he has done so, could the Assistant Minister be kind enough to inform the House when this project will likely be completed?

Eng. Toro: Mr. Deputy Speaker, Sir, I said the revised programme has not been approved because we asked the contractor to give us a revised programme to indicate that he could finish the work within the stipulated period of 18 months. That is the completion period as per the original programme and since he has not been able to satisfy us with the programme, we have not been able to approve the revised programme of work until he gives us a satisfactory programme that shows that the work is going to be done as quickly as possible, within 18 months.

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

Question No.340

GOVERNMENT POSITION ON
LICENSING OF RADIO STATIONS

Mr. Ahenda, on behalf of **Mr. Kajwang,** asked the Minister for Information and Communications:-

- (a) what the Government's position is on the licensing of radio stations; and,
- (b) why the Government has given a near monopoly to Royal Media Services which broadcasts nationwide in English, Kiswahili, Kikuyu, Luo, Kalenjin, Luhya, Kamba and many other languages.

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

(a) Prospective broadcasters initially apply to the Ministry for a broadcasting permit. After consideration, the successful applicants are issued with a broadcasting permit which specifies the coverage area. The Communications Commission of Kenya (CCK) issues available frequencies after the applicant provides necessary data.

The CCK identifies the frequency and advises the applicant about frequency fees, technical

and other operating parameters associated with the frequency. The CCK also ensures the proposed broadcast equipment is type approved.

Once all the CCK's conditions are fulfilled, the applicant is advised that since there is high demand for frequencies, the frequency should be activated within 12 months and those who fail to do so, their frequencies are repossessed. If they remain under-utilised, they are given to other applicants on the waiting list.

(b) The Government gave Royal Media Services frequencies to broadcast nationwide because they applied for them. There were no good reasons as to why the media house could not be given the frequencies. The Royal Media Services is a *bona fide* Kenyan investor with the same rights as anybody else, and no one was denied broadcast frequencies permit at the time it was applied for. The initial broadcasting permit was issued to Royal Media Services on 22nd April, 1997 to broadcast in Nairobi, Nyeri and Mombasa. On 17th April, 2001, the Communications Commission of Kenya cancelled the permit under political pressure.

Royal Media Services took the Communications Commission of Kenya to court and an injunction for status quo to remain was awarded. However, Royal Media Services was ordered to deposit Kshs6,410,961.30 to court. In February, 2003, Radio Media Services was given a provisional broadcasting licence to cover all the areas that it had requested. Royal Media Services does not have a monopoly on broadcasting. The Kenya Broadcasting Corporation (KBC) has 104 sound broadcasting frequencies, while Radio Media Services has 62 sound frequencies. If anything, it is the KBC that had a monopoly that other media houses like Royal Media Services have helped to break.

In addition, besides KBC and Royal Media Services, 64 other companies have been assigned FM sound broadcast frequencies in the last ten years to operate in various parts of the country. Similarly, 21 companies have been assigned TV broadcast frequencies for operation in various parts of the country. Some of these companies include the KTN, the Nation Media Group, Capital Group Limited, East African Television Network, STV, BBC World Service, Sauti ya Rehema, *et cetera*.

Mr. Deputy Speaker: Mr. Assistant Minister, you have taken a long time.

Mr. Ahenda!

Mr. Ahenda: Mr. Deputy Speaker, Sir, you heard the Minister compare the Royal Media Services with the KBC as if Royal Media Services is---

(Mr. Leshore consulted loudly)

Mr. Deputy Speaker: Order! Order, Mr. Leshore! You must be orderly!

Proceed, Mr. Ahenda!

Mr. Ahenda: Mr. Deputy Speaker, Sir, the Question was very simple and clear: Why Royal Media Services has been given near monopoly, as opposed to other media houses that have applied for broadcast frequencies. It is such a simple Question that needs a simple answer, and not all the historical background that the Assistant Minister has given us.

Mr. Wamwere: Mr. Deputy Speaker, Sir, I think the answer I gave is quite relevant. It is whether Royal Media Services has a near monopoly or not. The reason as to why I mentioned the KBC is because a monopoly means having what other people are not allowed to have. If the KBC has one or four frequencies, as opposed to Royal Media Services' 62--- If you want to talk about monopoly, or near monopoly, then we should be accusing the KBC, and not the Royal Media Services.

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I am, really, not bothered by the Royal Media

Services and so on. What concerns me is that there appears to be an effort to increase the level of tribalism using FM radio stations in all languages. When are small tribes like the Mbeere, Pokomo, Ogiek and others going to get their frequencies in keeping with the new policy of the Government to encourage tribalism?

Mr. Wamwere: Mr. Deputy Speaker, Sir, I do not think giving FM broadcasting frequencies to a radio station that wants to broadcast in any one of our native languages is promoting tribalism. I think tribalism has everything to do with content of what is broadcast rather than merely having an FM radio station broadcasting in our native languages. We should actually be doing exactly that: Encouraging FM radio stations that broadcast in our native languages rather than remaining enslaved to the use of English, French and whatever other language, including Latin.

Mr. Omondi: On a point of order, Mr. Deputy Speaker, Sir. I do not think the Assistant Minister is in order to mislead this House when we know very well that Mr. Waweru Mburu of Citizen TV is very busy every morning, campaigning for NARC(K) and maligning all members of the ODM. Is he in order to mislead this House?

Mr. Deputy Speaker: That is a question, and not a point of order!

Maj. Madoka: Mr. Deputy Speaker, Sir, I have said it in this House before, and I will say it again; I think it is very dangerous to continue promoting these vernacular stations. We have seen it happen elsewhere, where vernacular radio stations have been used to virtually destroy a whole nation. I think it is time that the Government made up its mind not to license vernacular radio stations.

Mr. Deputy Speaker: That is a statement!

Mr. Sambu, what is your question?

Mr. Sambu: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that what most of these vernacular stations broadcast is actually abusive to people, and particularly to politicians, be they from the ODM, NARC(K) or whatever party? They spend all their time in the morning maligning people. People call up, and it is usually a particular group of people who are abused. Is he aware that the radio stations broadcasting in vernacular will cause a civil war one of these days?

Mr. Wamwere: Mr. Deputy Speaker, Sir, war can be propagated in any language. Even genocide can be propagated in English, French, *et cetera*.

Hon. Members: No! No!

Mr. Wamwere: Mr. Deputy Speaker, Sir, you only need to look at history and you will know that English, French and other European languages were used to propagate genocide on this continent against our people. I think barring vernacular stations would be discriminating against our people; the same discrimination that was exercised against our people by colonial forces. We got Independence so that our people can be free to learn in their own languages.

(Mr. Sambu stood up in his place)

Mr. Deputy Speaker: Order! Order, Mr. Sambu!

*(Mr. Wamwere returned to
the Dispatch Box)*

Order, Mr. Wamwere! Did you not finish? You actually finished! You were walking to your seat.

Mr. Wamwere: Mr. Deputy Speaker, Sir, I have not finished.

Mr. Deputy Speaker: Finish then!

Mr. Wamwere: Mr. Deputy Speaker, Sir, all I was going to say is that we understand that some vernacular FM radio stations and even English---

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

Mr. Deputy Speaker: Order! Order, Mr. Assistant Minister! Mr. Sambu, the issue of an hon. Member asking a question and not getting satisfied and then interjecting when the answer is being given, is out of order. So, let the Assistant Minister finish giving his answer.

So, can you finish giving your answer, Mr. Wamwere!

Mr. Wamwere: Mr. Deputy Speaker, Sir, actually, what I was trying to say is that we understand that some media houses lack discipline. Some of them will tend to propagate tribalism or even religious bigotry. To address such issues, the Ministry will soon bring to this House for enactment, the Media Bill, to provide for regulations and rules that will help the Ministry and the Government to ensure that no radio station is used for purposes of propagating ethnic, religious or any other type of hate campaign in the country.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Order, hon. Members. We are now five minutes past Question Time.

Last question, Mr. Ahenda!

Mr. Ahenda: Mr. Deputy Speaker, Sir, I hope that you were here when the Chair ruled that Royal Media Services should be barred from covering the proceedings of this House after they said that they wanted lightning to strike this House. Who allowed them back into this House before this thing was brought here?

Mr. Deputy Speaker: Mr. Ahenda, are you asking the Assistant Minister or the Chair?

Mr. Ahenda: I am asking the Assistant Minister!

Mr. Deputy Speaker: Mr. Ahenda, do you have another question for the Assistant Minister to answer? That is not an appropriate question for him to answer. If you wish to know why the Royal Media Services were allowed back into the House, you will ask the Chair later.

Mr. Ahenda: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that the Royal Media Services were barred from covering the proceedings of this House and they are now back here?

(Laughter)

Mr. Wamwere: Mr. Deputy Speaker, Sir, I am not aware that they are back. If they are, I think there is nothing absolutely wrong with it. I think they were punished enough. If we allow them back, they will come back to do a good job. Of course, we should not discriminate against one media house as if there are holy media houses. There are no holy media houses. They are all susceptible to the same weaknesses and we must not go out of our way to single out one media house and demonise it.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Order! That is the end of Question Time!

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

Mr. Deputy Speaker: Order! Order, Mr. Balala! I am on my feet.

CONSIDERED RULING**POSITION OF LEADER OF OFFICIAL
OPPOSITION TO REMAIN UNCHANGED**

Mr. Deputy Speaker: Hon. Members, I have a communication to deliver from the Chair.

You will recall that yesterday, Wednesday, 29th November, 2006, the hon. Member for Eldoret North Constituency, hon. Ruto, rose on a point of order and sought guidance from the Chair to rule on some issues, including the position of the Leader of the Official Opposition in an apparent reference to purported changes in the leadership of the Official Opposition party, KANU. I undertook to give a ruling on that matter today.

Hon. Members, I wish to state as follows:-

One, the expression and meaning of the "Leader of Opposition" was first used in the British House of Commons in 1826 by an organized group of parliamentarians who defined their responsibilities as having unlimited latitude of suggestions and criticism in influencing parliamentary debate and conduct of the business of the Crown or Government in Parliament.

Two, in New Zealand, our sister jurisdiction, the Leader of the Opposition is the parliamentary leader who commands or enjoys the confidence of the largest party in the House of Representatives.

(Applause)

This has been the practice and tradition since 1903, when Members not in Government coalesced around Mr. William Messy, the then leader of the Reform Party and elected him as their leader.

Three, it has been settled throughout the Commonwealth Parliaments that the Official Opposition Party is the party with the largest membership in the House, whether on its own membership or through a recognized parliamentary coalition structure.

Hon. Members, on 8th April, 1993, the Chair was invited to make a ruling on the position of the Leader of the Opposition. The Chair noted that the provisions of Standing Order No.2 do not mention the Leader of the Opposition, but only defines the "Official Opposition Party" as the party consisting of not less than 30 Members, and where there are more than one party with 30 Members, then the party with the largest number of seats in the House shall be deemed to be the Official Opposition Party.

Similarly, on 30th November, 1993, the Chair again was invited to guide the House on the same matter of the Official Opposition Party. Then, two Opposition parties, namely FORD(K) and FORD(A), each had 30 Members in the House. Though the Chair never got the opportunity to give guidance as one of the Members of FORD(A) defected to the then ruling party, KANU, it was of interest that the number of presidential votes obtained by the leader of each of the parties could have been taken into account in determining who the holder of the Office of the Leader of the Opposition would be.

Hon. Members, the essence of this reference, in my view, was not based on the principle, *per se*, of Opposition, but in deep reflection that the Official Opposition Party is a tangible entity, identifiable and qualifiable as an alternative Government that has offered itself to the electorate for election. It is, therefore, my considered opinion that matters relating to the recognition of party leadership lie fully within the purview of parties in Parliament.

(Applause)

The parliamentary system of Government, which we have jealously protected and defended over the years, has various fora where issues are discussed and resolved. Such fora, as party caucuses and parliamentary group meetings are an integral part of a healthy parliamentary system of Government. In modern times, the term "caucus" has taken a wider meaning than simply referring to party meetings. It is also used to refer collectively to all hon. Members belonging to a particular party where they meet and make decisions on the leadership of their parties.

Hon. Members, allow me to refer again to the British House of Commons from where we have borrowed most of our practices and procedures. The change in leadership of the parties, be they in Government or the Opposition, is solely the responsibility of the party caucus. The British Conservative Party, in recent times, has changed its leadership, which has been effected through parliamentary caucuses where all hon. Members of that party participate in taking decisions of the parliamentary leadership of the party. This is the practice and tradition that pertains in most of the Commonwealth Parliamentary jurisdictions.

In the event of doubt as to the Opposition Party entitled to be treated as the Official Opposition Party, again, we refer to the practice, procedures and traditions in other jurisdictions. For instance, in the New Zealand House of Representatives, the Chair decides on the matter taking into account the recommendations of the party caucus.

Hon. Members, I have taken liberty to give these details since the matter at hand is of considerable interest not only to this House, but to our nation. I take judicial notice that, in the General Election of December of 2002, the key contestants were His Excellency, the President, hon. Mwai Kibaki, under the NARC ticket, who obtained 3,646,277 votes, which represented 62.2 per cent, and hon. Uhuru Kenyatta, under KANU ticket, who obtained 1,838,809 votes, representing 31.3 per cent.

(Applause)

Hon. Uhuru Kenyatta graciously conceded defeat and reaffirmed his commitment that he would discharge his duties as a loyal Opposition to the best of his ability as mandated by the electorate as a legitimate alternative Government. Thus, he led a tangible entity, which was identifiable, qualifiable and voluble party, capable and willing to form a Government.

Hon. Members, I am informed that on 9th January, 2003, the KANU Parliamentary Group met under the chairmanship of hon. Uhuru Kenyatta, and hon. Justin Muturi was elected as the Chief Whip of the party. Again, on 11th June, 2003, the Leader of the Official Opposition Party submitted a list appointing the late Dr. Bonaya Godana as the Deputy Leader of the Party in the House and nominated Members to serve as spokespersons on various Ministerial responsibilities, popularly referred to as the "Shadow Cabinet".

So, hon. Members, the Chair has not, to date, received any notification that the KANU Parliamentary Caucus has met and made any changes in their leadership.

(Applause)

Hon. Members, may I state very categorically that the registration of political party officials by the Registrar of Societies is extraneous, foreign and inconsequential to the conduct of Parliamentary business or proceedings in this House. The constitutional responsibilities of conducting, managing, regulating and guiding Parliamentary business lies nowhere else on earth, but on the shoulders of the Chair; a duty that the Chair has sworn to discharge without fear or favour.

Therefore, to give the guidance sought by the hon. Member, I hereby order and rule that the Leader of the Official Opposition party remains the Hon. Uhuru Kenyatta, MP, the Official Opposition Chief Whip remains the Hon. Justin Muturi, MP, and the Shadow Cabinet remains as submitted by the Leader of the Official Opposition, vide his letter dated 11th June, 2003.

Thank you.

(Applause)

Mr. Salat: On a point of order, Mr. Deputy Speaker, Sir. I rise under Standing Order No.74. The Leader of the Official Opposition, the Secretary-General of KANU, Mr. Chris Okemo and Mr. Henry Kosgey have a case in the High Court. So, the Chair's ruling is *sub judice*.

An hon. Member: Order! Order!

Mr. Deputy Speaker: Order, Mr. Salat! The Chair has made a ruling. Therefore, we will not debate it!

(Applause)

POINTS OF ORDER

STATUS OF CHARTERHOUSE BANK

Mr. Rotino: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement on the position of the Charterhouse Bank. I would like the Minister to---

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Those hon. Members who may wish to withdraw from the Chamber, may do so, quietly!

Proceed, Mr. Rotino!

Mr. Rotino: Mr. Deputy Speaker, Sir, I am seeking a Ministerial Statement from the Minister for Finance about the position and state of Charterhouse Bank. There was a case in court and it was ruled that the bank should be opened. The Minister for Finance---

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! We must continue with the business of the House. Some hon. Members are consulting rather loudly. May you, please, consult in low tones! But if you wish to consult loudly, may you withdraw from the Chamber.

Proceed, Mr. Rotino!

Mr. Rotino: Mr. Deputy Speaker, Sir, I am seeking a Ministerial Statement from the Minister for Finance regarding the position of the Charterhouse Bank. There was a case in court and a ruling was made to the effect that the bank be opened. Many clients of the bank are affected because they cannot withdraw or deposit their money with the bank.

Mr. Deputy Speaker, Sir, I would like to request the Minister, in responding, to table the report from PriceWaterHouseCoopers. I also would like to know the contents of the investigative report by the Central Bank of Kenya (CBK). What economic crimes did the bank commit that necessitated it to be placed under receivership?

I would like the Minister to respond to those very important issues.

Mr. Deputy Speaker: Minister for Finance, will you be able to do so?

The Minister for Finance (Mr. Kimunya): Mr. Deputy Speaker, Sir, I am restrained by the proceedings in court from taking the action that the hon. Member would like to see.

Mr. Rotino: On a point of order, Mr. Deputy Speaker, Sir. The case was concluded this week. So, the case is over!

Mr. Deputy Speaker: Mr. Minister, is it true that the case is over?

The Minister for Finance (Mr. Kimunya): Mr. Deputy Speaker, Sir, there are, at least, four cases that are running on the matter.

Mr. Deputy Speaker: In that case, you cannot ask the Minister to give a Statement when the matter is in court. Could you do your homework and raise the issue again?

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

Mr. Deputy Speaker: Order! Why do you want an exchange? The Minister says that the matter is in court! He has given you an opportunity to wait until the matter is solved. You will then consult the Chair and it will assist you!

DECLARATION OF EMERGENCY IN
AREAS AFFECTED BY FLOODS

Mr. Billow: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Office of the President. The floods have devastated many parts of this country, including North Eastern Province, Eastern Province and Nyanza Province. Thousands of people have been rendered homeless. Also, bridges and roads have been destroyed. Many people are now at the risk of contracting diseases. In some areas in North Eastern Province, there is a shortage of food because roads are not passable. I am seeking the assistance of this Government, so that the international community can move in and give assistance. Could the Minister assure this House that the Government will declare an emergency in those areas, so that the international community can assist them?

Mr. Deputy Speaker: Is the Minister of State for Special Programmes here?

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, I will communicate the information to the relevant Minister.

Mr. Deputy Speaker: This is an emergency issue! When can you come up with a Ministerial Statement?

The Assistant Minister, Office of the President (Mr. Munya): The issue will be handled with haste.

Mr. Deputy Speaker: Can we expect something on Tuesday?

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, Tuesday is acceptable.

Mr. Deputy Speaker: Very well! Yes, Mr. Balala!

DRESS CODE BEING ADDRESSED
BY SUB-COMMITTEE

Mr. Balala: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. Wamwere to cause confusion in the dress code of this House? Is the attire he is putting on African, Western or wildlife dress code?

(Laughter)

Mr. Deputy Speaker: I think we had better leave the issue of the dress code because there is a sub-committee that Mr. Speaker appointed to look into the matter. At the same time, we are reviewing our Standing Orders. So, I think this matter will be sorted out once and for all.

Mr. Balala: Mr. Deputy Speaker, Sir, is he allowed to come into the Chamber in pyjamas?

(Mr. Ogur stood up in his place)

Mr. Deputy Speaker: What is it, Mr. Ogur?

Mr. Ogur: Mr. Deputy Speaker, Sir, I want to congratulate you. The whole House is now at ease after the ruling you have made regarding the issue raised by Mr. Samoei.

Thank you very much.

(Laughter)

Mr. Deputy Speaker: Mr. Ogur, you are out of order!

Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for the Committee read)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

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

THE INSURANCE (AMENDMENT) BILL

*(Several hon. Members started
withdrawing from the Chamber)*

The Temporary Deputy Chairman (Mr. Khamasi): Order, hon. Members! Those withdrawing from the Chamber, please, do so, quietly.

(Mr. Muturi consulted loudly)

Mr. Khamasi: Order, Mr. Muturi! We want to settle down in the Committee of the whole House to consider the Insurance (Amendment) Bill.

Clause 2

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 2 be amended in paragraph (d) by inserting the following additional new definition in its proper alphabetical sequence-
"assessment report" means any report in respect of a claim.

This amendment is basically to insert the definition of an assessment report, which is being introduced into the Bill.

(Question of the amendment proposed)

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

(Clause 2 as amended agreed to)

(Clause 3 agreed to)

Clause 4

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 4 be amended-

(a) in subsection (1) of the proposed new section 3B-

(i) by renumbering the existing paragraph (g) as paragraph (h) and inserting the following new paragraph-

(g) a nominee by the Insurance Institute of Kenya;

(ii) by deleting the word "five" appearing in the first line of the renumbered paragraph (h) and substituting therefor the word

four;

(b) in subsection (2) of the proposed new Section 3B by deleting the words "(a) and (g)" and substituting therefor the words "(a), (g) or (h)".

(c) in subsection (3) of the proposed new section 3B by deleting the words "(a) or (g)" and substituting therefor the words "(a), (g) or (h)".

The proposed amendment in this section are meant to basically incorporate a nominee of the Insurance Institute, and reduce the number of members to be appointed by the Minister as well as ensure that the member to represent the Insurance Institute has the same qualifications as all the other members serving on the Board.

(Question of the amendment proposed)

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

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

(Clause 4 as amended agreed to)

Clause 5

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I beg to

move:-

THAT, Clause 5 be amended by deleting the word "and" appearing immediately after the word "amended" in the first line.

This is basically an editorial amendment.

(Question of the amendment proposed)

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

(Clause 5 as amended agreed to)

(Clauses 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 agreed to)

New Clause 9A

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, a new clause be inserted immediately after Clause 9 as follows-

Amendment of
Section 22

of Cap.487 9A. Section of the principal Act is amended by inserting the word "wholly" immediately before the words "owned by citizens of Kenya".

This new clause is to basically define who a Kenyan citizen is in relation to the ownership of insurance companies.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 13A

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, a new clause be inserted immediately after Clause 13 as follows-

Amendment of
Section 154

of Cap.487 13A. The principal Act is amended in Section 154 by deleting the words "maximum of three insurances" wherever they appear and substituting therefor the words "more than one insurer".

This clause is meant to liberalise the operations of insurance agents.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 13B

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I beg to move that the following new clause be inserted as follows:-

Amendment of
Section 156

of Cap.487 13B. That, Section 156(2) of the principal Act is amended by inserting the following proviso-

Provided that in the case of motor vehicle or fire insurance business, the broker shall remit the amount of the premium to the insurer the same day he receives the premium from the policyholder, and the insurer shall assume risk upon receipt of such premium.

The importance of this amendment is to regulate the manner in which insurance premiums are handed over to the insurer by the broker.

(Mr. Omingo consulted loudly)

The Temporary Deputy Chairman (Mr. Khamasi): Mr. Omingo, I may order the orderlies to shift you from that corner!

(Question of the new clause proposed)

(New clause read the First Time)

*(Question, that the new clause
be read a Second Time, proposed)*

*(Question, that the new clause be read
a Second Time, put and agreed to)*

(The new clause was read a Second Time)

*Question, that the new clause be added
to the Bill, put and agreed to)*

New Clause 16A

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, a new clause be inserted immediately after Clause 16 as follows-

Amendment of
section 179

of Cap.487

16A. Section 179 of the Principal Act is amended-

(a) in subsection (4), by inserting the following new paragraph immediately after paragraph (a)-

(aa) the Commissioner of insurance or his designated representative;

(b) by inserting the following new subsection immediately after Section (5)-

(5A) The Minister shall, in consultation with the Board, appoint a Managing Trustee who shall be the Chief executive and Secretary to the Board, and who shall hold office for such period and such terms and conditions of service as may, from time to time, be determined in writing by the Minister in consultation with the Board.

The importance of this amendment is to sort out the management of the protection Board by having the Commissioner of Insurance as one of its the members.

(Question of the new clause proposed)

(New clause read the First Time)

*(Question, that the new clause
be read a Second Time, proposed)*

*(Question, that the new clause be read
a Second Time, put and agreed to)*

*(Question, that the new clause be added
to the Bill, put and agreed to)*

New Clause 21A

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I beg to move that the following new clause be inserted immediately after Clause 21 as follows:-

Repeal and

Section 203 of

Cap.487

21A. The principal Act is amended by repealing Section 203 and replacing it with the of following new section-

Settlement of claims

203 (1) Where the claimant has submitted all the relevant documents, every insurer shall, in respect of claims arising out of policies of insurance issued by it-

- (a) admit liability;
- (b) determine the amount due;
- (c) establish identity of the claimant; and
- (d) pay claim, within ninety days from the date of reporting claim:

Provided that if, for any reason, insurer is unable to pay the claim within the period specified under this subsection, the insurer shall apply to the Commissioner for an extension of time, and the Commissioner may grant such an extension of time not exceeding thirty days.

(2) Where an assessment of the claim has been carried out, a copy of the assessment report shall be made available to the claimant.

(3) Where the Commissioner is satisfied that undue delay is being, or is likely to be, experienced by claimant in the settlement of the claimant's claim, the Commissioner shall, after giving the insurer a reasonable opportunity of being heard, direct the insurer to expedite settlement of the claim.

The importance of this is to ensure that insurance companies are limited in the time they take to pay a claim after they to pay a claim after they receive it.

(Question of the new clause proposed)

(New clause read the First Time)

*(Question, that the new clause be read
a Second Time, proposed)*

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, I just want to get a clarification from the Minister. Are we saying that once a claimant submits a claim, the insurance company will admit liability, determine the amount, establish the identity of the claimant and pay the claimant within 90 days even if the insurance company itself has reasons to believe that the claimant is in breach of the conditions in the insurance policy?

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, the current Section 203 basically says that an insurance company must admit liability, determine the amount due, establish identity and then has 60 days in which to pay. When I discussed this issue

with the Committee, we felt the time was not defined within which the admission of liability has to take place. Companies have been taking advantage of this provision to delay payment of claims forever. So, we needed to limit the time for payment of claims to 90 days. If the insurance company has reason as to why it cannot admit liability, then it will give those reasons within the 90 days. It will not be allowed to sit for two years and then wake up and say it cannot admit liability.

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, I agree with the Minister's explanation. However, I am also concerned about the proviso, which states:-

"Provided that if for any reason the insurer is unable to pay the claim within the period specified under this subsection, the insurer shall apply to the Commissioner for extension of time, and the Commissioner may grant such an extension of time for a period not exceeding 30 days".

Is the position that, this is without due regard to the claimant?

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, we take the point that admission of the claim could be on the 90th day. However, if an insurance company needs to mobilise its funds and is, therefore, unable to pay within those days, it can apply for an extra 30 days to organise itself. This brings the time to a total of 120 days.

Dr. Oburu: Mr. Temporary Deputy Chairman, Sir, I just want a clarification from the Minister. In discussions between him and my Committee, we agreed that this Bill should give an allowance of 90 days for payment of claims. We also agreed that the total number of days should be 120. Now, he has increased this to beyond 90 days. Is it as a result of pressure from the insurance companies? A new provision has been made for another 30 days of extension by the Commissioner of Insurance.

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, Dr. Oburu has just confirmed what we agreed on. We agreed that it should be 90 days, but in the event that payment is not made, an additional 30 days will be allowed.

*(Question, that the new clause be
a read a Second Time, put
and agreed to)*

(The new clause was read a Second Time)

*(Question, that the new clause be
added to the Bill, put and agreed to)*

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Insurance (Amendment) Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

**REPORT, CONSIDERATION OF
REPORT AND THIRD READING**

THE INSURANCE (AMENDMENT) BILL

Mr. Khamasi: Mr. Temporary Deputy Speaker, Sir, I beg to report that the Committee of the whole House has considered the Insurance (Amendment) Bill and approved the same with amendments.

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Assistant Minister for Local Government (Mr. Muchiri) seconded.

(Question proposed)

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for having brought this Bill to this House. Some issues in this Bill were amended or rejected in the Finance Bill. The Minister has done the right thing. He has brought these amendments under the right Bill. Our Committee is quite happy that we discussed and agreed on almost everything.

Mr. Temporary Deputy Speaker, Sir, with the passage of this Bill, and if it becomes an Act, insurance companies are going to receive money directly in cases of fire and motor vehicle covers. This will lower charges to customers substantially.

Mr. Temporary Deputy Speaker, Sir, it is also going to advantage the claimant of the insurance cover. The claimant will have access to reports by experts who will do assessment of damage. That information will be made available to the claimants. They will, therefore, have advantage in negotiating with insurance companies for settlement of their claims.

The Assistant Minister for Local Government (Mr. Muchiri): Mr. Temporary Deputy Speaker, Sir, I also want to add my voice to congratulations for the Minister for his amendments to the Insurance (Amendment) Bill. The insurance industry is a financial subsector. I want to ask that the Commissioner of Insurance does regular managerial inspections of all insurance companies, so that in future we do not have them going under. Kenyans have invested a lot of money in this industry.

Mr. Khamasi: Mr. Temporary Deputy Speaker, Sir, I want to congratulate the Minister for Finance, who was under siege barely two weeks ago in this House. This was during the debate on the Finance Bill. I think this is the route he needs to take. The Minister needs to be friendly to committees. See what has happened after he was just a little friendly to a committee! You can see how quickly this Bill has gone through the House.

This Bill is very important to the insurance industry, particularly for all the players. It now brings equity in the industry. We believe that once the Bill is assented to by the President, the Minister will move fast and have it operationalised, so that all players in the insurance industry can reap the fruits of its amended provisions.

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, just like my colleagues, I want to add my voice to congratulations for the Minister for bringing this Bill to the House. It is very important. Lawyers, and even hon. Members, are always inundated with questions by constituents, who claim that they filed claims with insurance companies and they do not know what is going on. I am very happy. I also want to thank the Minister for having seen it fit to specify some period within which claims must be settled by insurance companies. This way people will not have to come to hon. Members to raise issues, which could be sorted out, out there. I only hope that the Minister will move with speed and that the commencement date of the law, after it is assented, will not be left in abeyance as has been the case with the Public Procurement and Disposal Act.

With those remarks, I beg to support.

Mr. Kagwima: Mr. Temporary Deputy Speaker Sir, I also agree with hon. Members that the Minister has done a good job. However, I would like to appeal to him to ensure that this new law is properly utilised to ensure that the insurer remains liquid, so that it is applicable. We may say, "pay within 90 days", but if the companies are not liquid, we will just be trying to get milk from a rock. We should also ensure that people in this industry conform to the law we are passing today.

Mr. Omondi: Mr. Temporary Deputy Speaker, Sir, the insurance sector has been known to be a very fertile ground for unscrupulous people to mint money. I hope that the passage of this Bill is going to seal all these loopholes. I would advise that the Ministry should also enhance provision of education to the members of the public as to the importance of the insurance sector in their lives. Very few people in the society use the benefits of insurance. Many people, due to sheer ignorance, do not benefit from the insurance sector.

With those few remarks, I beg to support.

(Question put and agreed to)

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Insurance (Amendment) Bill be now read a Third Time.

The Minister for Justice and Constitutional Affairs (Ms. Karua) seconded.

(Question proposed)

(Question put and agreed to)

*(The Bill was accordingly
read the Third Time and passed)*

MOTION

ADOPTION OF 1998/1999 PAC REPORT

THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya accounts for the year 1998/1999 laid on the Table of the House on Thursday, 26th October, 2006.

(Mr. Omingo on 28.11.2006)

(Resumption of Debate)

interrupted on 29.11.2006)

The Temporary Deputy Speaker (Mr. M'Mukindia): I understand hon. Kagwima was on the Floor.

Mr. Kagwima: Mr. Temporary Deputy Speaker, Sir, I wish to continue from where I left. Before the House was interrupted, I was saying that the reason we have these huge volumes of the Public Accounts Committee reports is because our Public Service is inefficient, among other things.

I want to laud the fact that the Government has now entered into contracts with public servants. We need to ensure that at the end of those contracts, and I hope that most of them are annual, those who are requesting for renewed contracts have performed what they signed to perform. If our people worked well, we would reduce the queries that the Controller and Auditor-General has, over the years, raised. It has become a routine for us to adopt the reports of the PAC. In all these years, we have recommended that action be taken. We need to be very serious about the efficiency of public servants. Even as we recruit new employees, we should take into account the fact that the Public Service is even at times more important than the private sector where we are talking about small companies or individuals making profit.

Mr. Temporary Deputy Speaker, Sir, if you look at the money that we are talking about, you will find that it is enormous. We only talk and nothing happens. I would like to request this House to put mechanisms in place to ensure that actions are taken on the recommendations of the PAC. It does not really pay anything for the Committee to sit for many hours. First, the Controller and Auditor-General queries the anomalies that have been committed, the PAC sits for lengthy hours, looks at the accounts and recommends that action be taken. Both of them spend public money going through the anomalies. Finally, the Report of the PAC comes to the House, we adopt it and put it on the shelves. This is a further waste of public money. I am appealing to the House to see whether we can force the Government to take action on the recommendations of the Committee rather than just adopt the reports and keep them on the shelves.

Mr. Temporary Deputy Speaker, Sir, having said that, we also need to look at another cause of misappropriation of public funds. We have the animal called corruption. We have been singing in the House and outside about fighting corruption, but I am not sure we are making a lot of progress. We are not making a lot of progress because the issues which have been raised in this Report are being repeated even as we are talking against corruption. I thought that the NARC Government started well by bringing the Public Officer Ethics Bill for enactment by this House. This Act, among other things, barred public officers from presiding over Harambees. The Act is there and public servants are back on the Harambees. First, we are breaking the law and secondly, we are encouraging corruption in the name of Harambees.

Mr. Temporary Deputy Speaker, Sir, I am looking at a situation where a senior public officer, like a Permanent Secretary or even an hon. Member, is invited to a Harambee and even his opponents are invited. Of course, there will some kind of competition. In Harambees, you look out for your friends or anybody else who can support you, including contractors who may be working in your constituency. Because of the pressure, one will be forced to invite those contractors and, of course, they will respond because they want some favours. Once that has been done, the fear that the contractor had over the leaders, whether it is the Permanent Secretary, the Minister or the hon. Member, disappears and the contractor will think that he has bought his certificate of savings and making huge profits. That again erodes the position that we are holding; that we should use to ensure that people get service for their money.

It is in my considered opinion that we should re-look at the Public Officer Ethics Act to see whether it requires some amendments. I have been involved in Harambees for a long time, but this

time round, I am looking at them as one possible cause of corruption. When a Minister presides over a Harambee, people who are seeking favours from him will attend. Whoever comes to assist you is your friend. I think we need to look at this Act again.

I would like to encourage the growth of the co-operative movement, so that when people want to access money for personal or family use, they can borrow money from the societies and pay with ease at very low interest rates. The other way of doing this is by encouraging merry-go-rounds like women do. That way, one will even get money without having to pay interest. Those are the kinds of things that we need to encourage, so that people can access money conveniently without having to be forced to be corrupt.

The other thing that I want to mention is the timing of bringing the reports to the House, which I also mentioned yesterday. The timing is very bad. The Report we are looking at is for the year 1998/99, which is about seven years ago. Even if we are making recommendations and let me assume that action is taken, that action will be overtaken by time if we are trying to recover. Seven years is a whole world of difference. One may have passed away or even acquired more positions to protect himself. We need to equip the Controller and Auditor-General properly so that he can catch up and bring the reports up to date. We should be, at the worst, two years behind. However, we are now talking about seven years ago. That is what we are recommending for action to be taken. Seven years ago, some of the people we may be blaming are probably in the House and in the position of protecting themselves.

Mr. Temporary Deputy Speaker, Sir, the other issue I want to mention is about the coverage of the Report. Looking at it, surprisingly, almost all Government Ministries and departments are in the Report. So when you look at it and try to compare it in terms of efficiency, what efficiency is there if we are saying that 98 per cent of the Ministries and departments are mentioned? We are saying that we are not efficient! If we are operating at below 10 per cent efficiency, then we are cheating ourselves that we will improve our economy through the Vision 2030 unless we change, as a society. We need to take a stand, as a society of Kenya and say: "Yes, we have gone through this over the years. We have suffered enough, so we must stop it. So, we need to improve our morals and preach against corruption just like preachers do in church." If we improve on our efficiency, then we will be sure that our economy will grow at whatever level we are projecting, whether 10 per cent or more. However, so long as we continue worshipping wealth, we are just nourishing corruption. I am sure we are familiar with cases where people get access to money corruptly and use the same to go to the villages where people worship them. They also use the same wealth to take them to Parliament just because they are able to offer a drink or some cash. Even if those people are elected to represent their people in Parliament or the local authorities, they will not change. Probably, they will go to enhance what they were doing out there. So, I also want to appeal to the public to be sure of the people they want to trust in positions of leadership by electing or nominating people of high moral integrity; people who have a call to duty in those areas that they want to serve the public.

Mr. Temporary Deputy Speaker, Sir, having said this, I want to end by saying that probably in the years to come, we will be seeing a smaller Report where we are talking about two or three Ministries that are left behind while other Ministries have improved and gone with the strength that they have served well and the accounts were up to date, and everything was done according to the Act, plan and the designs rather than having a Report covering the entire Ministries of the Government. So, this is the appeal I am making to the Kenyan public. The Ministers, the Permanent Secretaries, District Officers, chiefs and everybody else are all Kenyans. That is why I am appealing to the entire Kenyan society to change their attitudes. If we have good roads, water supply and electricity, we do not require that colossal amount of money that some of us may be keeping in overseas accounts. Why do you need it? How many years do you have to live to have

billions stashed in overseas accounts? In any case, what are you fearing? What is anybody fearing investing the money in his own country if the money is acquired in the correct manner?

I think we need to impose heavy penalties on anybody found having stashed money outside this country unless we say that he wanted to buy some property there. I think it is a major crime for the Kenyan community to stash money in foreign accounts when we are struggling to borrow money from the World Bank and other institutions. If that money was transferred to this country, our economy would grow and the exchange rate will come down so that we spend less buying foreign currency and we will be living in a better world. I think we should wake up and say: "No to corruption and inefficiency", so that this country can move ahead.

(Mr. Kombo was applauded as he entered the Chamber)

I am sure that, that has been noted!

An hon. Member: *Tumewafukuza wakora!*

(Laughter)

Mr. Kagwima: Mr. Temporary Deputy Speaker, Sir, I want to stop here so that the other hon. Members can contribute. However, let us wake up, fight corruption, work for our country, love our own country and stand to be counted as public servants in this country.

With those few remarks, I beg to support.

Mr. Muturi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say a few words about the Motion before us which is seeking for the adoption of the Public Accounts Committee Report. However, while on my feet, I also take this very early opportunity to congratulate Mr. Kombo, Chairman of FORD(K) for his victory in court. We need to see that kind of sobriety. I hope the same can be found in the management of other aspects of public affairs in the country.

(Applause)

Going through this Report and the one that follows it, because I have also seen it, it is a litany of what Government Accounting Officers have failed to do in applying public resources appropriated to the Ministries under their charge. We have heard the story about the imprudent decision, for instance, by the Customs Department to put up some Customs structure in Shimoni. The revenue accruing from there as the Mover, Mr. Omingo indicated was a paltry Kshs2,500 a month. This is despicable! That is despicable. We cannot spend Kshs500 million - unless figures do not add up properly - to do a facility where we hope to collect revenue of Kshs2,500. There must be something very wrong. This Report is for the activities that took place in the Financial Year 1998/1999. They say that history has a tendency of repeating itself. Those who presided over this plunder of public resources are now comfortably being encouraged to take over the Government or to go to bed with the Government in various mischievous activities, some of which include, but not limited to, acquiring political parties. This Report is about rot in the management of public resources. This is something which is not limited to what is happening in the Ministries. It is there in other public enterprises like parastatals. There is no parastatal which does not have a parent Ministry. Therefore, if we read in the report of the Controller and Auditor-General and, subsequently, in the Report of the Public Accounts Committee, that this Ministry misbehaved or misapplied public resource in this or that manner within a given financial year, or financial years,

obviously, we can expect the same rot to extend to other public enterprises or parastatals that fall under those Ministries.

Mr. Temporary Deputy Speaker, Sir, one key area that we, as a country, should address is the area of procurement of goods and services in the public sector. A lot of the rot that is captured in this Report, in more than 90 per cent of cases, is through procurement of goods and services. What is the Government response? As we debate this Report, we should be reading concurrently, the Government's response to the issues raised in the previous year's report of the PAC. Unfortunately, that report has never been tabled because the then chairman never tabled it until he became the President, so probably, he cannot table it. But one would have expected other Members of the Committee that he led could have tabled the report and we should have debated it to conclusion by way of adoption. But we do not see any commitment from the Government. Let us face the facts. We have just passed the Insurance (Amendment) Bill. The Minister for Finance and his assistant were both present here in the Chamber. He knew very well that there is going to be debate for the adoption of this Report. If we were to conclude this one now, we would still be calling upon the chairman of the Committee to move the report for the Financial Year 1999/2000. We cannot be discussing issues to do with misuse of public resources as detailed here in the absence of the Ministry of Finance, his assistants or the technocrats from his Ministry. We would like to see them take notes. Their absence, in a great sense, suggests or seeks to confirm that we are a talking shop and that they do not take this matters seriously. Acts of misuse have been enumerated by all Government departments.

There are also issues to do with failure to enforce loan repayments by Government Ministries. It is clearly captured on page 42 of the Report and I quote:-

"The unnecessary expenditure in the renovation of Kenyatta International Conference Centre (KICC) by the Ministry of East Africa and Regional Co-operation."

Of course, it was then headed, by none other than, the man who has been appointed by the Government to be the chairman of KANU, Mr. Kipyator Biwott. It is clearly detailed here. The building was there, but look at the expenditure. The same misuse is captured on page 244 relating to the Ministry of Trade and Industry. I think there is something funny with the gentleman.

The Committee did a commendable job to highlight---

The Assistant Minister for Planning and National Development (Mr. Ethuro): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Muturi to keep on referring to another hon. Member of this House without bringing a substantive Motion about him? We are discussing the PAC.

The Temporary Deputy Speaker (Mr. M'Mukindia): It is not in order for him to do so.

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, it is perfectly in order for us to refer to the Assistant Minister, Mr. Ekwe Ethuro, when he was in the Ministry of Labour and refer to him by name, because it is a fact that he served in that Ministry. There is nothing adverse about him. Therefore, there is nothing for me to come up by way of a substantive Motion or substantiate what I am saying because "the taste of the pudding is in the eating." It is in this Report!

The point that I am trying to make is that we have heard from the Mover the story about pending bills and pending bills committees which never seem to come up with any end to this saga of pending bills.

Mr. Temporary Deputy Speaker, Sir, in this Report, we have read about private contractors who have been named. We would expect that where it has been established that a person, legal or natural, is found to have committed or engaged in acts that could be criminal, action be taken expeditiously. But who is going to take action and against who? As much as the Committee took so much time and had several sittings, I want to say that they did a very commendable job. I know

Mr. Ethuro was a Member of the Committee.

Mr. Temporary Deputy Speaker, Sir, I am worried that there may be no enforcement and implementation of these recommendations. I have said that because we have another report coming up, and as we debate on this one, I would have expected someone to be taking notes to acknowledge what happened in the Ministries being discussed, and what action will be taken to ensure that pilferage of public resources does not recur. I know for a fact that as a House, we are making all efforts to ensure that a legal framework is put in place.

Early this week, we discussed the Supplies Practitioners Management Bill which, it is hoped, will be able to fast-track the operationalisation of the Public Procurement and Disposal Act, which we passed last year but up to date, it has never been implemented. That means that as much as we realised that there was inadequacy in the area of public procurement two years ago and came up with the Bill which is now law, we nevertheless, will take two or more years to address the problems we would cure with the enactment of the law. It is worth noting that, indeed, even for that law to be operationalised, it took the efforts of a Private Member, Dr. Ojiambo, to bring a Bill here so that the law can be operationalised. That shows some lethargy in the Government. The Government is moving slowly. As they say; "the wheels of justice grind slowly." I hope that the wheels of justice in this case, which deal with the issue of procurement in the public sector, will be addressed faster if we are to see an end to this kind of misuse that is captured in this Report. There is no need for me to go into details of the Report, yet there is no one taking notes. Otherwise, this may be a waste of time and I might be speaking to myself. I hope the House will adopt this Report and that the Government will implement the recommendations in the Report.

With those few remarks, I beg to support.

The Assistant Minister for Planning and National Development (Mr. Ethuro): Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity. I want to encourage the House to adopt the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 1998/99. I had the privilege of serving in the Committee when it came up with the Report. We had a very good Committee chaired by the very able, hon. Omingo. Of all the accusations and negative things which have been said about the Committee, I can say for sure that I never saw anything to do with impropriety on the part of the PAC, at least in the time that I served in it. I also want to believe that every other time that the Committee has been accused of anything negative, it has been out of mere rumours. We had a very dedicated team that met very often, and never lacked quorum. Quite a number of times, I was an Acting Chairman. So I have some pride of ownership in this particular Report. Indeed, no wonder most hon. Members who served in the Committee ended up being appointed as Assistant Ministers. That is a reflection of the good work we did while serving in the Committee.

While I want to congratulate the Committee, I also want to acknowledge the structural problems that the oldest watchdog committee in all the Parliaments experiences. The oldest watchdog Committee in most Parliaments transacts its mandate on behalf of the House to ensure that taxes paid to the Government are utilised properly. These are structural flaws that impede the realisation of Parliaments' role in the whole world.

This Report was addressed in the year 2003, while the events discussed took place in 1998. So, we had a lapse of five years. A decade later, we are now presenting the Report to this House. I think there was a systematic deliberate move by the Executive; that was never committed to transparency and accountability; as a reflection of the single party dictatorship, to make sure that this House does not become effective. It took dedication of hon. Members to hasten the work of the Committee. At one time, we decided to start handling accounting reports of two years at a go. I remember there is a time when we published four reports at a go, including the one of the Anglo

Leasing Scandal. That was an achievement because we wanted to catch up and remain relevant to the current issues of misappropriation and value for money. The deliberate move by the Executive to impede the work of Parliament is a big problem, and I wish to go on record as having said that.

I want to take this opportunity to thank the Office of the Controller and Auditor-General. In spite of all the problems faced, the Controller and Auditor-General never failed to present or submit his annual accounts to this House. His officers never failed to show up at Committee meetings and made sure that we got the necessary reports. The officers did a brilliant job; they were always available and performed extremely well. I would like to thank the now retired, Mr. Mwai, for a job well done. At times, there were deliberate moves to impede his work. It is up to us to commend such Kenyans for a job well done, even when they could have succumbed to temptations put before them.

We considered and ensured that this Parliament holds an annual orientation seminar for all hon. Members and other players of PAC. We even went further and proposed a seminar for all Permanent Secretaries who were Accounting Officers, so that when they appeared before the PAC, they would know exactly what was required of them. Hon. Omingo and I no longer serve in the Committee. I hope that the Clerk of the Kenya National Assembly will continue with the good work we started, of ensuring that the Committee is given sufficient strength and capacity to do the job it does on behalf of the House. As Committee Members, we went further to make sure that we had a Regional East Africa Public Accounts Committee, where Kenya was elected to Chair so that, as a region, we could compare notes with our neighbours such as Uganda and Tanzania, in terms of sharing good practices and learn lessons from their Parliaments. That way, we would enhance and enrich productivity of the Committee, and Parliament in general.

Mr. Temporary Deputy Speaker, Sir, I totally agree with the views expressed by Mr. Muturi. It is the responsibility of the representatives of the Ministry of Finance to always appear before the Public Accounts Committee (PAC) and other committees. The PAC should always refer to the previous resolutions or recommendations. If you go through this Report, you will see a recommendation that says: "We strongly urge the Accounting Officer to implement the previous recommendation." This recommendation is found in almost every page of this Report. As a House, we should say we are tired of working in vain. If this institution has a role to play in this land, it is important that, that role is appreciated. Whoever is supposed to take action should do so.

The reports of the PAC are becoming a litany of outright theft. A good example is the case of procurement that is done and there are no stocks in the stores to reflect what has been procured. In one case we discovered that there were no stock cards to record what was procured, issued and the balance. This is simple accounting and arithmetic that a child in elementary school ought to know. It is, therefore, unfortunate that our public officers pretended that they did not know.

Mr. Temporary Deputy Speaker, Sir, we had the opportunity to visit various projects in this country. We made this as part of institutional arrangement at strengthening the PAC, that every quarter we should be able to visit certain projects. We had an opportunity to go to the customs unit in Shimoni. What we got there is basically a conspiracy by some people to loot the public. There were projects being done without anyone knowing whether we were getting value for money. For example, a police station was put up, but many years down the line, there were no police officers. The facility was not being used. This is a facility that cost Kshs1.2 billion, but in essence, it should have only cost Kshs100 million.

Mr. Temporary Deputy Speaker, Sir, we also visited Ardhi House in Kericho. This is a project that was hardly started. When we visited this project, construction was just at the basement. I agree with the views expressed by Mr. Muturi, but he only singled out one person. However, he also belongs to a party that had a policy of making sure that they ruled through corruption. It is unfair to single out one individual who happens not to subscribe to some mainstream thinking. I

want to submit that there were many such individuals. It was a Government which had a policy to loot. We will continue condemning them even in their new camouflage of the Orange Democratic Movement (ODM). They are the same people.

Mr. Temporary Deputy Speaker, Sir, public debt as reflected in this Report is at 53 per cent of the Gross Domestic Product (GDP). We, as a country, have not been considered under the heavily indebted countries because despite the corruption that went on, there was something sensible about this country, we continued paying our obligations to our development partners. We really struggled to pay some of these loans. I have always urged my colleague, the Minister for Finance, and also within my Ministry of Planning and National Development, that it is high time that we made a recommendation as African Ministers of Economics and Finance. I had an opportunity of being in Cameroon and I was elected the Rapporteur of the Second Conference of the African Ministers of Economics and Finance. With Namibia, we said that we need to be considered in this programme so that we are forgiven the foreign debts and then we can grapple with the domestic debts. That should ease the burden in terms of repayment. However, more importantly, that we can target the kind of money that we would have paid for the debt in terms of the realisation of the Millennium Development Goals (MDGs) and making sure that we use that money to target the social services, especially education and health so that we deal with entrenched poverty in this country. Our estimates at the Ministry of Planning and National Development indicate that we need an additional US\$2 billion to raise the required US\$6 billion. We can raise US\$4 billion from our revenue. We cannot manage when we have a public debt that is more than 50 per cent. It becomes a drain on our resources.

Mr. Temporary Deputy Speaker, Sir, another recommendation in this Report is that the Government should raise enough revenue. We all agree that this Government has considered that particular recommendation where total revenues have increased from Kshs150 billion to about Kshs350 billion. That is a recommendation that the NARC Government has taken into account. We commend the Government for improving revenue collection. We also commend His Excellency the President for always urging Kenyans to pay taxes. It is the taxes that are used to fund projects in this country. It is no wonder that every major road in this great Republic has a contractor on site. The job is not done, but at least, there are signs of hope. I am hopeful that when I will be going home in Lodwar, which is about 1,000 kilometres from here, I will be able to move on a smooth road. This is what happens when taxes are collected and our revenues improve.

Mr. Temporary Deputy Speaker, Sir, we also realise that we want this money to be raised, so that the idea of the Constituencies Development Fund (CDF), which is so popular now, increases the absolute figures that can accrue to each constituency. That will go a long way in ensuring that there is at least some minimal development in each constituency in the Republic, irrespective of an hon. Members's position in Parliament, Government and political situation. These are things that my friends, who have decided to run away, need to appreciate.

Mr. Temporary Deputy Speaker, Sir, the other recommendation of this Report is that of making the hearings of the PAC public. I want to single out this particular recommendation. If we are really serious about accountability, transparency and value for money, we need to do this. If Kenyans could have access to the proceedings of this committee through a dedicated television channel, this will go a long way in opening up issues of the PAC to Kenyans. This issue needs to be raised with Parliament, which passed a Motion for live transmission of proceedings. I do not know why we are delaying in doing this. I think this is part of the larger conspiracy to condone corruption. We, as an institution, are also to be blamed. We need to have public hearings for the PAC and the Public Investments Committee (PIC). When somebody's name is mentioned and he or she is enjoying his retirement benefits riding in good cars, flying in and out of the country and living in good houses, I am sure one will be very embarrassed if people discover that these are

things acquired as a result of corrupt practices. Some few privileged Kenyans have swimming pools in their homes when people in Turkana Central Constituency cannot even have water to drink, except now in the last few days when we have experienced heavy rains that have caused a lot of flooding. We are a bit happy. However, if whoever is enjoying ill-gotten wealth realises that their names are being bundled around, that will be a good deterrent to any of those corrupt acts. We really need to amplify this point. It will be a major contribution by Parliament to good governance and to ensuring that looters do not go scot-free.

Mr. Temporary Deputy Speaker, Sir, apart from that failure by Parliament, there is also the failure to prioritise this Report for debate. This is another part of the conspiracy. As I mentioned, it is taking us about a decade to discuss things that happened a long time ago.

Information can only be useful if it is timely. I think most of my colleagues have contributed on that aspect. We cannot overemphasise that issue. This is because sometimes you meet accounting officers freshly appointed by a new Government and there are no records to rely on. If it were not for the Kenya National Audit Office, this country would just be taken in a circus all along and every time. But if things happen within reasonable time; one, two, three years at most, in fact, most of these people would be in jail and some of them would not be serving in this Parliament. So, we need to prioritise so that we can dispose of some of these matters in the most efficient manner and in good time.

Mr. Temporary Deputy Speaker, Sir, we need to empower the Public Accounts Committee. In our regional initiative, we learnt that the PAC in Uganda actually had an Inspector of Police in the Committee so that if the Committee determined that a person was not good enough, they had the capacity to put him within some cells in Parliament for one or two days so that they know the power of Parliament. But we are just sitting here thinking we are going to rely on other people and leaving Parliamentary supremacy to be undermined by everybody else. These are ways in which we can have the teeth to bite.

Mr. Temporary Deputy Speaker, Sir, the Committee also visited Ontario, Canada and the USA. Unlike our friends in the media who think that MPs just go globe-trotting to enjoy taxpayers' money and do nothing, we learnt a lot. You cannot believe that in Ontario, people are no longer talking about petty things of who has stolen what. They are talking about value for money audit. What kind of money do you want to invest in a particular project that will give you higher returns? That is not what we are talking about here. We are talking about who bought a pencil which is supposed to cost Kshs10 at Kshs100. But there, they are talking about how do we use that Kshs10 in order to give us Kshs20. So, when we talk about the developed world and the developing world, these are the differences we witness.

From these recommendations, we need to instil sufficient discipline in the staff of Treasury. I know that in this financial year, they had appointed financial controllers in every Ministry and it was surprising there was still wanton destruction of resources. If we have to go beyond this enumeration of theft to the real issue of value for money audit, we need to ensure that some of these recommendations where whoever is appointing the accounting officer is not also appointing the permanent secretary, then you have no power. Because if I have the power to appoint you, I should have the power to fire you.

Mr. Temporary Deputy Speaker, Sir, when I talk about excesses of the Executive in Parliament, when you get Permanent Secretaries being transferred every other day, you start wondering who is more permanent than the other. The Permanent Secretaries were the least permanent people from my experience in Government. You suspect why this was just a deliberate policy by Government to ensure that we do not track down the information; we do not get to know who is responsible for what. It always used to take a search, and we demanded as a Committee that both Parliament and Government should tell us who was the Permanent Secretary responsible for

whatever days, even if it were for 10 days. We wanted to know these people who were not responsible enough.

Mr. Temporary Deputy Speaker, Sir, I can go on and on. But again, and I want to criticise my own side, because if the Ministry of Finance that is supposed to be doing a Treasury memorandum does not even care to come and listen to Members, then we are not serious with our work, and I agree with hon. Muturi. Government has to take this Parliament very seriously. They should know what the Members are saying so that when we get the memorandum of understanding by the Treasury, it has taken into account all these issues. If you read the memorandum of understanding that the Treasury is supposed to produce as a rejoinder to this particular report, you will be shocked. We are going to take action on this, we will take action on this; it is just stories. Another opportunity for Prof. Wangari Maathai to make another Kshs100 million because she will want those trees not to be cut and these guys are just cutting trees in order to produce more paper which is useless.

With those remarks, I support this report and recommend to the House to adopt the Report of the Public Accounts Committee on the Government of Kenya accounts for the year 1998/99.

(Applause)

Mr. Wamunyinyi: Thank you, very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion on the report of the Public Accounts Committee.

I want to start by congratulating the Members of the PAC, including the former Member of that Committee who has just spoken, the hon. Ethuro, who was also part of the team that came up with this report.

Having said that, the role of watchdog Committees cannot be over-emphasised in view of what goes on in our country. More important is the fact that this Motion ought not to have gone on under the present conditions. Members of Treasury, particularly the officers who sit on your right, are not here and there is no other person from the Ministry. Therefore, it is very difficult for us to do anything meaningful, to correct any wrongs, to do anything to help put things right. However, I would like to say that this Committee usually comes up with very weighty recommendations which affect the running of Government Ministries and Departments. Usually, they are intended to help improve the management of our public resources.

Mr. Temporary Deputy Speaker, Sir, the biggest problem which we have had, and which I am sure Members could have mentioned in their contributions is the fact that the PAC and PIC usually come up with brilliant reports and recommendations, but the Government arms responsible for implementation have always been a problem. It is important that Parliament amends certain provisions of the law to ensure that there is some action which can be taken where recommendations of Parliament are not implemented. In particular, recommendations which have been adopted by the whole House, are not implemented by officers of Government. Parliament must find a way of following up to ensure that these recommendations are implemented, otherwise, we will go on like this forever and never achieve anything.

(Applause)

Mr. Temporary Deputy Speaker, Sir, the other area which is of importance to us is the Kenya National Audit Office (KNAO). We need to strengthen it by employing enough officers. We realise that many times there have been delays in auditing and submission of accounts to Parliament. While I appreciate the fact that there have been reforms within the KNAO, for

example, it merged with the Auditor-General (Corporations), there is still need to further improve and strengthen the office of the Controller and Auditor-General to ensure that there are no delays of auditing accounts.

We appreciate the fact that the Audit Act empowers the Controller and Auditor-General to hire audit firms from the private sector. These private audit firms are supposed to be bound by the provisions of the Audit Act. This is because, at the end of the day, it is the Controller and Auditor-General himself who signs the audit reports undertaken by the private audit firms. We have had cases where some firms have qualified accounts illegally. It is important also that the audit laws are followed to ensure that we get proper audit reports that represent the real truth and findings by the auditors.

Mr. Temporary Deputy Speaker, Sir, another thing that will help strengthen the KNAO and ensure that officers in the Ministries and State corporations are kept alert is the idea of carrying out impromptu audits as opposed to depending on annual audits which Government departments and State corporations prepare for beforehand. Normally, they come up with responses to queries that have been raised by the auditors. So, it is important that we conduct impromptu audits.

One of the most problematic areas which, in fact, contributes to serious malpractices in this country is procurement. I know that we, as Parliament, have played a role in creating an environment which will prevent such malpractices by strengthening the procurement law. We also know that the problem of corruption, in many places, begins at the procurement stage. Here, we find that tenders are irregularly awarded without regard to the laid down procedures and guidelines. This leads to people colluding to plunder public resources. All these things begin at the procurement stage and goes on even after the tenders have been awarded. When you talk of an ongoing project, room would have been created at the tendering stage for corruption to take place at any level of it. So, this is an area where we need to ensure that there are people, particularly the Kenya Anti-Corruption Commission (KACC) and investigators within our institutions, to monitor whatever is ongoing, so that it is not at the time when we have lost public funds, that we start investigating the processes.

The other issue is to do with the backlog of work in terms of the reports of the Controller and Auditor-General for both Public Accounts Committee (PAC) and the Public Investments Committee (PIC). We realise that hon. Members of the two Committees are currently looking at accounts for past years. In fact, they are still handling reports for 1994, 1995, 1996 up to 2000. When we look at such reports, some of the people involved in malpractices are no longer working for those institutions. Some of them may have retired, others could be dead, while others are senile and cannot come forward to give any evidence. All the Committees do now is to undertake a post mortem exercise. Such cases are very difficult to follow up because, in most cases, much of the information is distorted. We may be forced to ask Parliament to pass a resolution that will enable these Committees to start looking at the current issues.

In fact, the audit reports that are still pending for both the PAC and the PIC are for about ten years ago. Whichever way, even if the Committees unearthed anything, it would be very difficult for them to look for witnesses in order to get meaningful information or records. The whole process would be so difficult. Therefore, hon. Members need to find a way that will enable the Committees deal with current evidence. This is very important because if we deal with current issues officers will be put on notice and they will always know that if they make a mistake it will be dealt with immediately, instead of being kept for audit in the future. That way, we will be able to deal with malpractices which are likely to recur. I would, therefore, want to suggest that this House, as it reviews the recommendations in this Report, looks at this matter of backlog of reports. I think a resolution would do in this case.

We have various important institutions which affect financial performance directly. Such

institutions, include the Kenya Airports Authority (KAA). I am happy that the rehabilitation and refurbishment of the Jomo Kenyatta International Airport (JKIA) is just about to start. However, there are other areas also that need to be looked at. Obviously, JKIA is the hub of airport activities in our region and so there is every reason for it to be given priority. We, however, need to look at facilities in other airports in the country. We remember the tragic accident which occurred in Busia where we lost our colleague. There was another one which occurred in Marsabit where a number of our colleagues passed on after the helicopter they were in crashed. We are also aware that the Kisumu Airport is being rehabilitated, but the one in the capital of Western Province in Bungoma District has been forgotten. I hope somebody from the Front Bench is taking notes, so that important matters that are raised here are taken seriously and action taken on them.

Mr. Temporary Deputy Speaker, Sir, Bungoma is such a unique place.

Mr. Temporary Deputy Speaker, Sir, we know it is a border town. It has an airstrip which has been abandoned by the Kenya Airports Authority (KAA). I know that some members of the former ruling party, KANU had grabbed part of Bungoma Airstrip but since we put in place measures to restore looted plots, this has since returned to the airstrip. I think it is important that this airport is rehabilitated.

QUORUM

Mr. Osundwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is, indeed, shameful for the hon. Member to continue speaking to an empty Government Bench with no single Minister or Assistant Minister, and yet President Kibaki the other day raided this side to beef up the Government side. There is no quorum and I want you to note this.

(Applause)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order! Hon. Members! The attention of the Chair has been drawn to the fact that there is no quorum. So, ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members! I regret that there being no quorum, the House is, therefore, adjourned until next week, on Tuesday, 5th December, 2006, at 2.30 p.m.

The House rose at 5.32 p.m.