

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 10th May, 2000

The House met at 9.00 a.m.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.007

DISMISSAL OF MR. STEPHEN KIMEU

Mr. Katuku asked the Minister for Labour:-

- (a) if he could explain to the House the circumstances which led to the dismissal of Mr. Stephen Mulului Kimeu, who worked as a hospital attendant at Bethany Hospital in Machakos from 22nd November, 1987 to 16th August, 1995,
- (b) if he is aware that the above worker has not been paid his terminal benefits; and,
- (c) if he could explain what caused the delay and when he will be paid his dues.

The Temporary Deputy Speaker (Mr. Poghisio): Is there anyone from the Ministry of Labour? We will come back to that Question later.

Next Question!

Question No.144

IRREGULAR PURCHASE OF BUS BY NHIF

Mr. N. Nyagah asked the Minister for Medical Services:-

- (a) why the former Chief Executive of National Hospital Insurance Fund purchased a luxury bus without the Board's authority,
- (b) what he plans to do with the vehicle; and,
- (c) what action was taken on the Chief Executive for this otherwise irregular expenditure.

The Temporary Deputy Speaker (Mr. Poghisio): Is the Minister for Medical Services here? We will come back to this Question later?

Next Question!

Question No.044

INCREASE ON HOSPITAL CHARGES

Dr. Ochuodho asked the Minister for Medical Services:-

- (a) what necessitated the recent increase of charges at the Kenyatta National Hospital; and,
- (b) if the Government has any plans to provide "health for all" in the foreseeable future.

An hon. Member: The Minister is not in!

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, it is surprising that the Minister is not here to answer but, I have received a written answer.

The Temporary Deputy Speaker (Mr. Poghisio): Is there anyone from the Ministry of Medical Services? We will come back to that Question later.

Next Question!

Question No.171

REHABILITATION OF DAMS IN MBOONI

The Temporary Deputy Speaker (Mr. Poghisio): Is Mr. Kalulu here? We will come back to that Question later.

Next Question!

Question No.074

LIST OF CITY COUNCIL DEBTOR/CREDITORS

The Temporary Deputy Speaker (Mr. Poghisio): Is Mr. Muchiri here? We will come back to that Question later.

Next Question!

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, hon. Sungu is accompanying the President on a tour of Nyanza and he has requested me to ask Question No.149 on his behalf.

Question No.149

ILLEGAL ALLOCATION OF MIGOSI HEALTH CENTRE

Dr. Ochuodho, on behalf of **Mr. Sungu**, asked the Minister for Local Government:-

- (a) if he is aware that the Migosi Health Centre, which used to be the main centre for cholera control within Kisumu Town, has been illegally allocated to private individuals,
- (b) under what circumstances this property was allocated to private individuals; and,
- (c) what action he is taking to ensure that the ownership of the property reverts to Kisumu Town Council.

The Temporary Deputy Speaker (Mr. Poghisio): Is the Minister for Local Government here? We will come back to that later.

Mr. Katuku's Question, for the second time!

Question No.007

DISMISSAL OF MR. STEPHEN KIMEU

Mr. Katuku asked the Minister for Labour:-

- (a) if he could explain to the House the circumstances which led to the dismissal of Mr. Stephen Mulului Kimeu who worked as a hospital attendant at Bethany Hospital in Machakos from 22nd November, 1987 to 16th August, 1995,
- (b) if he is aware that the above worker has not been paid his terminal benefits; and,
- (c) if he could explain what caused the delay and when he will be paid his dues.

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, I have asked this Question for the second time, but the Minister is not here. I beg to be allowed to ask it for the third time.

The Temporary Deputy Speaker (Mr. Poghisio): The Question is deferred, Mr. Katuku. I do not think we can go for a third round.

(Question deferred)

Mr. Katuku: In view of the fact that the House will adjourn tomorrow, can this Question be deferred for the afternoon or tomorrow?

The Temporary Deputy Speaker (Mr. Poghisio): I do not think that is possible because the business for this afternoon has already been set.

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. You can see clearly that the Front Bench is empty. We expect the Ministers to be here at 9.00 o'clock to answer Questions. What action are we going to take?

The Assistant Minister for Home Affairs, Heritage and Sports (Mr. Sumbeiywo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that the Front Bench is empty when five Ministers are here?

The Temporary Deputy Speaker (Mr. Poghismo): Order! Even the Chair can see that the place is empty. By saying "empty" I mean that the majority of the hon. Members, who are supposed to be on the Front Bench are not there. Maybe the rest of you can come and fill up the Front Bench. What is crucial to the Members is that Questions are answered and I think basically the hon. Members have a right to say that.

Mr. Katuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you see an Assistant Minister move from the Back Bench when you were on your feet just for the sake of filling up the Front Bench?

The Temporary Deputy Speaker (Mr. Poghismo): That does not breach any of our Standing Orders.

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

The Temporary Deputy Speaker (Mr. Poghismo): It is Question time and not time for point of order.

Dr. Ochoudho: On a point of order, Mr. Temporary Deputy Speaker, Sir. When Mr. Speaker is standing on his feet, hon. Members are supposed to freeze.

The Temporary Deputy Speaker (Mr. Poghismo): Order! I did not notice that and I am glad that you brought it to my attention. The fact is that the Chair is on his feet here certainly. I did not realise that the Minister was moving at that particular time. That, definitely would not be in order.

Mr. N. Nyagah's Question for the second time!

Question No.144

IRREGULAR PURCHASE OF BUS BY NHIF

Mr. N. Nyagah asked the Minister for Medical Services:-

(a) why the former Chief Executive of the National Hospital Insurance Fund purchased a luxury bus without the Board's authority; and,

(b) what he plans to do with the vehicle

(c) what action was taken on the Chief Executive for this otherwise irregular expenditure.

The Temporary Deputy Speaker (Mr. Poghismo): Is there anybody from the Ministry of Medical Services?

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is quite evident that this Government is lazy and it is not taking the work of this House seriously. It is evident that this Government is defying the order given by the substantive Chair that the first duty of a Minister is to answer to the cause of this House. Can the Chair make a ruling as to what is going to happen because after the second calling of our Questions we are likely to drop them? According to the schedule of this House, we are to go on recess tomorrow and we have got important matters to perform in this House.

The Temporary Deputy Speaker (Mr. Poghismo): This morning, something is definitely amiss. It has never happened like this before. I do not know from the Government side who is there to explain. But it is definitely frustration and the Chair feels that somebody from this side has to stand up and say something about it. Otherwise, the ruling from the Chair is very clear.

The Assistant Minister for Education, Science and Technology (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, while I accept that there is something amiss and that Ministers and the Assistant Ministers should be here to answer Questions, I do not think there should be a blanket condemnation. If you say that the Government is lazy, that is not entirely correct. It should be said that it so happened that some of the Ministers are not here to answer Questions. I explained quite clearly that the Ministers and Assistant Ministers---

An hon. Member: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Education, Science and Technology (Mr. Awori): Will you, please, allow me to finish since I am on a point of order.

An hon. Member: Apologise to the House!

The Assistant Minister for Education, Science and Technology (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I have already apologised to the House on the behalf of the Government. I still insist that you cannot condemn the whole Government wholesale.

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. Under Standing Order No.1, would I be in order to request the Chair to defer Question Time up to 11.30 a.m. or 12.30, so that we can have one hour asking the Questions? You can use your discretion to reschedule---

The Temporary Deputy Speaker (Mr. Poghismo): Order! The Leader of Government Business is here and he is, probably, able to say what is happening. All Questions this morning have not been answered.

The Vice-President (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, let me apologise to the House that the Ministers who were supposed to handle these Questions are not here. I want to assure the House that this matter

will be looked into and that hon. Ministers will come here to answer these Questions. I hope it is not, perhaps, because it has rained heavily, as this could easily have created some problems. But I have already expressed my remark by giving an apology to the House. I want to offer that apology on behalf of the Government that they are not here. We are going to look into it and I seek the indulgence of the House to continue with its Business, while we look into the matter.

The Temporary Deputy Speaker (Mr. Poghisio): Let us go through the Questions once more; Dr. Ochuodho.

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, my point of order is---

The Temporary Deputy Speaker (Mr. Poghisio): Dr. Ochuodho, ask your Question for the second time.

Dr. Ochuodho: Before I ask my Question now that--- I do not think I should refer him as hon. Dr. Anangwe because he has come late. Now that---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Dr. Ochuodho, you have no choice, but to call him hon. Dr. Anangwe.

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, now that hon. Dr. Anangwe is here and Prof. Saitoti has said that when it rains the Government goes to sleep---

(Laughter)

The Vice-President (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, on a very serious note, is the hon. Member in order to put words into my mouth that I said the Government goes to sleep when it rains? I did not say that.

Mr. Gatabaki: On a point of order, Mr. Temporary Deputy Speaker, Sir. It should be noted that the absence of the Ministers is an indication of corruption---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Gatabaki, even for you to [**The Temporary Deputy Speaker**]

make those remarks, you need to get permission from the Chair.

Next Question, Dr. Ochuodho.

Question No.044

INCREASE ON HOSPITAL CHARGES

Dr. Ochuodho asked the Minister for Medical Services:-

(a) what necessitated the recent increase of charges at the Kenyatta National Hospital; and,

(b) if the Government has any plans to provide "health for all" in the foreseeable future.

The Minister for Medical Services (Dr. Anangwe): Mr. Temporary Deputy Speaker, Sir, may I begin by apologising for coming late. I was caught up in a traffic jam, but I am here and I will be able to answer the Question effectively.

Therefore, I beg to reply.

(a) The recent increase on charges at Kenyatta National Hospital (KNH) was necessitated by the rising cost of drugs and other supplies utilised in the hospital.

(b) The Government is currently providing health services to all Kenyans on a cost-sharing basis and will continue to do so in the future.

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, it is very unfortunate to get such an answer from a Minister of the Government that purports to be mindful of those who are incapacitated. However, we all know KNH is not what it used to be. Before, people would almost just walk in including, even the very lowly placed and get treatment and go away. These days, it is like it has become a corridor for treatment for the well-off members of public.

Could the Minister lay on the Table of this House, a schedule of costs at KNH, so that hon. Members can see KNH charges are no longer affordable by the ordinary Kenyans?

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, it is not true that the quality of the health care and services at KNH are worse than they used to be. Indeed, the hospital is performing a lot better than it used to. With respect to the assertion that it is for the rich, it is not true. I have the data on who goes to KNH. Allow me to lay on the Table of the House the schedule of user fees for any hon. Member to study.

(Dr. Anangwe laid the document on the Table)

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, the condition under which the Government can charge basic necessities like medical services, is when they have assessed per capita income of its own citizens. The Minister knows that an ordinary Kenyan earns less than Kshs70 per day. If that is the kind of income most Kenyans earn, do you expect them to buy all the other necessities? How does the Government get involved in making such surcharges when they know very well that KNH cannot admit patients without paying the basic charges? How do you expect Kenyans to survive?

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, I am aware of the level of poverty in this country. It is true that some Kenyans earn Kshs70 per day. However, it costs money to deliver services. In one way or another, we have to find a way of mobilising the resources to be able to meet this particular expense. That notwithstanding, may I assure the House that there is an in-built waiver system. In 1998/99, KNH waived or exempted patients who were really under this category to the tune of Kshs60 million. That really shows that we are mindful of the welfare of such a Kenyan.

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, could the Minister tell this House how much of this increase trickled to employees' emoluments at KNH?

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, it is true that part of that money is supposed to be used in order to pay salaries of employees. Indeed, KNH is a parastatal and as much as possible, it should be able to mobilise its own resources. Our contribution towards KNH as the Ministry has been on the decline and, therefore, the expectation that they should be able to do it on their own. However, I can supply in terms of budget a data on how much goes to the civil servants' salaries.

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, is it not true that part of the reason why the fees structure in Kenyatta National Hospital (KNH) is going up due to its inability to get access to its claims with the National Hospital Insurance Fund (NHIF); the consideration its catchment area; the corruption at the Medical Stores Central Unit (MSCU) which hampers purchasing drugs which would be cheaper than what the local hospital would be able to buy in the open market through cost-sharing and the blocked grant by the Government which has over the years been going down?

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, it is not true that the KNH is not able to discharge its functions because of the reasons thus raised. The main reason, in addition to what I did say; that, the cost of charges and delivery of services has been going up, has to do with the declining Government grants. Due to financial constraints, Government grants to the KNH have remained constant at K£70 million for the last three years. **[Dr. Anangwe]**

Given the inflationary trends tendencies in the three years and the mandatory annual four per cent increase of staff salaries, the KNH has found it difficult to operate on the declining financial resources. The KNH approved a Budget for the 1999/2000 of K£88.1 million, but the estimated user fees to be collected in the same period was K£13.1 million. There is, therefore, a Budget deficit of K£5 million to be bridged. The recently revised charges are expected to generate approximately Kshs362 million for user fees that will be used to finance the deficit.

The Temporary Deputy Speaker (Mr. Poghisio): The last question, Dr. Ochuodho!

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, I am very grateful that the Minister has tabled the charges for various items. For the benefit of Members, I would like to read out some items: Consultation of patients' records at the KNH costs Kshs3,000, admission to the High Dependency Unit costs Kshs8,000 per day, daily bed charge in ICU is Kshs12,000 per day and ICU Deposit Transfer is Kshs20,000 for one category of user and for another category is Kshs40,000 per day. With such rates, could the Minister tell this House how many Kenyans can afford those very important services? When the Government talks of cost-sharing, how you can cost-share what you do not have?

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, probably when I responded to hon. Kaove's Question---

The Temporary Deputy Speaker (Mr. Poghisio): He is Mr. Maore!

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, probably Dr. Ochuodho was busy reading that particular manual of the charges of the KNH at the time when I was responding to hon. Maore's Question. However, may I repeat what I did say; that there is an in-built system for waiver and exemption of those who are unable to meet the cost of services at the KNH. In 1998/1999, the waiver amounted to Kshs60 million. Now, in respect of what the hon. Member has said about the cost of charges according to that schedule, may I inform the House that in spite of those increases, the charges levied at the KNH are approximately between 20 to 30 per cent of the considerate costs, excluding the cost of personnel. Of course, it is the intention of the KNH that this revenue being generated will be ploughed back in order to improve the quality of services for its benefit.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order!

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, the last one!

The Temporary Deputy Speaker (Mr. Poghisio): Order! Time is not on our side.

Mr. Angwenyi: The very last one, Mr. Temporary Deputy Speaker, Sir!

The Temporary Deputy Speaker (Mr. Poghisio): Order! Next Question!

Question No.171

REHABILITATION OF DAMS IN MBOONI

Mr. Kalulu aliuliza Waziri wa Ustawi wa Maji:-

(a) kama kuna mipango kuhusu mabwawa yaliyotengenezwa na Wakoloni mwaka wa 1954 katika tarafa za Mbooni, Kisau, Kalawa na Tulimani na ambayo sasa yamefunikwa na udongo;

(b) kama ana mipango ya kurekebisha mabwawa hayo; na,

(c) kama anaweza kufahamisha Bunge hili ni kiasi gani cha pesa ambacho kimetengwa kwa kazi hiyo.

Mr. Kalulu: Bw. Naibu Spika wa Muda, kwanza naomba msamaha kwa sababu nimechelewa na nilikuwa---

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think things are getting out of control in this House, because the Standing Orders provide that if a Member wants to ask a question, he or she should stand still in his or her place and catch the Speaker's eye and not shout: "The last Question! Pande hii!" That should not happen, unless one is on a point of order, which in this case he or she should shout: "Point of order!" So, could that be communicated to Members so that the House is put under control?

(Applause)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Ndicho, I am impressed that, that should be told to Members, because those are basic things that they should know. If Members continue with that behaviour, we would very much be in a disorderly House. I would like to repeat that a Member has to catch the Speaker's eye, and not to shout, or raise hands up, nor try to catch the Speaker's eye by all means. We will know what will happen. Thank you for that.

Proceed, Mr. Kalulu.

Mr. Kalulu: Bw. Naibu Spika wa Muda, naomba kuuliza Swali Nambari 171.

The Assistant Minister for Environment and Natural Resources (Mr. Kofa): Bw. Naibu Spika wa Muda, ningependa kujibu.

An hon. Member: Omba msamaha kwanza!

The Assistant Minister for Environment and Natural Resources (Mr. Kofa): Bw. Naibu Spika wa Muda, kwanza ningetaka kuomba msamaha kwa sababu ya msongamano wa magari barabarani kwani ulifanya mimi nichelewe.

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. Whereas we appreciate that the Assistant Minister has asked for pardon from the House, is it also not right for hon. Kalulu who came in late, to ask for the same?

Hon. Members: He did!

Mr. N. Nyagah: I am sorry, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker: Proceed, Mr. Kofa.

The Assistant Minister for Environment and Natural Resources (Mr. Kofa); Bw. Naibu Spika wa Muda, naomba kujibu.

(a) Wizara yangu ina mipango ya kuyarekebisha mabwawa hayo.

(b) Mabwawa hayo yatarebishwa hivi karibuni kupitia mipango ya European Economic Community (EEC) na Belgium Administration and Development Co-operation (BADC).

(c) Ingawa Kamati ya Maendeleo ya Wilaya ya Makueni (DDC) ilipendekeza kurekebisha kwa mabwawa hayo kwa gharama ya Kshs10,220,000, Serikali haikutenga pesa zozote wakati wa kipindi cha makadirio ya pesa ya 1998/1999.

Mr. Kalulu: Bw. Naibu Spika wa Muda, nafikiria jibu la Waziri Mdogo si la ukweli, kwa sababu mabwawa hayo yalitengenezwa na Wakoloni mwaka wa 1974 na ni mengi. Ukweli ni kwamba mabwawa hayo yalipitishwa katika mkutano wa DDC mwaka wa 1998. Nafikiri Waziri Mdogo angetoa jibu kamili kama angesema kwamba ilipitishwa na DDC lakini pesa haikutengwa. Je ni pesa ngapi wametenga kwa mwaka huu, na sio mwaka uliopita, kwa

mabwawa hayo?

Mr. Kofa: Bw. Naibu Spika wa Muda, kwanza ningependa kumkosoa mhe. Kalulu kwamba Wakoloni walijenga mabwawa hayo mwaka 1954, na sio 1974. Kwa hivyo, gharama ambayo ingetumika kurekebisha bwawa la Kalawa ni Kshs400,000.

Mr. Ndilinge: Bw. Naibu Spika wa Muda, ni haki kwa Waziri Mdogo kuhadaa Bunge hili anaposema wametenga Kshs400,000 kurekebisha bwawa la Kalawa il hali tunajua wazi hakuna bwawa lolote katika Makueni District ambalo limewahi kurekebisha? Tunajua kwamba hakuna pesa zozote zimewahi kutengewa kwa bwawa lolote katika Makueni.

Mr. Kofa: Bw. Naibu Spika wa Muda, kulingana na habari ya mashinani hiyo ndiyo tarakimu tuliyopewa.

Mr. Maore: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ni haki kwa Naibu wa Waziri kusingizia kwamba habari anayoitoa katika Bunge ni ile aliyopewa na maofisa wa mashinani? Serikali inatenga pesa ambazo hufujwa na Mkuu wa Wilaya na maofisa wa Wizara ya Ustawi wa Maji. Waziri anaweza kuthibitisha kwamba hii pesa zilitolewa?

Mr. Kofa: Bw. Naibu Spika wa Muda, ninathibitisha.

Mr. Kalulu: Bw. Naibu Spika wa Muda, Naibu wa Waziri ameeleza Bunge kwamba kuna kiasi fulani cha pesa ambacho kimetengwa. Anaweza kutueleza kiasi cha pesa ambacho kimetengewa mabwawa katika tarafa nne; Kalawa, Tulimani, Kisau na Mbooni?

Mr. Kofa: Bw. Naibu Spika wa Muda, kwanza hatujatengea pesa mabwawa katika tarafa nne, bali ni tarafa 12 za Wilaya ya Makueni, na zimetengewa pesa ifuatavyo:-

		Kshs
Munyuni	-	600,000
Tawa	-	2,400,000
Kikima	-	500,000
Mtodo	-	300,000
Kuva Msesia	-	450,000
Kiu	-	270,000
Ndumoni	-	600,000
Mkuku	-	300,000
Au	-	300,000
Maauei	-	850,000
Kengungu	-	850,000
Kiamusuku	-	850,000
Total		10,220,000

Mr. Badawy: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Nina taswishi juu ya tarakimu ambazo Naibu wa Waziri ametoa. Je anamaanisha milioni au laki?

Mr. Kofa: Bw. Naibu Spika wa Muda, ni laki.

Mr. Ndilinge: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Je, kutokana na tarakimu tuliyosomewa na Naibu Waziri, anaweza kutueleza kama kuna pesa yoyote ambayo ilitolewa na Wizara yake ili kuanzisha hata mradi mmoja?

The Temporary Deputy Speaker (Mr. Poghio): Bw. Ndilinge, kama umesimama kwa jambo la nidhamu na liwe ni jambo la nidhamu!

Mr. Ndilinge: Bw. Naibu Spika wa Muda, ni haki kwa Bw. Naibu wa Waziri kusoma tarakimu ya pesa ambazo zimetengwa ilhali hizo pesa hazijatolewa na Wizara yake?

The Temporary Deputy Speaker (Mr. Poghio): Hilo ni swali, silo jambo la nidhamu.

Next Question!

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, I apologise for being late.

Question No.074

LIST OF CITY COUNCIL DEBTORS/CREDITORS

Mr. Muchiri asked the Minister for Local Government:-

(a) since Nairobi City Council is now unable to provide efficient services to its residents, if he could give a detailed account of the following:-

(i) Nairobi City Council debt;

(ii) Unpaid balances of salaries, and

(iii) Unpaid deductions to NSSF, NHIF, Superannuation Fund and Nairobi City Council Co-operative Society (NACICO);

(b) if he could table a list of debtors and creditors in order of priority; and,

(c) if he could table the Mbogua Commission Report.

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

The Temporary Deputy Speaker (Mr. Poghiso): Order! To maintain order in the House, only one hon. Member can be on his feet at a time. As it is the hon. Member asking the Question was on his feet and the Assistant Minister was also on his feet. That is out of order. When the Chair is on its feet every hon. Member is supposed to sit down or freeze. I think I can see a lot movement when the Chair is on its feet. The order as it should be maintained is all in Our standing Orders and rules.

The Assistant Minister for Local Government (Mr. Kiangoi): Mr. Temporary Deputy Speaker, Sir, I am sorry for standing up while hon. Muchiri was on his feet. I thought he would ask his Question and sit down immediately. I was only trying to save the time of the House.

I beg to reply.

(a) As on 30th April, 2000 the Nairobi City Council cheques amounted to Kshs19,364,000. The unpaid balances of salaries as a 30th April, 2000 amounted to Kshs160 million. Unpaid deductions to NSSF, NHIF, Superannuation Fund, the Nairobi City Council Co-operative Society stood at Kshs2,062,000,000 as at 30th April, 2000.

The list of debtors and creditors as at 30th April, 2000 is as hereunder:-

Debtors	Amount(Kshs)
The Government of Kenya	2,162,560,000
Kenya Railways Corporation	782,000,000
Private Individuals	3,476,100,000
Total	6,430,100,000
Creditors	Amount(Kshs)
Staff Salaries Arrears	160,000,000
Statutory Deductions	1,882,000,000
NACICO	180,000,000

(Loud Consultations)

The Temporary Deputy Speaker (Mr. Poghiso): Order! Order, hon. Members. We cannot even hear what the Assistant Minister is reading out.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Members on the Front Bench! We cannot even hear what the Assistant Minister is saying.

Proceed, Mr. Assistant Minister!

The Assistant Minister for Local Authorities (Mr. Kiangoi): Thank you, Mr. Temporary Deputy Speaker, Sir.

(b) The loans and overdrafts amounts to Kshs16,230,000,000, the Nairobi City Council (NCC) stocks are worth Kshs362 million while suppliers and contractors are owed Kshs550 million. This totals to Kshs19,364,000,000.

(c) The Ministry is aware that the NCC has been faced with both financial and administrative problems over a number of years, culminating in the delays in payment of staff salaries, and poor delivery of services.

In recognition of these facts and our concern over the same facts, the Ministry sent in a team of inspectors to

the NCC for the purposes of examining the Council's accounts and the management system with a view to improving its financial status and delivery of services. We have now received the Report of that extraordinary inspection team. We are studying the recommendations and we will take appropriate action in the implementation of the Report.

That Report, now referred to as "the Mbugua Report", unfortunately, is still confidential, and as I have said, we are in the process of studying and implementing it. As soon as we implement it and this will not take time from now, we will table the same in the House for public scrutiny.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghiso): Order! When you consult, you should consult in very low tones.

Mr. Muchiri: It would appear that the NCC is bankrupt. The Government owes NCC nearly Kshs2.3 billion. Currently, the NCC members of staff have not been paid their salaries. What is the value of the assets of NCC? Why can the Government not pay its debt to NCC so that the employees can be paid their salaries today?

Mr. Kiangoi: Mr. Temporary Deputy Speaker, Sir, it is not that the Government has refused to pay the NCC what it owes it. Recently, the Government released over Kshs300 million to NCC which assisted it in meeting its obligations.

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, the Mbugua Commission Report is the property of the NCC, because it is the Council that paid for it. Therefore, the Council has a right to get the Report. Why is the Government implementing partially the recommendations of the Mbugua Commission, for example, the creation of an Advisory Board, commonly known as the "Mbaru Team", before that Report has been presented officially to the NCC?

Mr. Kiangoi: Mr. Temporary Deputy Speaker, Sir, the Mbugua Report was released in two phases. There was an interim Report upon which the Government took immediate action, hence, the establishment of the Mbaru Team, that has been referred to by the hon. Member. The final Report is now on the Minister's table, who is studying the recommendations as summarised. I believe that by the end of next week, the Minister will be through with the recommendations and we will definitely release the same to the NCC.

Mr. Shitanda: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has told this House that NCC has failed to remit statutory deductions to the various bodies. Could he tell us, under what circumstances has the Council failed to release the deductions which have been made from people's salaries?

Mr. Kiangoi: Mr. Temporary Deputy Speaker, Sir, the position is that the available money was paid out to cover salaries up to April, 2000.

Mr. Shitanda: On a point of order, Mr. Temporary Deputy Speaker, Sir. Statutory deductions are normally made from salaries. Under what circumstances were these deductions not remitted?

Mr. Kingoi: Mr. Temporary Deputy Speaker, Sir, I was continuing and that is what I was coming to. The part representing deductions was, therefore, not available and that is why it remains a debt.

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, the NCC is charging rates to landlords and plot owners although it is not rendering any services, for example, in Kayole, Kasarani, Embakasi and Dagoretti estates. It is also charging refuse collection to the residents of Nairobi while it is not collecting refuse. Could the Assistant Minister stop the collection of that revenue? This is because there is no services being rendered to the residents of these estates in Nairobi.

Mr. Kiangoi: Mr. Temporary Deputy Speaker, Sir, I will endeavour to ensure that services are rendered. But as regards the stoppage of collection of rates, I will not undertake that because it is a legal requirement.

Question No.149

ILLEGAL ALLOCATION OF MIGOSI HEALTH CENTRE

Dr. Ochuodho. on behalf of **Mr. Sungu** asked the Minister for Local Government:-

- (a) whether the Minister is aware that Migosi Health Centre, which used to be the main centre for cholera control within Kisumu Town, has been illegally allocated to private individuals;
- (b) under what circumstances the property was allocated to private individuals; and,
- (c) what action the Minister is taking to ensure that the ownership of the property reverts to Kisumu Town Council?

Mr. Temporary Deputy Speaker, Sir, having seen the answer that the Minister has given to hon. Sungu's Question, and taking cognisance that hon. Sungu has accompanied the Head of State on a visit to Nyanza Province and

further that hon. Sungu has information that he would want to table in the House, I, therefore, beg to request that this Question be deferred.

The Temporary Deputy Speaker (Mr. Poghisio): Question deferred!

(Question deferred)

Question No. 007

DISMISSAL OF MR. STEPHEN KIMEU

Mr. Katuku asked the Minister for Labour:-

(a) if he could explain to the House the circumstances which led to the dismissal of Mr. Stephen Mulului Kimeu, who worked as a hospital attendant at Bethany Hospital in Machakos, from 22nd November, 1987 to 16th August, 1995;

(b) whether the Minister is aware that the above worker has not been paid his terminal benefits; and,

(c) if he could explain what has caused the delay and when he will be paid his dues?

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

An hon. Member: First apologise!

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Mr. Temporary Deputy Speaker, Sir, I have to start by saying that I beg to reply, then apologise! The hon. Member should not teach me what to do. Where I come from, we do not apologise often, but because I am in Parliament, I apologise for coming late.

The Temporary Deputy Speaker (Mr. Poghisio): Order! We do not go by the rules of where the Assistant Minister come from, but we go by the rules of this House. Anyway, go ahead and apologise and proceed!

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): I wish to apologise for coming late. I made presentations to you and I am grateful for the indulgence of the Chair for giving us an opportunity to reply.

(a) I am not aware---

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. While I appreciate that where the Assistant Minister comes from, people do not apologise, you will realise the agony we went through at the beginning of the Session. Is it not even decent enough for the Assistant Minister to tell us why he was late and where he was?

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Mr. Temporary Deputy Speaker, Sir, I have apologised and I have no obligation to explain why I was late. That is why I am apologising and I beg to continue with my reply.

(c) I am not aware that Mr. Mogere who was a house servant of Mr. Sanaigy who is the proprietor of the enterprise, Panel Beaters, has not been paid. He was duly issued with a one month's notice of intention to terminate his services which was also copied to the labour office.

(d) I am not also aware---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! I am beginning to realise that there are a lot of consultations going on in little groups here and there. Can those wishing to consult, please withdraw from the Chamber, if they cannot consult in very low tones? This is because the business of the House at the moment is Question Time and we want to hear the Assistant Minister's reply.

Mr. Katuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am not sure whether the Assistant Minister is answering the right question. This is because he is talking of a different person and industry. The Question is No.007 and I am not sure whether his reply is the correct one.

The Temporary Deputy Speaker (Mr. Poghisio): Assistant Minister, make sure you are answering Question No.007.

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Mr. Temporary Deputy Speaker, Sir, I wish to apologise profoundly to the House.

(Laughter)

This is because there are two Questions to be answered by the Minister for Labour and Human Resource Development and since I came late, I got the wrong answer. Now, since the hon. Member has clarified the Question, I will give him the right answer.

Mr. Temporary Deputy Speaker, Sir, I beg to reply to Question No.007.

(a) Mr. Stephen Mulului Kimeu was summarily dismissed on 22nd May, 1995 for negligence of duty which constituted gross misconduct. The loss of his employment was occasioned by the loss of his employer's bicycle after leaving it with an unauthorised person who disappeared without trace.

(b) Since this is a case that merits summary dismissal, Mr. Mulului is not entitled to any terminal benefits other than wages for 20 days worked up to 20th May, 1995 and leave due for 21 days.

(c) Under the circumstances under part "b" above, the claimant was paid his lawful duties amounting to Kshs2,758.15. The Kenya Union of Domestic, Hotels, Educational Institutions, Health and Allied Workers (KUDHEHA) also turned down the case because the grounds for dismissal were valid. The hospital was deregistered in June, 1995 and has since wound up.

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, the answer given by the Assistant Minister is quite misleading. One, he alleges that this Mr. Kimeu was dismissed because of the loss of a bicycle and all that. That is not the truth. He goes ahead and alleges that even KUDHEHA did not handle this matter. The truth of the matter is that this fellow was sacked simply because he was being forced to withdraw from the union. In his reply, the Assistant Minister says: "The hospital was also deregistered". This hospital was deregistered due to non-payment of claims to the National Hospital Insurance Fund (NHIF) which were false. So, this is a hospital which has been operating through unfair means. I have a letter here from the officers at Machakos District Labour Office, and from the same KUDHEHA. He is talking about trying to force or asking Bethany Hospital to pay this gentleman---

The Temporary Deputy Speaker (Mr. Poghishio): Ask your question!

Mr. Katuku: Can the Assistant Minister be kind enough and follow this issue personally because he has been misled by his officers?

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, the hon. Member has ended well, but he begun by attributing the failure on our part. I would like to say that there was no failure. This Bethany Hospital was closed down in June 1995. I did not say it was closed down due to non-remittance of NHIF claims or whatever. I said that it is not functioning. So, whatever the hon. Member is asking me to follow is not possible. We have a very specific case that on 15th May, 1995, the bicycle was lost. This employee left it carelessly with a bicycle repairer who was to undertake repairs on it. Given the Employment Act, Cap 226, that constituted gross misconduct. Although he was not a member of the union, the union tried to intervene in the interest of the general welfare of all the workers and the case was determined by the two parties with the Minister of Labour and Human Resource Development as an arbitrator. The employer had no case to answer. If the hon. Member has additional information apart from what I am giving him, I would be more than glad to pursue the matter. However, that is the case as of now.

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

The Temporary Deputy Speaker (Mr. Poghishio): Mr. Katuku, that was your last question. So, what do you want to ask right now?

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, that was only one question. Let me ask the last question. The Assistant Minister has said that this gentleman was paid Kshs2,758.15. That is not true since the gentleman was not paid this amount of money. By this letter, the Assistant Minister has invited the administrator of Bethany Hospital for a discussion with him and the ex-employee, but the administrator has refused to appear. Would I be in order to table some of these documents which will assist the Assistant Minister because this fellow has not been paid even a penny? The administrator has refused to meet the labour officers. The Assistant Minister has refused to sit with KUDHEHA. Would I be in order to table the documents so that the Assistant Minister can take the issue seriously and investigate?

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, if the hon. Member tables the documents I will pursue the matter. However, in terms of getting the proprietor, the hon. Member may wish to know that unfortunately, the former proprietor is also paralysed and can neither talk nor walk. So, maybe that is part of the difficulty of arranging for a meeting.

Mr. Ndilinge: On a point of order, Mr. Temporary Deputy Speaker, Sir. If the Assistant Minister was in order, would it not have been in order for him to go by the information he got from his officers down at Machakos? Secondly, if that was so, why is his reply going contrary to the letter which was written by his labour officers in Machakos?

The Temporary Deputy Speaker (Mr. Poghishio): Mr. Ndilinge, that leaves us with an argument and I will

disallow your so-called "point of order" and go to the next Question.

Mr. Katuku: On a point of order, Mr. Temporary Deputy Speaker. You have heard the Assistant Minister admit that the proprietor of the hospital has got a medical problem. What is the position now since the Assistant Minister has said that the fellow is sick and yet he has not paid this former employee his rightful dues?

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Katuku. You are leading us again into questions and arguments.

Mr. Katuku: I have raised the questions in order for the Assistant Minister to pursue the interests of this person.

The Temporary Deputy Speaker (Mr. Poghisio): No, thank you! Let us go to the next Question. Mr. Katuku, however, you can liaise with the Assistant Minister later on.

Question No.144

IRREGULAR PURCHASE OF BUS BY NHIF

Mr. N. Nyagah asked the Minister for Medical Services:-

(a) why the former Chief Executive of the National Hospital Insurance Fund (NHIF) purchased a luxury bus without the Board's authority;

(b) what he plans to do with the vehicle; and,

(c) what action was taken on the Chief Executive for the otherwise irregular expenditure.

The Minister for Medical Services (Dr. Anangwe): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The former Chief Executive of the NHIF purchased a utility bus, instead of a mini-bus approved by the Board for welfare purposes, as well as official work.

(b) The vehicle is effectively being utilised at all times by the NHIF staff on official work.

(c) The Chief Executive was ultimately relieved of his duties.

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, I do not know whether the Minister has been to Afya House parking lot, where the said bus has been lying for many years. However, I may be able to buy what he has just said, on an answer that was provided to him. Could he tell the House when the bus was purchased and the period when the Chief Executive was sacked, so that we could know whether he was sacked because of the purchase of the bus? Were any charges preferred against him? Was he surcharged or charged with any criminal offence?

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, the bus was purchased on 19th May, 1999, and the Chief was sacked around November, 1999. The assertion that the bus has been lying at the Afya House parking lot and is under-utilised is not true. I have copies of the work tickets and the bus is fully utilised.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, could the good Minister tell this House why the Chief Executive of the NHIF was sacked? He was involved in a fraudulent land transaction next to the National Social Security Fund (NSSF) Building with Mr. William Ruto, who is an Assistant Minister. Why was Mr. Ruto not sacked?

The Temporary Deputy Speaker (Mr. Poghisio): Order! Dr. Kituyi, you would know that you do not do that to a colleague in the House without bringing a substantive Motion to discuss him. Dr. Anangwe, you can answer the other part of the question.

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, I cannot answer a question asked by an hon. Member who is out of order!

Mr. Wamae: Mr. Temporary Deputy Speaker, Sir, could the Minister tell us in detail, why the Chief Executive was sacked?

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, let me clarify something here. It was after an accumulation of events and mistakes. If I was to sit here and study the file, it would take too long. What is important is that he was sacked, anyway!

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Minister! I think the question is very direct and specific! You cannot have a file full of mistakes. There must have been a reason for the sacking.

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, he was relieved of his duties because of illegal expenditures and mismanagement of funds which had accumulated for a long time. But what is important is that he was relieved of his duties. What do you want? He was sacked for whatever reason!

Mr. Magara: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to say that the former Chief Executive was sacked because of illegal expenditure and mismanagement of funds, when we have Cabinet Ministers here who have not been sacked?

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, I do not sack Ministers!

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, the former Chief Executive deposited huge amounts of money with the Prudential Bank. The total amount was Kshs85 million. The amount was later transferred into some equity and put up a housing estate in Nairobi South B. Could the Minister explain to the House whether those houses have properly been transferred back to the NHIF, and not under the name of the former Chief Executive?

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, that is a separate question, but I will answer it. The said estate is registered in the name of the NHIF. The outstanding amount of money from Prudential Bank is a subject of a court case, which the NHIF is pursuing.

An hon. Member: How much?

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, initially, the money that was deposited was Kshs112 million. Later on, when the valuation of the estate was done, they required more than Kshs200 million. The NHIF paid the difference in order to recover the deposit that was paid. The struggle which necessitated the court case is to sort out some issues with the contractor, who is yet to hand over the buildings. He has not yet signed the completion certificates. That is all that is pending. Otherwise, the NHIF has no problem with the Prudential Bank. It has recovered what is due to it through the acquisition of that particular estate. I hope you are satisfied.

QUESTIONS BY PRIVATE NOTICE

APPOINTMENT OF KCB MANAGING DIRECTOR

(Mr. Kombe) to ask the Minister for Finance:-

(a) Under what circumstances was the new Managing Director of the Kenya Commercial Bank employed, considering that there are many indigenous Kenyans who qualify for the job?

The Temporary Deputy Speaker (Mr. Poghiso): Is Mr. Kombe not here?

(Question dropped)

VARIATION OF LARE-MUTUATI ROAD CONTRACT

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

(a) Could the Minister explain the circumstances that led to variations on the Lare-Mutuati Road contract from Kshs76 million to 91 million, then to Kshs266 million, a difference of Kshs190 million?

(b) What disciplinary measures has the Minister taken on the District Works Officer, who colluded with other officers to inflate the cost to Kshs30 million per kilometre, instead of the original Kshs10 million per kilometre?

(c) What is the actual cost of the nine-kilometre stretch, and the anticipated date of completion?

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

The Lare-Mutuati Road was originally an earth road, which was later on improved to a gravel road and, finally, upgraded to bitumen standards. A number of variations were issued to the contractor, Messrs. Krishan Behal and Sons Limited, to carry out the gravelling works and, subsequently, to stabilise the gravelled roads and, finally, have it bitumenized.

(b) I have not taken any disciplinary action on the District Works Officer as no act of collusion between him and others has been established.

(c) The estimated cost of the total works amounts to about Kshs335 million.

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, you have heard that the Minister has no intention of looking for his officers who did the variations. The tender that we are aware of is that of 4th May, 1998, which is worth Kshs91.2 million. Could the Minister tell us what his officers told him regarding the Kshs74.9 million contract of 6th December, 1997? The fresh contract was signed after five months because the *El Nino* rains were severe. My question is: If the Minister cannot discipline his officers because he is not aware of any wrong-doings, what will he tell us, in the process of explaining about how you can have Kshs335 million spent on a nine-kilometre stretch, where there is no bridge or anything out of this world? It is just a flat surface! What is it?

Eng. Kiptoon: Mr. Temporary Deputy Speaker, Sir, before I proceed, I think the hon. Member needs to declare his interest. This is because the total stretch of the road is not nine kilometres but 17 kilometres. Initially, the contract awarded to the contractor on 1st April, 1996, was for Kshs50,701,315 and the works were supposed to be completed in six months' time, by 31st October, 1996.

However, after completing the 17-kilometre stretch of the road, it was found that the road was very dusty and, therefore, required stabilization to make it more firm. That stretch of the road was then divided into two sections; nine-

kilometre and eight-kilometre sections. In order to stabilize the nine-kilometre section of the road, the contractor was given a variation, or added works, amounting to Kshs71,223,300 on 6th, December, 1996.

Mr. Temporary Deputy Speaker, Sir, a year later, on 5th December, 1997, the remaining eight-kilometre stretch of the road was also awarded to the same contractor to be stabilized at a cost of Kshs74,967,818.60. After the nine-kilometre section of the road had been stabilized, it was destroyed by the *El Nino*-induced rains and it was found necessary to provide drainage services. So, the contractor was given another additional variation of Kshs19,999,875, to complete the road by December, 1998.

Similarly, around the same time, the eight-kilometre section of the road also required to have additional drainage, which was also added at a cost of Kshs26,722,700. That work was supposed to be completed in December, 1998. Apparently, somewhere along the line, somebody else decided to add another 6.3-kilometre stretch to a police station, from Mutuati-Kamuline, at another cost of Kshs12,866,300.

Mr. Temporary Deputy Speaker, Sir, there was another funny variation, which I am not even able to understand, where the contractor was given another variation for the same Lare-Mutuati eight-kilometre stretch, at a cost of Kshs91,208,982.15. When I checked all this, I was told that the Members of Parliament, the DC and the contractor were the culprits.

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard the Minister say that there was a variation of Kshs91,208,982.15 which he does not understand how it came about. Is it in order for the Minister, who should be answerable to this House, to tell us that he does not understand how Kshs91,208,982.15 of taxpayers' money was paid to this contractor? Would I be in order to ask the Chair to direct the Minister to go and do his homework and, understand how that money was paid, and come to this House to explain and make an undertaking to make sure that the contractor refunds that money to taxpayers?

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Minister, you can answer that question.

Eng. Kiptoon: Thank you very much, Mr. Temporary Deputy Speaker, Sir. In fact, you do not have to direct me to answer the question. I think I am on record as saying that, we are currently undertaking investigations to find out the truth about this matter. I am told, as I said, Members of Parliament of the area, plus the DC, used to meet at night, "cook" up minutes and send them to the Permanent Secretary, who would then issue instructions without referring to the engineers.

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard what the Minister has just said! It is absolutely outrageous and it can only be helped by the Minister substantiating his claims with the support of written papers. I am not aware of what he is talking about and I know that, he is going to divert attention from his Ministry to make it a political matter. Could the Minister explain whether I was aware? If I was aware, I would not have asked the Question in the first place. Could the Minister explain how he got into this thing which he says he does not understand? Actually, I do not even know where that DC resides. I have never sat with a District Commissioner in this country! Could the Minister stop being funny?

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Maore, are you requesting me to ask the Minister to stop being funny? Is that your point of order?

Eng. Kiptoon: Mr. Temporary Deputy Speaker, Sir, I am glad the hon. Member is saying that he is not aware, just as much as I am not aware. But I did not mention his name; I mentioned the Members of Parliament from the area. I do not know whether he was one of them at that time.

The Temporary Deputy Speaker (Mr. Poghisio): The Minister has said that he did not name anybody; he said "Members of Parliament from the area".

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Member of Parliament for Ntonyiri is one and only one; they cannot be two! Could the Minister table any document, or even any minutes of a DDC which I attended when this road was approved? Could he substantiate?

Eng. Kiptoon: Mr. Temporary Deputy Speaker, Sir, as I said, I did not mention hon. Maoka Maore; I talked of Members of Parliament as at 1997. If he was there then, it shows so.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. Maore! Hon. Members, I know the rules pertaining to a Member of Parliament not to impute improper motives on another Member. The indication here, as said by the Minister, is that the Member of Parliament held night meetings with some of the District Commissioners and so forth. This being a formal Question needing a formal answer, I think, Mr. Minister, you have the obligation to do the right thing.

Eng. Kiptoon: Mr. Temporary Deputy Speaker, Sir, I think I did indicate that I was not through with the issue as yet. I am going to carry out thorough investigations, at which time, I shall be able to table the findings.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Maore, are you going to talk about the same thing that you have mentioned?

Mr. Maore: No, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Maore, if it is the same issue which I have already directed the Minister to substantiate---

An hon. Member: He has not! He should substantiate!

The Temporary Deputy Speaker (Mr. Poghisio): That is what I am asking him to do!

Eng. Kiptoon: Mr. Temporary Deputy Speaker, Sir, the best I can do is to lay what I have with me here on the Table.

(Eng. Kiptoon laid the DDC Minutes on the Table)

The Temporary Deputy Speaker (Mr. Poghisio): Thank you very much.

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

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Maore, are you still pursuing that issue? If you pursue that, that is the query---- We have no time to continue with this particular Question.

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, I was asking whether the Minister could just read the names on the minutes to know whether I was a Member of the DDC?

The Temporary Deputy Speaker (Mr. Poghisio): Order! Actually, it is not a matter of whether your name is on the minutes or not. I think [**The Temporary Deputy Speaker**] the Minister said that some people were meeting at night. If, for sure, the Member of Parliament is not named--- That is why he has tabled the DDC Minutes--- If it does not show the names, the Minister is with us. Okay! So, let us see what the Minutes will show.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, the Minister is very categorical that some Members of Parliament used to meet at night, together with the District Commissioner and the District Roads Engineer. Would I be in order to ask the Minister to tell this House what steps he took against the District Commissioner and the District Roads Engineer?

The Temporary Deputy Speaker (Mr. Poghisio): You will not be in order because that is a question and yet, you stood on a point of order. We need to proceed because we are pressed for time.

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, I did scan over the six-page document tabled by the Minister for Roads and Public Works but there is no mention of any District Development Committee meeting apart from the inspection instructions on roads, where they are talking about contract management, the tender, the important milestones and observations. This is all about the tender. So, I still insist that the Minister should withdraw that unkind remark he made about me in order to put the records of this House straight.

Eng. Kiptoon: Mr. Temporary Deputy Speaker, Sir, the truth of the matter is that there were actually night meetings as alleged. Unfortunately, I do not have the facts with me here, but if I go back to my office, I will be able to bring the documents. I am not saying that hon. Maore's name is in it. In fact, I do not recall naming any names.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Minister, in view of the fact that you do not have anything to substantiate, can you withdraw that remark about Members of Parliament meeting at night?

Eng. Kiptoon: Mr. Temporary Deputy Speaker, Sir, for the sake of my friend, hon. Maore, I withdraw that remark.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! It has become a habit for Members of Parliament who seek to be recognized on a point of order to move straight to the microphone.

Mr. Maitha: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is a very serious thing going on in this House. Hon. Nassir and hon. Ndicho are discussing how to invade farms owned by white settlers in this country, while the KANU side of the House is consulting in very high tones. Could you direct them to consult in low tones?

The Temporary Deputy Speaker (Mr. Poghisio): That is a frivolous point of order.

The Minister of State, Office of the President (Mr. Nassir): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Nassir! Hon. Members, whatever the consultation is all about, I would like to bring to your attention the fact that hon. Members are free to consult in low tones, withdraw from the Chamber or go into the lobbies.

POINTS OF ORDER

MALARIA OUTBREAK IN GUSII DISTRICTS

Mr. Magara: Mr. Temporary Deputy Speaker, I rise on a point of order to seek a Ministerial Statement from the Ministry of Health in respect of malaria outbreak in Nyamira, Gucha and Kisii Districts. As you are aware, last year, there was a lot of politics in respect of what was happening in the three Kisii districts with respect to the malaria epidemic. Several people lost their lives. I would like to seek a Ministerial Statement on the current position on malaria outbreak in the three Kisii districts and the measures the Government has put in place to ensure that the same politics will not be played against our people who are seriously suffering from the disease.

The Minister for Medical Services (Dr. Anangwe): Mr. Temporary Deputy Speaker, Sir, if the House may recall, I responded to a similar question from hon. Dr. Ochuodho about three weeks ago, and I did issue a Ministerial Statement which is on record. If the hon. Member would like to know what the state of affairs is with respect to malaria, he should kindly go back to the records, or I can issue him with a copy of what I said. But I have already issued a statement on this particular matter.

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! I think the Minister for Medical Services has already issued a Ministerial Statement with regard to that matter. So, hon. Magara, be informed accordingly.

CLARIFICATION ON FEE STRUCTURE

Mr. Wamae: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to seek a Ministerial Statement from the Minister for Education. In yesterday's *Daily Nation*, there was a report that the Chairman of the Central Province Secondary Schools, Mr. Karaba, will not agree---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Wamae! How can you base your point of order on a newspaper report? Next Order!

(Several hon. Members stood up in their places)

Order, hon. Members! There is need for us to proceed. We have so much business ahead of us.

MOTIONS

PROVISION OF DRIVERS/BODYGUARDS/FIREARMS/
DIPLOMATIC PASSPORTS TO MEMBERS

THAT, in view of high insecurity being experienced in the country, this House resolves that every Member of Parliament be provided with a driver and a bodyguard of his choice both payable by the Government; a firearm licence and a diplomatic passport.

(Mr. Wambua on 3.5.2000)

(Resumption of Debate interrupted on 3.5.2000)

The Temporary Deputy Speaker (Mr. Poghisio): Who was on the Floor last time? Mr. Muiruri!

Mr. Muiruri: Mr. Temporary Deputy Speaker, Sir, I want to bring to your notice that hon. Ndicho was seated in the seat reserved for the Leader of Government Business!

Mr. Temporary Deputy Speaker, Sir, it is a known fact in Kenya today that there are so many guns which are held by people illegally. Many people are armed unnecessarily. Generally, there is a lot of insecurity in this country. Most of the tribes in Kenya today are armed. The only tribes that are not armed today are those living in the central part of Kenya, Nyanza, Western and Coast Provinces.

As I said last time, the officer in charge of the Central Firearms Bureau of Kenya, Mr. ole Mpesha, gives out firearms certificates in a discriminative manner. I am saying this because, personally, I had a firearm, but when I joined the Opposition, it was taken away. It happens to all other people who are opposed to this system of Government.

When somebody defects from the Opposition and joins KANU, he is automatically issued with a firearm certificate, like hon. Nyanja, hon. Kihika Kimani and the other people.

An hon. Member: Like Imanyara!

Mr. Muiruri: Mr. Temporary Deputy Speaker, Sir, the manner of issuing firearm certificates to hon. Members is discriminative. What hon. Members are asking at this time when there is a lot of insecurity in this country, is that, at least, their security is guaranteed. Sometimes I watch television and get very angry to see a Pokot grazing his cattle while armed with an AK-47 rifle. I wonder who licensed him.

Mr. Temporary Deputy Speaker, Sir, as we are talking now, a lot of tribes are fighting and killing one another with guns, like the Somali and the Boran. Where are they getting those guns from? In Central Province, where I come from, and especially Thika District, the Provincial Administration, especially the PC, DCs, DOs and chiefs are misusing security officers. You find two administration policemen (APs) guarding the DC's or DO's office from six o'clock in the morning, until 12 noon when they are replaced by two more. At 6.00 p.m., they are replaced by four who guard the premises up to midnight and then, from midnight up to morning, they are replaced by four more. That is a total of about 12 APs armed with AK-47 rifles, all guarding one man. What crime has this man committed? But other officers, like the PCIO, DCIO or the OCPD, who are chasing thieves out there are not guarded in their houses. What hon. Members are asking for in this Motion is that they be given adequate security, but not all of them would wish to be armed. Personally, I think being armed would be very dangerous because it can create an illusion of security. But those who want to be licensed---

(Dr. Ali consulted loudly with other Members)

The Temporary Deputy Speaker (Mr. Poghiso): Order! Order! Whatever it is, it must be quite interesting, but can we keep order? Order, Dr. Ali! Hon. Members, I cannot repeat enough that we need to hear the Member on the Floor. The Members wishing to consult should consult in an orderly manner, and there are many ways to do that; one is to consult in low tones, another one is to withdraw from the Chamber or go in the other chambers.

Proceed.

Mr. Muiruri: Mr. Temporary Deputy Speaker, Sir, not every hon. Member, probably, would wish to be armed because it can have a lot of other side effects. But those who want to be provided with a firearm certificate should be allowed because at this time of insecurity, and especially in very dangerous areas of this country, I think it is only reasonable that hon. Members be licensed to hold firearms.

Mr. Temporary Deputy Speaker, Sir, quite a number of hon. Members and various businessmen have had their guns confiscated for no apparent reasons at all. A police officer comes to your home and says that he has been ordered by the officer of the Central Firearms Bureau to repossess your gun. **[Mr. Muiruri]** It is done in an unorthodox manner without any reason whatsoever. To balance the issuing of firearms certificates, anybody who qualifies to be armed must be provided with the certificate and be armed without necessarily looking at his political affiliation. I think this is what is affecting this country. Currently, there are two Members of Parliament who are in London after being shot here and, maybe, as we go on, some of the people on the Government side could be sacked, just as happened to hon. Kones. But I do not like the way they are normally sacked through the radio. This very embarrassing. Some might even get high blood pressure because they do not know when they are going to be sacked.

The Temporary Deputy Speaker (Mr. Poghiso): Would you be relevant to the Motion, Mr. Muiruri?

Mr. Muiruri: Thank you, Mr. Temporary Deputy Speaker, Sir. I support that hon. Members be issued with firearms certificates, and anybody who qualifies should be licensed to hold a firearm.

Thank you.

Mr. Ndilinge: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this very important Motion. But before I proceed on, I want to appeal to the Minister of State, Office of the President, in charge of internal security, to make sure that my firearm licence is returned to me. I cannot tell this House why it was withdrawn. If I am asked by anybody why it was withdrawn, I will only say that the licence was withdrawn because of political differences.

Mr. Temporary Deputy Speaker, Sir, a Minister or a Member of Parliament can be provided with a bodyguard, but, surely, does one sleep with the bodyguard in the house? If one is invaded by thugs at night, will the bodyguard who is sleeping at Shauri Moyo Police Station know that one is being invaded? So, there is need for each and every Member who requires a gun to be licensed. Insecurity in this country has become a problem for all Kenyans. So, I think it is high time for this House to support this Motion, so that whoever requires a gun, whether he or she is a Member of Parliament or a Kenyan who is over 18 years, should be issued with a licence by this Government.

Mr. Temporary Deputy Speaker, Sir, the time has come when I would like to remind some of the Ministers about the past history of this land. One time, we had a Minister - and I am sorry, he is now dead - the hon. Oloitipitip.

When some of the Members of this House asked him whether Kenyan prisons could be provided with blankets and good uniforms for the inmates, he used to say that those issues would be looked into when funds were available. But one day, the Minister was locked in a cell and eventually, jailed. He was taken to Kamiti Maximum Prison and when he landed there, he started asking for blankets. I want to remind some of the Ministers who are misusing their offices that history repeats itself. Today, one may be in a position to mistreat me, but only God knows what will be there tomorrow. You may say that I am out of order, but I just want to remind those people about what might have happened, and what might happen.

Mr. Temporary Deputy Speaker, Sir, the question of whether an hon. Member should be provided with a bodyguard, or a driver by the Government should be forgotten completely. Let one be allowed to look for a driver or bodyguard of his or her choice. This is because, we are in a political country, and I will never trust a bodyguard who is allocated to me by somebody else. So, the question of hon. Members being provided with bodyguards and drivers should be ruled out.

On the issue of passports, I prefer using the ordinary passport. By so saying, I am not opposing what has been said here by the hon. Mover of the Motion. If I had a diplomatic passport when I was dropped from the position of Assistant Minister to a Back-bencher, it would have been a problem for me to travel out of this country. I used to use an ordinary passport; so, when I was dropped from the position of Assistant Minister, I was not affected; I could still travel to any country using my ordinary passport. So, whoever wants a diplomatic passport, that is upon him or her.

Dr. Ali: Where is your gun?

Mr. Ndilinge: Mr. Temporary Deputy Speaker, Sir, my gun was withdrawn.

Dr. Ali: So?

Mr. Ndilinge: So, I want it back, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Ndilinge, could you address the Chair?

Mr. Ndilinge: Mr. Temporary Deputy Speaker, Sir, after the withdrawal of my gun, I was invaded by thugs thrice. If I am asked why my gun was withdrawn, I will say that whoever withdrew it wanted to make sure that my life was in danger. So, if I say that the withdrawal of that gun was one way of ensuring that I was eliminated, I would not be wrong. The authorities knew that if I had that gun, nobody would invade my farm or attack me at night. However, three incidents have already happened to me since the withdrawal of my gun.

Mr. Temporary Deputy Speaker, Sir, I would like to inform the Minister incharge of internal security that if one differs with a political rival at the constituency level, high offices should not be involved in such differences. We know very well that my gun was withdrawn because there was a plan by KANU to stage a "coup" in Makueni District. It was decided that my gun should be withdrawn before that was done. Those behind that plan felt that if I still held the gun, I might confront them. However, I would like to tell this House that it was not my idea to confront those people with the gun. Such people are not supposed to be confronted with guns. I have enough youths who could confront those amateurs in politics. I would like anybody who had planned to stage a "coup" in Makueni District to note that history repeats itself. We used to have people who were encouraged by the same offices to stage "coups" at various KANU branches, but those people are no longer there now.

(Applause)

An hon. Member: Waambie!

Mr. Ndilinge: Mr. Temporary Deputy Speaker, Sir, a time will come when the ordinary *mwananchi* in this country will be told: "It is now time for election. Can you show us who the genuine leader is and who the shadow leader is?" That is the time when such "coup" plotters will start "crying" because of their previous use of the statement "these are instructions from above". When election time comes, instructions will be coming from *mwananchi*. So, ladies and gentlemen, whoever has been misusing the powers of his office in this land, he or she should be told that a time will come when he or she will answer for all his previous misdeeds against Kenyans.

Mr. Temporary Deputy Speaker, Sir, it was shameful for me to be confronted by *askaris* and to be told, "Your gun and firearm licence are wanted", without a valid reason. So, if this House resolves that hon. Members be issued with firearms licences, there should be a comprehensive format for issuing the same. We do not want to find ourselves in a hide-and-seek game, where an hon. Member will be issued with a firearm licence today and have the same withdrawn the following day, after he has differed with a person who is not of his calibre. Some people are not of our calibre; they are cannibals. Is one who can be sent to set another person's house on fire, really, a leader? In short, what I am saying is that, this is a very important Motion, which should be supported by every hon. Member of this House. Today, I am Back-bencher, but, tomorrow, I might be a Minister and be required to care for the current Front-benchers when they become Back-benchers.

With those few remarks, I beg to support.

Mr. Kitonga: Ahsante, Bw. Naibu Spika wa Muda, kwa kunipa nafasi ili nichangie Hoja hii. Ningependa kusema ya kwamba ni muhimu sana Serikali iwapatie Wabunge silaha ili waweze kujikinga dhidi ya wahalifu. Tunajua ya kwamba kuna vitisho vingi sana katika jamii. Sisi Wabunge huwa tunatishwa; kuna sababu nyingi za sisi kutishwa. Hivi majuzi, tulishuhudia kilichotokea baada ya Wabunge wawili kuhusika katika ajali ndogo ya barabarani. Hivi ninavyozungumza, niko na huruma na shaka ya kwamba Wabunge wale ni viwete; Wabunge wale wamefanywa viwete na majangili, ambao kamwe hawana huruma na viongozi waliochaguliwa.

Ninafahamu ya kwamba swala tunalozungumzia hapa ni muhimu sana. Nikipeana mfano wangu, ningependa kusema ya kwamba baadhi yetu tunatoka sehemu ambako huwa tunavamiwa mara kwa mara na mashifta. Katika sehemu ninayowakilisha Bungeni, katika sehemu ya Endau, Mutito, ama Voo; ama katika sehemu ya Nguni, ambako Waziri Kalonzo Musyoka anatoka, wakaazi huvamiwa na mashifta mara kwa mara. Kila wanapovamia sehemu zile, mashifta hushambulia wale watu ambao huonekana kama viongozi, na hivyo basi kuhatarisha maisha yetu. Mara kwa mara, mashifta wameyavamia maboma ya matajiri na kutoroka na ng'ombe. Ukweli ni kwamba wale watu ambao hudhaniwa kuwa matajiri katika sehemu za Ukambani ni wale ambao huvalia suti; watu wale huwa aidha ni walimu ama Wabunge. Kwa hivyo, usalama wetu, kama Wabunge, huwa katika hatari.

Bw. Naibu Spika wa Mda, ni haki kabisa kuwapatia Wabunge madereva wa magari. Baadhi yetu hapa tumetoka mbali sana; hatutoki hapa Nairobi ama karibu. Kwetu ni kama kilomita 500 kutoka Nairobi. Kule ni mbali sana na Serikali; hata Serikali imesahau kwamba kuna Wakenya wanaoishi katika sehemu ile. Tukizingatia umri wangu, siwezi kuendesha gari langu hadi Mutito ama Endau, ambako ni kilomita 600 kutoka hapa, kwa muda wa miaka mitano na bado niendeleo kuwa hai. Tunafaa kupatiwa madereva wa kutusaidia. Hivyo si kusema kwamba sisi, kama Wabunge, tunajigamba. Hii ni kusema ya kwamba maslahi ya Wabunge pia yanafaa kuangaliwa, kama yanavyoangaliwa maslahi ya maafisa tawala. Kwa mfano, DO hupewa dereva hali kazi yake ni kutembea vijinini na kukamata watu wanaouza vinywaji haramu kama vile chang'aa, karubu, sorghum, na kadhalika, huku akitumia dereva na askari tawala wa Serikali. Hata mafuta ambayo huwekwa katika gari lake hununuliwa kwa pesa za Serikali. Lakini yule Mbunge ambaye amechaguliwa kuwakilisha watu hao katika Bunge hawezi kupatiwa dereva na silaha ya kujikinga nayo. Hii inawafanya Wabunge wawe wachovu na hata kusababisha ajali nyingi katika barabara zetu. Mara nyingi tumeona kwamba ukiwa katika Upinzani--- Upande wa Serikali hupenda kutumaliza Wabunge wa Upinzani katika ajali za barabarani. Upande wa **[Mr. Kitonga]** Serikali unatumia nafasi ya kuwa umechoka na huwezi kuweka akili yako katika barabara kusababisha ajali.

Tunaposema kwamba tupatiwe walinzi wa binafsi na silaha katika Bunge hili--- Nitaunga mkono maoni yaliyotolewa na Mbunge mwenzangu. Ni kweli kwamba tunaweza kupatiwa mlinzi binafsi, lakini haiwezekani ukakaa naye kwa masaa 24. Wezi wa siku hizi wana ujuzi mwingi na watakuvamia wakati mlinzi wako wa binafsi ameenda kulala.

Ningependa kusema kwamba hii ni Serikali ambayo hatuamini kabisa. Tunafahamu kwamba hii ni Serikali ambayo ni ya fitina na mambo ya kichini-chini. Mbunge anaweza kupatiwa mlinzi binafsi, wamfuate, wamhonge na umalizwe naye. Hii ndio Serikali ya KANU. Ni afadhali mtu awe na kinga yake mwenyewe. Silaha ya kubebewa haiwezi kukufaidi. Silaha nzuri ni ile ambayo umejibeeba mwenyewe. Hii ndiyo sababu hata Bibilia inasema kwamba Mungu alipotukataza sisi wanaume kujibeeba vitu fulani, tulianza kuoa. Kama haingekuwa hivyo, hakuna mtu angekuwa na bibi. Ningependa kusema kwamba kwa sababu tulikatazwa kujibeeba vitu vingine, ni lazima tuoe. Hii ndio sababu tunasema kwamba ni lazima sisi Wabunge tukubaliwe tujibeebe silaha zetu kwa sababu silaha ya kubebewa inaweza kuleta dhuluma, na unaweza kunyimwa kwa sababu inatakiwa mahali pengine. Kitu cha kubebewa hakiwezi kukutosheleza. Ni heri upatiwe silaha yako ujibeebe.

Pia, ningependa kusema kwamba sisi Wabunge tunahudhuria Harambee na kama kawaida, tunatoa pesa za kujenga, kuleta maendeleo na miradi tofauti. Wananchi wengi huwa wanafikiria kwamba ni Wabunge tu ambao ni millionaire, billionaire na ndio wanabeba pesa. Ningependa kusema kwamba inafika wakati ambapo huwezi kutofautisha wakati Bw. Nassir amepeleka chakula cha njaa, na wakati anaenda kwa Harambee. Wananchi wanafikiria kwamba amebeba pesa kila wakati. Hii inatuweka katika hali ya hatari kwa watu ambao ni walaghai na wezi. Wakati mwingi, kabla hajafika katika Harambee ambayo umealikwa, unaweza kuvamiwa na ujeruhiwe bure na hali ulikuwa umebeba Kshs5,000.

Hili ni jambo muhimu sana, na ningependa kusema kwamba, uwe katika upande wa KANU au wa Upinzani, uhai ni uhai. Hakuna uhai wa KANU, SDP, FORD(K) au NDP. Ni lazima tukubaliane ili tupitishwe Hoja hii, ili tuweze kujikinga.

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

[The Temporary Deputy Speaker]

(Mr. Imanyara) took the Chair]

Tunafahamu kwamba Wabunge wako na maadui wengi sana ambao wanatoka sehemu mbali mbali. Hata katika Bunge hili tuko na maadui kwa sababu hata sisi wenyewe hatupendani. Lakini ninaposema hivyo, simaanishi kwamba Mbunge atakapopatiwa bunduki, ataitumia vibaya. Mtu hawezi kuchaguliwa na watu 30,000 kuwa Mbunge na kichwa chake kiwe kibovu; eti nitapatiwa bunduki na nimpige Bw. Nassir. Kwa nini nisisimame hapa nje na nimnyonge? Kwa nini nitumie risasi kwa Mbunge mwenzangu? Sisi ni watu ambao tumechaguliwa na Wakenya ambao wanafahamu kwamba Bunge ndilo linaendesha Serikali ya Kenya, na Mbunge akipewa bunduki, ataitumia vizuri vile anavyotumikia watu ambao walimchagua kuwaakilisha katika Bunge hili.

Ningependa kuwaambia Wabunge wenzangu kwamba leo ni siku ya kujiweka kamba tukitaka. Tukipinga Hoja hii, tunajiweka kamba kwa sababu tunafahamu kwamba tukitoka nje, kuna wale watu ambao wanatutafuta. Kwa mfano, ndugu yangu, Bw. Mokku, ambaye alifutwa kazi na Serikali akienda Isiolo ambapo kuna vita, bila bunduki--- Hata afadhali mimi, Mkamba, ambaye ninabeba uta. Je, yule Mbunge ambaye hawezi kubeba uta, atabeba nini?

An hon. Member: Atabeba mawe!

Mr. Kitonga: Bw. Naibu Spika wa Muda, akibeba mawe, Bw. Raila atabeba nini?

(Laughter)

Ni lazima tuseme kwamba hatutaki vita vya mawe na uta. Tunataka silaha ya kujikinga wakati wa hali ya hatari. Pia, tunataka madereva wa kutusaidia tunapoenda safari ndefu. Tunataka askari wa kutulinda kwa sababu hata Serikali ya KANU itakuwa ni dhuluma kwetu, kwa sababu wengi wao wana bunduki. Tukisema wale Wabunge ambao wana bunduki wainue mikono yao, wengi sana watafanya hivyo. Hii ni kwa sababu wengi wao wana bunduki. Wale watu ambao hawana bunduki ni sisi Wabunge wa Upinzani. Ukidhulumu mwenzako hapa, Mwenyezi Mungu hatakusamehe kamwe. Hii ni kwa sababu unafahamu kwamba sina bunduki na unataka kunidhulumu. Hata akina mama kama mhe. Mwewa na mhe. Kitonyo wana bunduki na walinzi binafsi.

Mr. Maitha: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member clarify the bodyguard he is referring to because there are two types of bodyguards?

Mr. Kitonga: Bw. Naibu Spika wa Muda, ninaongea juu ya mlinzi binafsi wa gari, na yule mwingine unamfahamu.

(Laughter)

Kwa hivyo, ningependa kuunga mkono Hoja hii, na ahsanteni sana.

Mrs. Ngilu: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is saying those things in bad taste. Could he withdraw? I do not think that is right.

The Temporary Deputy Speaker (Mr. Imanyara): Anyway, his time is up.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Motion. First of all, I would like to urge this House to look critically at what is being proposed here. There is nothing wrong with hon. Members owning guns or having them. But we must consider whether we must own guns by a legislation passed in this House so that if you want to apply for a firearm, it becomes public knowledge that every hon. Member has a gun. These are things we must consider and, in fact, at first, when I saw this Motion, I thought that the hon. Member who has brought it to the House would have given this suggestion to the Parliamentary Service Commission (PSC), because this is welfare of hon. Members of Parliament, and we have created a PSC to look after our welfare, instead of legislating on issues that also affect other Kenyans.

There is insecurity in the country. I would like to say that this insecurity does not affect hon. Members of Parliament alone. We should be talking about eliminating insecurity in the country. The armed robbers will not only target hon. Members of Parliament, but even very poor people. They have invaded villages at night and killed people. They have invaded estates and killed people. I would like to say that they have stopped people on the highways and killed them. So, we must consider the security of the whole country when we give ourselves here the privilege of having guns and bodyguards. We might forget thinking about Kenyans and insecurity. That is why I am saying that we must look very critically at this issue, so that we talk about security for all Kenyans. The firearms that come from Somalia have created a lot of insecurity in this country. There is no organised government in Somalia. In order to stop the proliferation of arms from Somalia into this country, we should have taken the part of Somalia that borders Kenya.

An hon. Member of this House, unless he is a Nominated Member of Parliament, is a very popular person

among the people. Hon. Leshore, in fact, had a gun. That is why I am saying that we must consider this very critically because the gun may not be your protector. We must talk about insecurity and how to eliminate it without saying that Members of Parliament must be armed. Even school principals, people who work in parastatals, and everybody else require security. So, we cannot pass this Motion for ourselves only. I have made my suggestions in that area.

There seems to be an illusion that a diplomatic passport serves some purpose. During the colonial days, the diplomatic passport was a safe way through the airport. I have a diplomatic passport. It is not useful these days. I just want to educate the House on this. It is just like the ordinary passport. I will go and queue with my baggage like you do with the other passport. I will go through the same security system, and I will be inspected. Long ago, during the colonial times, it was very useful because it indicated: "Please, assist the bearer of this passport." Today, it has been rendered irrelevant. Individuals are taken in their own right. I am not saying that hon. Members should not have it. Hon. Members can have diplomatic passports and arms.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that a diplomatic passport has no value when we know very well that if you have it, you flash it to the immigration officers and you are given passage?

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Ndicho! That is not a point of order.

Continue.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Thank you, Mr. Temporary Deputy Speaker, Sir, for saving me because the hon. Member is asking a question. If he has a question to ask, he should do so at Question time and not now when we are contributing to a Motion.

I was narrating my experience, and I want to make it very clear. I am not opposed to Members being armed. I am saying that we should consider it critically so that we can discuss insecurity. The way to eliminate insecurity in this country is not to arm Members of Parliament. The wananchi who elected us are also suffering from insecurity. In my own area, I have seen gangs of people invading people's homes, killing them, terrorising them and stealing everything. Do we say that those people should also be armed? I think they would be armed, but shall we not be giving too many arms to Kenyans if we arm everybody? Arming Members of Parliament only will be neglecting other people, whom we are supposed to support. In that privilege we might forget that there is insecurity. In any case, having a firearm is not the best way to secure yourself.

Consider that if you get a Government bodyguard, whom I have never had anyway, you are also supposed to house him and give him food. If [**The Assistant Minister for Education, Science and Technology**] you get a Government driver, you also have to do all those things. These are matters we must consider because we can do certain things on our own, without asking the Government to do them for us.

Finally, let this House consider the Parliamentary Service Commission before bringing Motions that pertain to the welfare of Members of Parliament. Let the matters be discussed there. If they are matters that deserve consideration, that Commission will take care of them.

Thank you very much.

Eng. Toro: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support the Motion. The importance of this Motion should not be underrated by hon. Members because what we have experienced in matters of security is an open secret. I was the first person to be invaded by thugs when we were elected, on 11th January, 1998, and I know how traumatic it can be when you cannot defend yourself. The hon. Members should consider, first and foremost, that because there is insecurity and the Government is not willing to protect Members of Parliament, they will be forced to acquire illegal arms to protect themselves. Instead of Members of Parliament breaking the law because their lives are in danger, they should be allowed to acquire firearms if they want to do so. Those of us who do not want firearms can stay without them; there is no problem.

Let the Government agree that Members of Parliament are important people. For each Member of Parliament who loses his life, the Government goes through a very expensive by-election to replace the Members of Parliament. The two Members of Parliament who are now overseas for treatment are lucky that they are not dead. If they had died, we would be arranging for a by-election, again which is very expensive. The issue of bodyguards and drivers should have been a foregone conclusion for Members of Parliament. It is neither here nor there that the Government should provide drivers and bodyguards for Members of Parliament. They are important people who play a very big role in the country. A Member of Parliament gets very tired driving himself around the constituency all the time. Sometimes he drives until the late hours of the night, and he may be travelling alone. If you met some ordinary thugs with *rungus* and *pangas*, they can kill you. If you had an armed bodyguard provided by the Government, maybe, some of these small thuggeries can be avoided.

The issue of diplomatic passports is one that does not have to be opposed. I have been a holder of a diplomatic passport for five years, and now I hold an ordinary passport. There are some merits of having a diplomatic passport. The Government should make open the issue of diplomatic passports to Members of Parliament. Those who

want to get them should be given and those who want to retain their ordinary passports should have the option to do so. The importance of a diplomatic passport should not be underrated. There are some countries where, when you have a diplomatic passport, it is of great importance to you.

I support the Motion, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): It is now time for the official Government respondent.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I stand to oppose this Motion. Broadly speaking, the Motion before the House addresses two fundamental issues; the issue of security of hon. Members and the issuance of diplomatic passports to them. The fact that this is not the first time that this Motion has come before this House underscores the significance with which hon. Members attach to this Motion. Nevertheless, I would like to address the pertinent and practical aspects relating to both proposals. It is true that generally, the country has over the last few years experienced rising cases of insecurity. The insecurity affects all Kenyans equally. Therefore, all Kenyans, regardless of their social status, are yearning for improved security. In this regard, the Government is taking a serious approach in trying to solve the insecurity problem in this country.

Mr. Temporary Deputy Speaker, Sir, all Kenya citizens should be treated equally and nobody should be given preferential treatment. The security problems---

Dr. Wanjala: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to continue misleading the House and yet he has a bodyguard who opens a car for him?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, if you allow me to continue, we may reach a point of agreement. As I said, all Kenyans need to be protected. It is very important that the Government looks into all possible ways of solving this problem. Even if the Government provided bodyguards, drivers and firearms to hon. Members, that will not be a solution to the security problem in this country. Therefore, having a firearm does not necessarily mean that you will always be able to protect yourself.

In the recent past, two hon. Members were involved in an ugly incident. One of them had a firearm and he was not able to use it. If you take cases throughout this country, many people who had firearms, were never able to use them when they [**The Minister of State, Office of the President**] were attacked. There are many and maybe only one of out 100 has ever used that firearm. I know it is an issue which we all feel very emotional about because it is on our own security. But having a firearm is a false security.

An hon. Member: But you have one!

The Minister of State, Office of the President (Maj. Madoka): I have never owned a firearm and I do not think I will ever want to keep one.

If we were provided with bodyguards and we want to look into the financial aspect of it--- If we provided a bodyguard and a driver for each hon. Member, maybe they would think of having two bodyguards and two drivers. I will reason out and say if you have---

Dr. Ali: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister is misleading the House because all Ministers have bodyguards and drivers employed by the Government. They also have their guns. Why is he misleading the House? Is he in order to do that?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I do not think that is correct because no provision was made for hon. Members to have bodyguards and drivers. Therefore, we cannot say that there are bodyguards and drivers readily available for hon. Members. So, we would have to recruit additional personnel if we were to provide hon. Members with bodyguards and drivers.

If I may continue, I was saying that one would need two bodyguards and two drivers. This is because you cannot use one bodyguard---

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House that hon. Members need two bodyguards and two drivers, when the Motion says clearly that every hon. Member should be provided with a bodyguard and a driver?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I am trying to reason out and if hon. Members will give me a hearing--- I am saying, if you are going to have one bodyguard throughout, he might become a liability because he would need a break. Equally, a driver will also need a break. When you have drivers and bodyguards, you will also have to make a provision for their allowances. So, we may want to look into it very simply that, maybe, a bodyguard's salary will be Kshs5,000, but there are many other costs. So, we are seeing it as a very expensive exercise. At this particular moment, we feel that we would be sending wrong signals to Kenyans when hon. Members seek to have---

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister is telling this House that this will be a very expensive exercise for the Government to undertake, yet we know it will cost Kshs25 million only per year. Is that what he refers to as an expensive exercise?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I do not agree with the figure given by hon. Member. It will cost a lot more, if you think of the actual costs.

As I said, I know we are all very concerned. If all things were equal--- One of the hon. Members said that when he tours some parts of his constituency, he is forced to spend a night there because of insecurity. As I said, all things being equal, if you were properly elected, you should not have to worry about your security because it will not be at risk---

Mr. Ndilinge: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to mislead this House by saying that hon. Members who have bodyguards were "unpopularly" elected to this House?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I said, if all things were equal. I know there are some areas in your constituency where you feel insecure because you did not get votes and you feel your life could be at risk, but---

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. We know that nobody gets as much security in this country as the President. Is the Minister in order to mislead the House on the basis of firearms being a liability and a point of attraction for thieves, while Ministers themselves, Permanent Secretaries, and managing directors of State corporations have them? Is he in order to mislead the House?

The Temporary Deputy Speaker (Mr. Imanyara): Order! Dr. Ochuodho, if you want to make a contribution, please, do so; but do not do so under the guise of a point of order. Continue, Mr. Minister.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I know that the Government has the obligation to provide security to any Kenya citizen, if there is evidence that his life is threatened in any way. That includes hon. Members.

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House that every hon. Member who wants security would be provided with a gun? I know hon. Ndilinge wanted it and he was denied.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I said, if there is a genuine case, the Government will always consider providing a firearm. I think when hon. Members say that they need special protection or there has arisen an incident that hon. Members have experienced--- There are very few of them. There is no evidence to show that hon. Members have specifically been targeted.

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

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Ochuodho, please, sit down. I did not recognise you. I asked Mr. Maore what was his point of order. Are you Mr. Maore?

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Minister in order to mislead this House and the nation at large over the question of insecurity, when he knows very well that 40 per cent of the land surface of this country, from Tana River District to most parts of North-Eastern Province, are inaccessible because of insecurity?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I think I did admit that there is increased insecurity. All I was trying to say is that---

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, the Minister says that when---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Dr. Ochuodho! You do not labour in order to seek a point of order. The fact that you have stood up does not guarantee you to start speaking. However, what is your point of order?

Dr. Ochuodho: Thank you very much, Mr. Temporary Deputy Speaker, Sir. The Minister said that when there is a genuine reason, a Member cannot be denied a firearm. Could he tell the House why hon. Ndilinge and hon. N. Nyagah were denied licences for their firearms?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I think the reason why they were denied was in accordance with Cap 114 of the Constitution which provides for how a Member can have his or her firearm licence withdrawn.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, could the Minister perhaps also explain why in August 1990 my gun which I had held since 1974 was withdrawn merely because I had called for multiparty system in this country? What crime had I committed?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I suggest that hon. Muite brings that as a Question to the House and I will answer it appropriately. This is not Question Time!

Mr. Muiruri: Mr. Temporary Deputy Speaker, Sir, is the Minister in order to mislead this House when the fact remains that I got a firearm certificate in 1975 and in 1993 the officer in charge of Gigiri Police Station came to my house, took away my gun and the firearm certificate? There was no explanation whatsoever. The explanation was

that it was a directive, simply because I was in the Opposition.

(Applause)

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I would like to say that if there are specific cases, I would have to look at them to know why licences were withdrawn, but I am not in a position to comment on them now.

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, could the Minister tell the House why the gun belonging to hon. Nyanja was withdrawn in 1992 and he got it back in 1998 when he supported KANU?

(Applause)

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

(Messrs Muite and Mwenje remained on their feet)

Order, Messrs Mwenje and Muite! Mr. Gatabaki, you know that this is not Question Time. It is quite obvious that you do not want to allow the Minister his right to respond to the Motion and yet each Member had five minutes to express his or her own views and vote. So, could you allow him to utilise his five minutes in order to complete his contribution?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, as I was saying, there is no evidence to show that the---

(A number of hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Imanyara): Order! The Minister has a few minutes to respond to the Motion. Please, allow him to finish. Proceed, Maj. Madoka.

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

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! Order, Mr. Mwenje! Please sit down.

Hon. Members: Put the Question!

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! I will put the Question when its time comes.

(A number of hon. Members remained on their feet)

Order, hon. Members! The rules of the House are clear. Mr. Wambua has not even spoken. He just moved the Motion. Order! Proceed, Maj. Madoka.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I wish hon. Members will be reasonable and---

An hon. Member: Mr. Temporary Deputy Speaker, Sir, according to the Standing Orders, you cannot overrule a point of order!

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): He can disallow! Overrule!

Mr. Munyao: On a point of order, Mr. Temporary Deputy Speaker, Sir. My point of order is totally different from the ones being raised by other Members. I know that the Chair did not see, but I have noticed that twice when you were on your feet, the Vice-President was also on his feet. Could you repeat your directive that when you are on your feet nobody should also be on his or her feet?

The Temporary Deputy Speaker (Mr. Imanyara): Order! I am sure the Leader of Government Business has heard that. Maj. Madoka, have you finished?

(A number of hon. Members stood up in their places)

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

Proceed, Prof. Saitoti.

The Vice-President (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I think I will say what is in the interest of both sides of the House. I would wish to seek your own indulgence that we adjourn for about five minutes for consultation.

Hon. Members: No! No!

The Vice-President (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I think you had better put the Question after the consultation because that is the way of getting a solution.

Hon. Members: No! No!

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, Prof. Saitoti! Maj. Madoka, if you have finished with your contribution, could you signify?

The Minister for State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I have not finished with my contribution and, in fact, the Members have not allowed me to make it.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Hon. Members, please allow Maj. Madoka to make his contribution.

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Speaker, Sir, since the Members are not allowing the Minister to respond to the Motion, surely, is it not in order for us to have a bit of time to think about it and come up with a solution?

Hon. Members: No! No!

The Temporary Deputy Speaker (Mr. Imanyara): Order! If no one on the Government side is prepared to contribute to the Motion, I will give the opportunity to Mr. Wambua to reply to the Motion.

(Loud consultations)

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): Mr. Temporary Deputy Speaker, Sir---(inaudible)

An hon. Member: Clear your name first!

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): Mr. Temporary Deputy Speaker, Sir, I am as clean as cleanliness.

Hon. Members: No! No!

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): Mr. Temporary Deputy Speaker, Sir, when the time comes, I will show those who are pointing fingers and trying to throw mud around how they were before.

Hon. Members: Sit down!

The Temporary Deputy Speaker (Mr. Imanyara): Order!

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Dr. Godana! I am on my feet. However, what is your point of order?

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I stood up on a point of order before the red light came on.

An hon. Member: Clear your name first!

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): I think for the record of this House, it is proper that the Minister within whose portfolio the Motion---

Hon. Members: No!

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): Order!

(Laughter)

The Temporary Deputy Speaker (Mr. Imanyara): Order! I am calling upon Mr. Wambua to reply to the Motion.

(Applause)

(Maj. Madoka stood up in his place)

The Temporary Deputy Speaker (Mr. Imanyara): Order, Maj. Madoka! Your time has run out. Hon. Members, we are in serious business of the House. There is a Motion before the House and it is time for Mr. Wambua to reply.

Mr. Wambua: Mr. Temporary Deputy Speaker, Sir, because it is a---

(Several hon. Members stood up)

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order!

Hon. Members: Throw them out!

The Temporary Deputy Speaker (Mr. Imanyara): Order! It is quite obvious that there are some hon. Members who are deliberately intending to cause---

Hon. Members: Chaos!

The Temporary Deputy Speaker (Mr. Imanyara): Order! I will not use that word. There are hon. Members who are inviting the Chair to take very stern action to maintain the dignity of the House. Mr. Wambua, this is your opportunity.

Mr. Wambua: Mr. Temporary Deputy Speaker, Sir, in view of the fact that---

The Minister for Agriculture (Mr. Obure): On a point of order, Mr. Temporary Deputy Speaker, Sir. I have no intention of causing any disorder, but the Leader of Government Business put a proposal to the Chair which has not been disposed of?

The Temporary Deputy Speaker (Mr. Imanyara): Order! Hon. Members, could we please give hon. Wambua his right to be heard?

Mr. Wambua: Mr. Temporary Deputy Speaker, Sir, I would like to thank all hon. Members of Parliament for their contribution and their support for this Motion.

In view of the fact that it is in the interest of the House to have it disposed of, I beg to move.

The Minister of State, Office of the President (Maj. Madoka): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Hon. Members: Sit down! Put the question!

The Temporary Deputy Speaker (Mr. Imanyara): Order! You will not tell me how to conduct the proceedings. What is your point of order, Maj. Madoka?

The Minister of State, Office of the President (Maj. Madoka): You have just ordered the House to give Mr. Wambua the right to reply, I think I should also be given the right to respond. I did not complete my contribution because hon. Members did not give me the chance.

The Temporary Deputy Speaker (Mr. Imanyara): Maj. Madoka, I called upon you to respond at exactly 11.10 a.m. and you had until 11.30 a.m. to do so.

Proceed, Mr. Wambua!

Mr. Wambua: Mr. Temporary Deputy Speaker, Sir, I have already moved the Motion.

(Question put and agreed to)

The Temporary Deputy Speaker (Mr. Imanyara): Next Motion, Mr. N. N. Nyagah.

EXPANSION OF ROLE OF DISTRICT
HEALTH MANAGEMENT BOARDS

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion.

THAT, considering the important role played by health institutions in the country; being aware of the problems faced by these institutions as concerns supply of drugs and other related medical equipment, and being further aware that districts are the administrative focus of Government since the inception of the District Focus for Rural Development in the early 1980s, this House resolves that;

(i) the role and responsibility of district health management boards be extended in order to empower them to control and oversee all health services in the public sector;

(ii) names of those to serve in the district health management boards be submitted by the various district development committees to the Minister for formal appointments; and

(iii) district health management boards be directly involved in decision making regarding funds available from the district's Ministry of Health vote.

Mr. Temporary Deputy Speaker, Sir, I would like to inform this House, that this Motion was first taken to the Clerk of the National Assembly at the beginning of 1998. Subsequent to that, I am also glad to note that the Government has taken certain action, and therefore, this Motion may appear to be superfluous. However, it is important to note, that since the Government in its own framework, as to how the Minister for Health is going to advance, there is need for hon. Members to pinpoint some of the weaknesses that have been noted in the framework, and also for hon. Members of Parliament to be able to help the Ministry come up with the implementation strategies.

The Minister for Medical Services (Dr. Anangwe): On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not wish to interrupt hon. Nyagah, but you have heard him admit that he submitted this Motion in 1998 and since then many things have taken place; we have gone ahead to implement the essence of this particular Motion, so it has been overtaken by events.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Anangwe, you have all the time to state that after the Question is proposed. Proceed, Mr. Nyagah!

The Minister for Medical Services (Dr. Anangwe): On a point of order, Mr. Temporary Deputy Speaker, Sir. What I am simply saying is that, if he has already stated that it is superfluous, why should we proceed with it?

The Temporary Deputy Speaker (Mr. Imanyara): Order, Dr. Anangwe! You must state that in accordance with the rules. It is not even debate time. He is only proposing.

Proceed, Mr. Nyagah!

Mr. N. Nyagah: The point that I am making, must be made very clearly. The Government, through the Ministry of Health, has come up with strategic plan which tends to incorporate part of what I requested in 1998. However, we need to be assured by this Government that the implementation, which is the worst part of it, by Departments and other arms of Government, is what we should talk about. I would appreciate if the Minister would just allow me a bit of indulgence and listen to some of the proposals that I would like to make.

Mr. Temporary Deputy Speaker, Sir, we know for a fact that the increased population and subsequent demand for health care services in Kenya have outstripped the Government ability to provide them. We also know that this has even been compounded further by the outbreaks of diseases like the highland malaria and the HIV/AIDS pandemic. If you go to any public health institution today, in excess of 50 per cent of its bed capacity is occupied by this category of patients. Therefore, there is need for the Government to come up with radical changes in the direction of its policy. This is what we want to suggest.

First, it is a fact that the funding of the health sector in Kenya is mainly dependent on donor funding, to the tune of 90 per cent. These donors include institutions like the Japanese International Co-operation Agency (JICA), the Swedish International Development Agency (SIDA), the European Union (EU) and the Danish International Development Agency (DANIDA). It is also a fact that 40 per cent of our health services is rendered by NGOs, mission hospitals and others. So, the Government has its own bit of 60 per cent, in which we want to improve on the district health management boards and the Kenya's Health Framework Policy. I am told that there is a newer framework policy than the one that I have which is dated November, 1994.

I was very disappointed a couple of weeks ago, when the Government, through the Ministry of Health, held a workshop in Mombasa on the way forward in the strategic planning of health without involving the membership of this Parliament through its Departmental Committee on Health, Housing and Social Services. This was despite the fact that we had agreed with the Permanent Secretary and the entire team that this Departmental Committee of the House would participate. Therefore, the element of cost-sharing, came into being as a result of what I have said. The question of district health management boards, which were created to superintend the management of hospitals, health centres and dispensaries, with the intention of improving the services, has certain teething problems. The initial intention by the Government was just for them to manage the cost-sharing element in Government hospitals, which was 75 per cent of the health sector funding. I am reliably informed by the Minister that the Government has gone further and made sure that in the framework paper, the district health management board will cater for the entire district. I have been requesting that instead of these boards managing just the cost-sharing amounts, they should manage the entire allocation that the Government, through Parliament, allocates to the districts.

Mr. Temporary Deputy Speaker, Sir, one must ask himself why these boards were created in the first place. They were created for the sole purpose of being accountable to hospital organisations, to represent the organisation owners; namely, the stakeholders and to make sure that decisions are made to maintain and improve the hospitals for their survival and continuity. They were also created to act as a substitute for centralisation of management and also, as a way of focusing on institutional responsibilities.

I cannot help asking myself a number of questions. Why has there not been any rapid development and improvement in as far as these boards are concerned? The problem lies in our inability to strengthen the boards'

management and suggest the way forward. We must be prepared to invest in management training and capacity building. This is critical and this process must be an on-going programme. There is need to have planning methods, communication, budgeting and team building in order to improve hospitals performance. This in turn will be a very effective method of cost-sharing. The boards should have clear and unambiguous guidelines on their roles, functions and powers, so that they do not contravene the basic principles of autonomy. There must be need to formally organise medical staff to be more functional. This should include the development and the implementation of by-laws, rules and the regulations to improve the quality of medical care.

Mr. Temporary Deputy Speaker, Sir, I remember that when I represented Gachoka Constituency, we had a chairman of a board who was an illiterate and he was expected to chair and steer ahead this board. We must have educated people, and, in fact, we should set a minimum standard of education for people who can be considered board members. The board members must have great hospital orientation. They should be familiar with the medical staff and the key elements of hospital management, so as to improve their information and understanding of their roles and responsibilities. If we assume that these boards have been strengthened, why then do we still continue to experience shortages of supplies? The shortages of supplies and pharmaceuticals, which result from lack of hospital systems and planning, lack of funds and inability by Medical Supplies Unit (MSU) to meet the hospital needs, must be addressed. The erratic and unplanned deliveries by MSU, must be looked into.

Mr. Temporary Deputy Speaker, Sir, during Question Time, I raised this issue because in my recent visit to Mombasa with my Departmental Committee, which is ably headed by Dr. Kulundu who will be seconding my Motion in a short while, there were great complaints from the hospital administrators. They complained that they quite often get truck drivers knocking on their doors to say that they have brought supplies. These happen to be supplies that have not been asked for, supplies that are in excess of what happens to have been ordered by the MSU, and which also happens not to be needed in the various hospitals. The items furnished in "in-patient" and "out-patient kits", are inappropriate to the patients' needs. The shortages seem to affect also the morale, job satisfaction and ability of the professional staff to meet the patients' needs. My appeal to the Minister is that there will be need for MSU to be assessed and improved so that it can perform properly.

If I assume that I have identified the weaknesses, what then do I do? The boards must understand that they have no ability to perform the actual work, and that they must work in tandem with the management teams by delegating the tasks and authority to the management and the medical staff. They should not pretend that they can actually run the institutions. The management and the medical staff must be responsible and accountable to the boards in all the actions they take. Therefore, there is need to appoint trustees who have the right knowledge, the right skills, the right experience and the time to offer to the institutions. There is also the need to ensure that people who are listened to by the electorate, namely; the hon. Members of Parliament, are substantively made members of these boards.

Mr. Temporary Deputy Speaker, Sir, lastly, I would like the Minister, when replying, to tell us how much the Act on Financing and Sustainability of Projects which was commissioned by the Ministry of Health has achieved in looking at the following hospitals and assessing them: Moi Teaching Provincial Hospital, Nyanza, Coast, Rift Valley and Kakamega Provincial Hospital. He should tell us how far they have considered and accessed the needs and problems of these provincial hospitals so that they can become autonomous. We would like to see institutions develop like Kenyatta National Hospital, whose performance the Minister is very happy about. How far has this group gone into the assessment of these hospitals?

Mr. Temporary Deputy Speaker, Sir, with those words, I beg to move. I request hon. Dr. Kulundu to second my Motion.

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to second this very important Motion. Right from the start, let me repeat what the Mover of the Motion has said. That is, it would appear from the surface that, in fact, this Motion has been overtaken by events. Indeed, it has been overtaken by events. It must be on record that the Ministry of Health has put in place a policy framework that takes care of most of the recommendations that the Mover of this Motion had intended. However, I would like to appeal to the Minister for Medical Services to allow this Motion to go on for two reasons.

One, it is one thing to have a policy framework paper in place, but it is quite another to make sure that that policy framework paper is understood by leaders and particularly political leaders. I have a feeling that this particular policy framework is not known to Members of Parliament and, if indeed the Ministry of Health expects support from elected Members of Parliament, I think this is a wonderful opportunity for the Ministry to educate the hon. Members on what is contained in this policy framework.

Mr. Temporary Deputy Speaker, Sir, the second reason why I want the Minister for Medical Services to allow this Motion to go on is so that he hears directly from Members of Parliament; those that may know one or two things about the functions of these health management boards, including their concerns and experiences. It is important that

the Ministry of Medical Services be accorded the advantage of some input from Members of Parliament who have dealt with these district management boards in their respective districts.

Mr. Temporary Deputy Speaker, Sir, with those introductory remarks, may I then proceed to give some kind of historical background on these district health management boards (DHMB). Way back in 1983, the Kenya Government recognised a district as a focus for development and that is when they started the District Focus for Rural Development. In the Ministry of Health, this policy required that a district health management team (DHMT) be put in place to generally manage health affairs in the district. The composition of this DHMT comprised of the MOH, Hospital Secretary, Matron, District Public Health Officer, District Health Education Officer, District Pharmacist, District Laboratory Technologist and so forth and so on. Now, the main function at that time was for the DHMT to plan for health services in their respective districts.

Mr. Temporary Deputy Speaker, Sir, in 1989 the Government introduced this concept of cost-sharing and for quite some time it was not clear how this cost-sharing money was supposed to be used. In some cases, these DHMTs were seen to be misusing this cost-sharing money. For this reason, in 1992, the Government came up with the idea of forming District Health Management Board (DHMB) whose function was to oversee the working of the DHMT. The DHMBs were then supposed to look after the hospitals, health centres and dispensaries and to generally oversee preventive programmes that were being run by the Ministry of Health.

Mr. Temporary Deputy Speaker, Sir, things have moved quite a bit since that time. In fact, I can rightfully say from the interactions we have had with the senior officers from the Ministry of Health, it would appear that indeed this concept of DHMB has taken root in most districts, if not all, and it seems to be working very well. There are areas of concern that the Ministry of Health should take note of. The first area of concern is in the composition of the Board. It would appear from what we have been told in our Departmental Committee that these boards are dominated by political appointees. These are people I would call "political dinosaurs". These are people who have outlived their usefulness in their political lives and are now being given this very huge and enormous task of planning for medical services at district level. There is hardly any technical expertise present in this DHMB apart from the MOH, and that is something that the Minister may wish to look into. If, indeed, we are talking about managing health affairs in the whole district then this third point is also very important. That is, the geographical spread of membership of these boards must be taken into consideration. We have administrative divisions in this country which must all be represented in the DHMB. If, for example, Kakamega District has got ten divisions, it is only right that all divisions be represented in the DHMB.

Mr. Temporary Deputy Speaker, Sir, one other omission in the current workings of the DHMB is the absence or non-participation of political leaders, especially current Members of Parliament. Members of Parliament are important opinion leaders in their respective districts and a board of this nature cannot be seen to be effective unless current Members of Parliament are allowed to serve on it.

Mr. Temporary Deputy Speaker, Sir, we note that there is a tendency in the Ministry of Health Headquarters, to generally disregard or ignore plans and suggestions submitted by various district health management boards across the country. That is a disincentive to the working of the boards. If the budgeting process does not include proposals from the grassroots, most board members cease to see the need for them to serve in the boards.

Mr. Temporary Deputy Speaker, Sir, another point has been raised by the Mover of the Motion. Initially, the district health management boards were concerned mostly with the cost-sharing money. It is important that, for the boards to manage the health facilities in the districts effectively, they should be in control of all the money that is voted for health purposes in the districts. There are a lot of other areas of concern, but let me conclude by saying this is---

QUORUM

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is there a quorum in the House?

The Temporary Deputy Speaker (Mr. Imanyara): No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! We now have a quorum. Continue, Dr. Kulundu.

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, I wish to move very fast and conclude my contribution before we run into the problems of lack of quorum again.

Mr. Temporary Deputy Speaker, Sir, I was saying that we should come up with recommendations for the proper functioning of these district health management boards. The Ministry of Health should borrow a leaf from the Ministry of Roads and Public Works. Not too long ago, the Ministry of Roads and Public Works established a Roads

Authority Board, which among other things, is geared towards ensuring equitable distribution of financial resources countrywide. For the proper functioning of these district health management boards, the Ministry of Health should think of establishing a national health board which will be concerned with the equitable distribution of resources.

With those remarks, I beg to second.

(Question proposed)

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, of course, delivery of health services to the people of any country is an important matter that any Government can undertake. In fact, when you look at our Budget, after the Ministry of Education and the Office of the President, the money allocated to the Ministry of Health ranks third. So, we do spend a lot of money from the taxpayers to look after the health of our people. The challenge here is to ensure that in the midst of meagre resources that we have as a nation - and it is a very high percentage of the total revenue collected in this country - are actually spent efficiently without any pilfering. By so doing, our people will benefit from good health services. So, this is a timely Motion and it will go in some way towards ensuring efficient utilisation of the meagre resources which constitute a very high percentage of the money that this country spends on health services.

I would like to say that we need to reconsider how we can create the institutional structures that would make it possible for these district boards to operate effectively. What I have in mind is that this country, in the style of management of our public affairs, is far too much from the top to the bottom. That does not always lead to efficiency. We need to decentralise this highly centralised style of management from the top, through the different layers to the bottom. We need to rethink that as a strategy and come up with a re-arranged situation where the responsibility of management will actually be with the people at the grassroots, so that the management will be from the grassroots to the top. The top should merely be regulatory while the people themselves assume responsibility of the management of their own affairs.

Mr. Temporary Deputy Speaker, Sir, these boards will be operating in highly centralised management with the Ministry of Health, the Minister and the Chief Executive. What I would like to see and what I am proposing is that, we need to link up the proposed boards with a restructured system of local authorities. It is a restructured system of Local Government that is going to decentralise power and place responsibility where it ought to be, namely, at the grassroots. For example, the people at the sub-location should be able to elect their own council. Instead of a sub-chief being in charge of a local authority, why can there not be an elected council looking after the sub-location? Why can there not be an elected council looking after the location? Why can there not be an elected council looking after each constituency before we go to the districts? Of course, if we are going to re-arrange the Local Government in that manner, then there is need to look into the districts. We need to re-arrange our districts in a more equitable manner. It should not be right for districts to be created on political considerations. We need to look at the arrangement of the local authorities in order to decentralise the management of public affairs, including economic destiny, health and so forth, so that we could truly place responsibility in the hands of the people.

From the colonial times, our people have been used to looking up to the top for their problems to be solved by their leaders, instead of really making them responsible at the grassroots for their own destinies and the management of their own public affairs. When some of us are talking about a new constitutional order, what we have in mind is a people-driven Constitution. When we have a new Constitution in place which will be the result of a people-driven constitutional reform process, restructuring of the local authorities is going to be central to this new constitutional order, so that the people can, truly, assume responsibility for their own destiny. District health boards like these ones can be able to report to the local authority rather than reporting to the Ministry of Education Headquarters, the Ministry of Health and so on. The people of Kenya can actually be able to manage their affairs. A very good contrast is when you examine how Kenyans themselves are able to manage the different religious denominations. You do not find the Government interfering whatsoever in the management of the different denominations. How is it that Kenyans from the grassroots are able to manage a church organisation?

From the local level, they would actually construct a church. If you travel around the whole country, you cannot travel more than a kilometre without seeing a church of one denomination or the other. It is the people themselves who constructed those churches and they are running them. They are also collecting money to pay for church ministers and their bishops and so on. It is very illustrative that, if the people are given a chance, they can manage their agriculture, health services and the economy. We just need to create the environment. We need to restructure, so that people can stop looking up to their leaders for everything else and yet, they are able to run the churches. Of course, one gets surprised that the elected Members of Parliament and councillors, wherever you are, the people actually expect you to give them money and yet, in the old days, it is the people who were giving politicians money.

In the 1960s, when people were fighting for Independence, it is the people who were giving politicians

money. They were managing their own affairs. Today, the people do not expect their church ministers or bishops to give them money. They are the ones who contribute. They manage and pay the salaries of those ministers. We can get back to that level of management of public affairs, namely; that the people themselves assume responsibility for their own destinies. If we set aside a budget, for example, for each constituency when there is an elected council running that constituency, the DC, DO and the chief are not elected. These should be representatives of the Central Government, but the authority for decisions should be in the elected leaders. There should be an elected council from the sub-location to the location and to the constituency. These are the councils that should then be charged with the duty of managing public affairs, including the economy and health services in their area of jurisdiction. If we were to do things in this manner, we would then come to the situation where we decentralise the economy and power. That way, we will empower the people to manage their own affairs.

Let each constituency, for example, with its own elected council, be given its own money to look after the roads, schools and dispensaries in that constituency.

In this way, the people will know how much money they are raising from their particular area. We want a more equitable system of allocation of resources for health, roads and everything else. We should agree on a formula by which a certain amount of money raised in a particular district will be taken to the Central Government for the management of its affairs. We want to agree on the percentage that will be returned to that particular district, to be administered by the elected authorities in running their health services, roads and schools. If we were to restructure matters this way, we would then be able to actually bring home very close to the grassroots, the necessity of eradication of corruption. When the grassroots elect people their representatives at the constituency level, they will have known about the economic situation of those people. They will not allow somebody who did not have anything to suddenly start having vehicles, buildings and other property; they will vote them out.

With those remarks, I beg to support.

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion because the delivery of health services in this country is very poor. There is need to restructure all health institutions in this country. I say so because the only health institutions that are recognised countrywide are those which are at the provincial level. Talking of my own Changamwe Constituency, Port Reitz Hospital is regarded as a district hospital, yet it has no facilities at all; it lacks even the essential basic equipment that a district hospital is supposed to have; there is not even an ambulance.

Today, because of the existence of the cost-sharing programme at health institutions, many Kenyans are dying. Kenyans are dying because they have been overwhelmed by poverty, lack of employment and lack of sources of income. Because most Kenyans do not have sources of income, they cannot afford to pay part of the medical expenses they are supposed to meet under the cost-sharing programme. It is my view that the Ministry of Health considers doing away with the cost-sharing programme. If this programme is shelved, many Kenyans will get adequate medical services. Whoever introduced the cost-sharing programme in public health institutions did not do justice to Kenyans.

In urban areas, Municipalities and the Central Government have health institutions, each of which has its own administration. Time has now come for allowing health institutions to be run by one body, rather than having some of them being run by local authorities. Some local authorities in this country do not have the capacity to effectively run health institutions.

Just a few months ago, in my own Constituency, Chaani Health Centre was operational and with no reasons known to anybody, the services were suspended. Later on, the land for this institution was subdivided into five plots, which were to be allocated to individual people. I had to run up and down to ensure that the allocation did not take place. Up-to-now, Chaani Health Centre is closed down and I would like to call upon the Minister to look into this issue and ensure that the health centre is operational.

Mr. Temporary Deputy Speaker, Sir, if you go to any health institution, you will find that *wananchi* have no upper hand. Whatever you are told by the hospital management is final. For example, if you go to Coast General Hospital today, you will find patients not being attended to. You will see people being attended to discriminatively. I think there is need for the Minister for Health to restructure the health sector in this country. I do support that in every constituency, if there are health institutions, there must be boards which will be presided over by the local people and technical officers from the Ministry of Health.

I would like to say that in some areas, health institutions exist as offices. The officers there work from 8.00 a.m. to 12.00 noon, break for lunch and resume at 2.00 p.m. to 5.00 p.m. With the rate of population growth in this country, there is need for health institutions in this country to be open 24 hours a day. I am saying this because somebody can fall sick at any time. So, these health institutions should be open 24 hours a day. It is because of mismanagement in these health institutions that they are not properly run.

Mr. Temporary Deputy Speaker, Sir, with these few remarks, I beg to support the Motion.

ADJOURNMENT

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

The House rose at 12.30 p.m.