

## NATIONAL ASSEMBLY

### OFFICIAL REPORT

Wednesday, 8th August, 2001

The House met at 9.00 a.m.

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

PRAYERS

### ORAL ANSWERS TO QUESTIONS

*Question No.404*

#### POLICE OFFICERS FOR BANDIT-PRONE AREAS

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

- (a) whether he is aware that Mathima, Ndakani and Sinusi locations are bandit-prone areas;
- (b) whether he is further aware that the three locational chiefs for the said areas have no Administration Police (AP) officers attached to them; and,
- (c) when he will post AP officers to the said locations to stem banditry and boost security in the areas.

**The Temporary Deputy Speaker** (Mr. Musila): Office of the President! Mr. Haji, do you have an answer to that Question asked by Mr. Kiminza?

**The Assistant Minister, Office of the President** (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, I have no answer to that Question.

**The Temporary Deputy Speaker** (Mr. Musila): Order! Mr. Haji just came in and probably did not even know that a Question had been asked. If he is not ready to answer the Question, I will move on to the next Question and I will come back later to this Question.

**Mr. Sifuna:** Mr. Temporary Deputy Speaker, Sir, Mr. Wamunyinyi told me he would be late and requested me to ask this Question on his behalf.

*Question No.548*

#### PAYMENTS TO CANE FARMERS

**Mr. Sifuna**, on behalf of **Mr. Wamunyinyi**, asked the Minister for Agriculture:-

- (a) whether he is aware that in spite of the numerous assurances by both the Ministry and the management of the Nzoia Sugar Company, that cane farmers contracted by the Company would be paid all outstanding arrears for cane harvested and delivered to the factory, an amount of about Kshs600 million remains unpaid; and,
- (b) why these assurances have not been fulfilled and what the Ministry is doing to ensure that the said arrears are cleared.

**The Assistant Minister for Agriculture and Rural Development** (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that as at 30th June, 2001, Nzoia Sugar Company owed farmers Kshs553 million in cane payment arrears and Kshs65 million in retention.

(b) Nzoia Sugar Company is faced with serious financial problems. Under a short-term financing plan in the Technical Management Agreement signed between Nzoia Sugar Company and M/s Schaffer and Associates, which is a management contract contractor, the Company had promised to assist Nzoia Sugar Company in sourcing for up to Kshs600 million. However, no financial institution has shown any interest in lending any monies to the Company. In the meantime, Nzoia Sugar Company has been paying farmers some of the arrears from the sugar proceeds when the

cashflow allows as evidenced by the following figures: In 1999 and the year 2000, Kshs441,498,580.60 and Kshs310,551,289.90 was paid to the farmers respectively. During the first half of the year 2001, up to 31st July, Kshs131,359,503.65 was paid to the farmers.

In the absence of external financing institutions to bail Nzoia Sugar Company out, its management has decided to undertake a restructuring proposal with a view to approaching the Government to write off part of its debts and convert Government guaranteed loans into equity. This proposal is yet to reach the Government.

**Mr. Sifuna:** Mr. Temporary Deputy Speaker, Sir, I am surprised by the answer given by the Assistant Minister. As we speak, farmers who delivered their cane in 1999 have not been paid. The amounts of money the Assistant Minister has read out were paid to farmers over ten years ago. From 1999 to date, farmers who delivered their cane to Nzoia Sugar Company have not been paid their money. This resulted in farmers leading very difficult lives.

In 1999, the Public Investments Committee (PIC) recommended to the Government to restructure Nzoia Sugar Company and write off its loans. What step will the Assistant Minister take to ensure that the Government will restructure Nzoia Sugar Company? The Government should write off the loans the company has so that it can be viable.

**Mr. Sumbeiywo:** Mr. Temporary Deputy Speaker, Sir, the first part of the hon. Member's question is not true. As I have already indicated, in 1999, the year 2000 and during the first half of the year 2001, farmers were paid some money. The figures I have given are correct. I have checked and confirmed that farmers were paid that much although it was little. I agree with the hon. Questioner that farmers are suffering, but in the absence of any financial institution to bail out this sugar company, it is very difficult for the Government to raise money to pay the farmers at once. The Government is restructuring the company---

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

**The Temporary Deputy Speaker** (Mr. Musila): Order! Give the Assistant Minister a chance to finish answering the question!

**Mr. Sambu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. There is a contradiction here.

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Sambu! I will give you a chance to ask your question and point out the contradiction.

**Mr. Sumbeiywo:** Mr. Temporary Deputy Speaker, Sir, it is true that the Public Relations Department of Nzoia Sugar Company asked the Government to help in restructuring the Company. The Company's management was told to write a proposal, which is yet to be received by the Government.

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell the House why FC Schaffer and Associates has not fulfilled its agreement with the Government; that it would find an external financier? That is what induced the Government to enter into an agreement with FC Schaffer and Associates; a one-man body in the United States of America. This Government was conned!

**Mr. Sumbeiywo:** Mr. Temporary Deputy Speaker, Sir, under the short-term financing plan in the Technical Management Agreement, signed between Nzoia Sugar Company and FC Schaffer and Associates and Associates Management Contractors, the latter agreed to assist Nzoia Sugar Company in sourcing for up to Kshs600 million of working capital finance to support operations. However, due to Nzoia Sugar Company's poor financial state, it has been impossible to convince this company to finance the institution or lend the money to the company. Under the Central Bank Prudential Extension of Credit Guidelines, Nzoia Sugar Company Limited does not qualify for a debt facility as its capacity base is currently a negative position of Kshs4.55 billion. Therefore, the financial restructuring of the company was necessary. When the FC Schaffer and Associates team arrived in January 1999, the delay in payments was 36 months, while in June 2000, the delay was brought down to 14 months. Unfortunately, the non-availability of sugarcane reduced the cashflow, and in June 2001, the delay went back to 24 months. The policy of the company is to pay at least two months of arrears. According to the planting programme, and if the sales of the sugar are regular, by November 2002, the delay would have been brought down by about 12 months and the payments will be up to date in 2003.

**Mr. Temporary Deputy Speaker** (Mr. Musila) Since Mr. Wamunyinyi has come, I would like him to ask the last question. We have already spent 15 minutes on that Question.

**Mr. Sifuna:** Mr. Temporary Deputy Speaker, Sir, it is hardly five minutes.

**Mr. Wamunyinyi:** Mr. Temporary Deputy Speaker, Sir, I am sorry for coming late.

**Mr. Temporary Deputy Speaker** (Mr. Musila): You have been ably represented. Proceed!

**Mr. Wamunyinyi:** Mr. Temporary Deputy Speaker, Sir, this Question has been before the House previously, and one Minister of Government said that a Paper had already been presented before Cabinet in relation to the restructuring of Nzoia Sugar Company. You realise various other State Corporations have been restructured. For

example, the Government pumped millions of shillings into the Kenya Co-operative Creameries.

**Mr. Sifuna:** It was Kshs800 million!

**Mr. Wamunyinyi:** Mr. Temporary Deputy Speaker, Sir, why does this Government not want to pump money into Nzoia Sugar Company to help cane farmers? We read a list of people sitting on the Front Bench of the Government side having "eaten" money from the National Bank of Kenya, while the State is finding sources to pump into the bank. Why does this Assistant Minister not tell the House what plans---

**The Assistant Minister for Labour and Human Resource Development (Mr. Chanzu):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to point at the Front Bench of the Government side and say that these hon. Members here have "eaten" money from the National Bank? Could he substantiate?

**Mr. Wamunyinyi:** Mr. Temporary Deputy Speaker, Sir, Ministers have been named here including Prof. Ongeru. The list was read here!

**The Temporary Deputy Speaker (Mr. Musila):** Order, Mr. Wamunyinyi! Finish your question!

**Mr. Wamunyinyi:** Mr. Temporary Deputy Speaker, Sir, even the Government restructured the Balance Sheet of Kenya Airways. Why are they dragging their feet on Nzoia Sugar Company?

**Mr. Sumbeiywo:** Mr. Temporary Deputy Speaker, Sir, I have not taken kindly to the words that have been used by Mr. Wamunyinyi that hon. Members seated on this side of the House are being paid money. He has even gone to the extent of mentioning names. If he cannot substantiate, I think it is not fair to accuse hon. Members on the Government side of having been given money.

**Mr. Sifuna:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Sumbeiywo is trying to challenge the list that was laid on the Table of this House regarding Ministers who squandered, took or stole money from the National Bank of Kenya and the Co-operative Bank yet he is now denying that fact. Is he in order to mislead this House when that list was laid on the Table?

**Mr. Sumbeiywo:** Mr. Temporary Deputy Speaker, Sir, as far as I know, nobody has ever tabled names of hon. Members regarding payment on sugar sales in this House. I have been in this House for five years, and I have never seen any names being laid on the Table of the House.

Mr. Temporary Deputy Speaker, Sir, under the Central Bank Prudential Extension of Credit Guidelines, which allow the Government to advance funds to a parastatal body or any other financial institution connected to the Government, Nzoia Sugar Company does not qualify for a debt facility as its capacity base is currently a negative position of Kshs4.55 billion.

**The Temporary Deputy Speaker (Mr. Musila):** Next Question!

*Question No.403*

BETTER HOUSING FOR TEA ESTATE WORKERS

**The Temporary Deputy Speaker (Mr. Musila):** Mr. Ndicho is not in? We shall come back to that Question later.

Next Question!

*Question No.308*

DISMISSAL OF MR. AMEMBI

**Dr. Oburu** asked the Minister for Labour:-

(a) whether he is aware that Mr. Frederick Amembi was dismissed from service by Lima Limited on 10th February, 1994 and that to date, no terminal benefits have been paid to him despite several appeals to the company; and,

(b) what urgent measures he is taking to ensure prompt payment of the said benefits.

**The Minister for Labour (Mr. Ngutu):** Mr. Temporary Deputy Speaker, Sir, may I request to be allowed to answer this Question next week because currently we do not have very important information from the High Court in Nakuru and also from Mr. Amembi's former employer. We are seeking that information to be able to answer the Question next week.

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, I would like to know exactly when this Question is going to be answered because it has taken more than seven months since I submitted it. I do not know how long it will take to get that information.

**The Temporary Deputy Speaker (Mr. Musila):** Mr. Ngutu, how long will it take?

**Mr. Ngutu:** Mr. Temporary Deputy Speaker, Sir, I think I will be able to answer the Question on Thursday

next week.

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, why do you not direct him to answer that Question on a specific date?

**The Temporary Deputy Speaker** (Mr. Musila): Thursday next week!

*(Question deferred)*

*Question No.359*

DISMISSAL OF NCPB EMPLOYEES

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Maitha is not in? We shall come back [**The Temporary Deputy Speaker**]

to that Question later.

Next Question!

*Question No.454*

ABOLITION OF VECTOR-BORNE DISEASES DIVISION

**The Assistant Minister for Health** (Dr. Galgalo): Mr. Temporary Deputy Speaker, Sir, this is the fourth time Mr. Weyrah has filed a Question with our Ministry, and he does not show up to ask it. Would I be in order to request the Chair to withdraw all subsequent Questions to our Ministry by Mr. Weyrah until he takes his work here seriously?

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

**The Temporary Deputy Speaker** (Mr. Musila): When we come to the second round, the Chair will decide what it will do to that particular Question and not other Questions.

*Question No.320*

TITLE DEEDS FOR KARIAKOR PLOTS

**Mr. Mwakiringo** asked the Minister for Lands and Settlement:-

(a) whether he is aware that Kariakor plots in Voi Town were surveyed and survey fees paid and that no title deeds have been issued to date; and,

(b) what plans the Ministry has towards the issuance of title deeds of the said plots.

**The Minister for Lands and Settlement** (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Kariakor plots in Voi Town were surveyed and no title deeds have been issued.

(b) The title deeds will be issued once the deed plans are ready. The Survey Department is working on the deed plans after which they will be passed on to the Commissioner of Lands for registration and issuance of title deeds to those who will have paid the land charges.

**Mr. Mwakiringo:** Mr. Temporary Deputy Speaker, Sir, you will realise that these people were allocated these plots 12 years ago and they paid the standing premiums as per the requirements on the letters of allotment. Why has it taken over 12 years for the Government officers to go on the ground and prepare deed plans for the issuance of title deeds?

**Mr. J. Nyagah:** Mr. Temporary Deputy Speaker, Sir, this has been as a result of a combination of problems. First, I have a shortage of surveyors.

**Mr. Sifuna:** Employ more!

**Mr. Wamunyinyi:** You have just retrenched some!

**Mr. J. Nyagah:** Mr. Temporary Deputy Speaker, Sir, the second problem is that they are required to pay standing premiums, land rent, conveyance fees and registration fees at the deed plan stage. I would like to say that several people have not paid these fees. I am not saying that all of---

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

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Wamunyinyi, I would like to caution you. When you want to ask a question, wait until you catch the Speaker's eye. You should not interrupt the Minister when he is answering a question.

**Mr. Wamunyinyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the Minister say that he has a shortage of surveyors. Is he in order to mislead the House that he has a shortage of surveyors, when he knows that his Government retrenched some surveyors?

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Wamunyinyi, I do not see anything out of order there! So, Mr. Minister, continue answering the question. There was nothing out of order!

**Mr. J. Nyagah:** Mr. Temporary Deputy Speaker, Sir, the problem is that the hon. Member of Parliament does not know the difference between those people who carry chains and real surveyors, whom I was referring to.

**Mr. Angwenyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to cast aspersions on that hon. Member of Parliament when, in fact, we know that the Ministry retrenched some surveyors? Could he tell us the number of surveyors who were retrenched?

**The Temporary Deputy Speaker (Mr. Musila):** Order! Hon. Members, I think we should be more serious. The fact that the surveyors, or whoever they are, have been retrenched is not out of order. That is not an issue. If you would like to ask a question about that, rise and catch the Speaker's eye. Please, do not just rise on a point of order because you want to ask a question. It is even more serious when you interrupt a Minister who is replying. So, Mr. Minister, could you finish your reply?

**Mr. J. Nyagah:** Mr. Temporary Deputy Speaker, Sir, I was explaining why there is a delay in concluding this matter. First, I said that we have a shortage of surveyors, and secondly, some people have not paid all the fees. Thirdly, it would appear that there is something definitely wrong because we could not conclude that exercise on time.

**Mr. Anyona:** Mr. Temporary Deputy Speaker, Sir, I would like to believe that, if there is one Minister in this Government or in this country who will solve problems of land, it is him. What will he do to ensure that he has enough surveyors in spite of the retrenchment exercise, to make sure that he completes this very serious exercise of registration of land?

**Mr. J. Nyagah:** Mr. Temporary Deputy Speaker, Sir, we have changed the law to allow private surveyors to do the bulk of the work. In fact, from last year, most of the work which was done, particularly in urban areas, was not done by Government surveyors, but by licensed surveyors. These surveyors bring documents to us and we formalise the documentation at the Ministry. So, that is how we have addressed this particular issue, because we do not have many surveyors opting to work with the Ministry because there are greener pastures out there.

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, the issuance of title deeds is centralised in the lands office. People in a small town like Voi or Nandi District, have to come to the Ministry of Lands and Settlement Headquarters here in Nairobi which is always full. What has the Minister done to decentralise the issuance of title deeds to the districts? Sometimes, somebody spends more money than it would cost to buy a plot in "chasing" for a title deed in the Ministry of Lands and Settlement Headquarters here in Nairobi. When will this Government decentralise the issuance of title deeds to the districts?

**Mr. J. Nyagah:** Mr. Temporary Deputy Speaker, Sir, there is no question about centralised systems. One other thing that we have asked the Njonjo Commission to help us in is to find out ways and means in which this can be done. The other thing that we will do is to change the Constitution and decentralise the Government. We should take Government services closer to the people so that the Commissioner and his officers will be posted closer to the people and in this way assist Kenyans. This is because we do realise that there is a big problem when all these services are centralised. In this particular case, I am willing to help the people of Voi to speed up this process because as I admitted from the beginning, we do have a problem. This exercise has taken too long to be concluded.

**Mr. Mwakiringo:** Mr. Temporary Deputy Speaker, Sir, I just want to be assured by the Minister because out of the 41 plot owners who were issued with letters of allotment, at least, 90 per cent of them have paid survey fees. I just want an assurance from the Minister that this exercise will be completed in the course of this year, because that is part of the impoverishment of the people of Voi. This is because they cannot even plan and build permanent houses on those plots.

**Mr. J. Nyagah:** Mr. Temporary Deputy Speaker, Sir, we will try our level best to complete this exercise, but if we are unable to conclude it for whatever reason, we will refund the money to the people who are involved so that they can seek services of private surveyors, if that will speed up the matter.

**The Temporary Deputy Speaker (Mr. Musila):** Mr. Kiminza's Question for the second time!

*Question No.404*

POLICE OFFICERS FOR BANDIT-PRONE AREAS

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

- (a) whether he is aware that Mathima, Ndakani and Simisi locations are bandit-prone areas,
- (b) whether he is further aware that the three locational chiefs for the said areas have no

Administration Police officers attached to them; and,

(c) when he will post Administration Police officers to the said locations to stem banditry and boost security in the areas.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, first of all, let me apologise for coming late.

I beg to reply.

(a) I am aware.

(b) There are Administration Police officers at Mutha Divisional Headquarters who police Ndakani and Mathima locations. For Simisi Location, it is covered by Administration Police from Kanziku Administration Police Camp. We also have a new police post established at Mutha, and it covers the entire administrative division.

(c) We feel that the present deployment of security officers is adequate and, in fact, the security in that area has improved tremendously over the last three years.

**Mr. Kiminza:** Mr. Temporary Deputy Speaker, Sir, I have just received a copy of the written answer. What the Minister has said here does not reflect the position on the ground. I have the benefit of the Chair knowing that area very well, and the Minister has been to Mutha-- To say that Mathima and Simisi locations can be policed from Mutha Divisional Headquarters, which is a distance of about 50 kilometres to 60 kilometres away, is not true. In my view, this answer was not well researched. Maybe, the Minister should give the true position on the ground. How do the Administration Police officers police Mathima Location from Mutha Divisional Headquarters when they do not even have bicycles? Part "b" of the Question says: "Is he further aware that the three locational chiefs have no Administration Police officers?" In his reply, he has said that there are Administration Police officers. This part of the Question has not been answered. Is the Minister aware that these locational officers have no Administration Police officers attached to them? He has not answered that part of the Question.

**The Temporary Deputy Speaker** (Mr. Musila): Leave it there so that the Minister can answer it!

**Maj. Madoka:** Mr. Temporary Deputy Speaker, Sir, it is true that these chiefs do not have Administration Police officers specifically allocated to them. We feel that those at the divisional headquarters can perform the duties adequately from the present position.

**Mr. Muchiri:** Mr. Temporary Deputy Speaker, Sir, it is not only in those locations that chiefs do not have Administration Police officers; it is something that happens countrywide. It is even happening in Nairobi. It is obvious that currently, due to the insecurity situation, the chiefs cannot operate without Administration Police officers. Could the Minister provide all chiefs with, at least, nine Administration Police officers, a corporal and a serjeant so that security can be maintained in the whole of the country?

**Maj. Madoka:** Mr. Temporary Deputy Speaker, Sir, the deployment of Administration Police officers can easily be done from the divisional headquarters. There are specific areas where we have felt that it was necessary and we have given the chiefs adequate Administration Police officers in their particular posts. So, it is not that all of them must be given Administration Police officers. It depends on the location of the divisional headquarters and the overall security situation in that area.

**Mr. Angwenyi:** Thank you, Mr. Temporary Deputy Speaker, Sir. It seems like the Minister does not have adequate APs to give to these locations. Could I suggest that the Minister removes APs from Nyatieko, Ng'enyi and Marani camps and posts them to these areas so that they can raid homes like they do in those areas?

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Minister, do you have a solution there?

**Maj. Madoka:** I do not have a solution, because I do not know the specific areas he is talking about.

**Mr. Kiminza:** Mr. Temporary Deputy Speaker, Sir, Mathima and Ndakani locations border the Tsavo East National Park and bandits come all the way from Tana River enter Kitui South through those locations. When the Minister says that there is adequate security, I am worried and I do not want to argue with him. But there is no security at all. Just a few months ago, one of my councillors was abducted by bandits and he almost lost his life. People have lost their lives. So, when the Minister says that there is security in those areas, I do not agree with him. Let me ask him for the last time and I hope he is going to be serious: What is he going to do to provide security via provision of Administration Police officers in these three locations?

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Minister, I know you did take a tour of the area and as the hon. Member says, the area is vast. Perhaps, you could see how you can assist in resolving this matter.

**Maj. Madoka:** Mr. Temporary Deputy Speaker, Sir, indeed, I did tour the area and we did establish a police post at Mutha because we realised the area was vast and we did need extra personnel. I will try to ensure that there are

more intensive patrols being done. Of late, we have not had very major security incidents.

**The Temporary Deputy Speaker** (Mr. Musila): Very well! Next Question, Mr. Ndicho!

*Question No.403*

BETTER HOUSING FOR TEA ESTATE WORKERS

Mr. Ndicho is absent! The Question is dropped.

*(Question dropped)*

Next Question, Mr. Maitha!

**Mr. Mwakiringo:** Mr. Temporary Deputy Speaker, Sir, I apologise for not asking that Question the first time it was called out. This is because I was consulting the Minister for Lands and Settlement on the other side.

*Question No.359*

DISMISSAL OF NCPB EMPLOYEES

**Mr. Mwakiringo**, on behalf of **Mr. Maitha**, asked the Minister for Labour and Human Resource Development:-

**[Mr. Mwakiringo]**

(a) whether he is aware that National Cereals and Produce Board (NCPB) unlawfully dismissed Messrs George O. Okinya and Lazaro M. Munyao, and that their terminal dues have not been paid fully to date; and,

(b) what measures he is taking to have the two employees either paid their dues fully or reinstated in their positions.

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

(a) Mr. George O. Okinya's services were terminated by the Board due to loss of confidence in his performance. Mr. Lazaro M. Munyao was initially dismissed for gross misconduct. However, on humanitarian grounds, the Board's management reduced the dismissal to normal termination. Subsequently, the terminal dues, less taxation and liabilities, were paid to the claimants as follows:-

Name	Kshs	Cheque No.	Collection Date
George O. Okinya	54,081.65	213971	21.12.2000
Lazaro Munyao	10,485.30	209514	08.08.2000

(b) In view of answer "a" above, "b" does not arise.

**Mr. Mwakiringo:** I am happy with the Assistant Minister's reply. But is he satisfied that after these two people had worked for so long with the NCPB, this kind of money was enough for their terminal benefits?

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, this was based on the terms and conditions of service under which they served. But should the Member find that there was anything lacking, he is free to advise these two gentlemen to report to the District Labour Officer in Nairobi, Industrial Area, for further consultations on the matter.

**Mr. Anyona:** Mr. Temporary Deputy Speaker, Sir, benefits are controlled by the law. I have never heard of any such condition as "humanitarian grounds." Either they were summarily dismissed in accordance with the law or they were not. How were they dismissed? Under what law were they dismissed?

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, the other alternative would have been for them to get nothing. But it is on the basis of humanitarian grounds that they were paid these benefits.

**The Temporary Deputy Speaker** (Mr. Musila): But, Mr. Assistant Minister, how did you base the calculations? Do you have any provision in the Labour Act that says on humanitarian grounds or dismissal, you pay this much? That is the question.

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, it was based on the terms and conditions of employment. But it was on *ex-gratia* basis which is determined by the management.

**Mr. Mwakiringo:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has messed up himself. But

could he tell us how much money, in terms of taxation and liabilities was deducted from each person before they arrived at these figures?

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, the information I have is that in the case of Mr. Munyao, he would have been paid a total of Kshs58,214.10. But because of the liabilities, which are itemised here, he was paid only Kshs10,485.30. But as I said, these payments were *ex-gratia*. They were based on what the management thought they would pay. That is how it was worked out. The other one got almost everything. He got Kshs54,000 but on humanitarian grounds.

**Mr. Muchiri:** Mr. Temporary Deputy Speaker, Sir, the question by Mr. Anyona is very simple. There are laws governing employment and termination of employment. Under what law were the services of these two employees terminated because under our laws, there is nothing like termination on humanitarian grounds or *ex-gratia* or loss of confidence? Could the Assistant Minister explain to the House under what law they were dismissed?

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I do not know what will happen when hon. Members become Jacks of all trades. It is very unfair. I am saying that these people should not have been paid anything!

**Mr. Anyona:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We have the right to know under what law these people were dismissed. That is what this Parliament wants to know. In any case, the Assistant Minister advises these people to go and see the Labour Officer. This means that he is also not satisfied that the law was complied with. Under what law were these people dismissed? Tell us these people were dismissed under this law, but on humanitarian grounds, the Ministry decided to pay them.

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I do not know how the hon. Member wants me to answer this Question. These officers did not deserve to be paid anything.

**An hon. Member:** Under what law?

**Mr. Chanzu:** Because under the law, they were guilty of misconduct. If those people want a further clarification, they will get it from the Labour Officer, Industrial Area. But, as far as we concerned, we are satisfied that whatever amount of money they were paid, was on humanitarian grounds.

**The Temporary Deputy Speaker** (Mr. Musila): Next Question, Mr. Weyrah!

*Question No.454*

ABOLITION OF VECTOR-BORNE DISEASES DIVISION

**The Temporary Deputy Speaker** (Mr. Musila): Is Mr. Weyrah not here?

**The Assistant Minister for Health** (Dr. Galgalo): On a point of order, Mr. Temporary Deputy Speaker, Sir. As I said earlier, Mr. Weyrah has become notorious for filing Questions with our Ministry and then failing to come here to ask them. When Questions are filed with us, we spend time to prepare good answers for them. It becomes a waste of time when hon. Members do not come here to ask their Questions. We really feel that Mr. Weyrah does not take our Ministry very seriously. Therefore, would I be in order to request the Chair to withdraw all further Questions filed to our Ministry by Mr. Weyrah?

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

**The Temporary Deputy Speaker** (Mr. Musila): Order! A point of order has been raised and I want to respond to it. The Chair has only been made aware now that Mr. Weyrah is not here to ask this Question. Whether it is true he has formed that habit, that is a matter the Clerk has to investigate. I can only deal with this Question and not others which are not on the Order Paper today. But for now, I will drop this Question.

*(Question dropped)*

**Mr. Shidiye:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I have instructions to ask this Question on behalf of Mr. Weyrah, who is attending a PAC meeting in Mombasa. Therefore, the Assistant Minister is misleading the House.

**The Assistant Minister for Health** (Dr. Galgalo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Shidiye has been here and if he had instructions to ask this Question, he would have stood up before the Chair made the ruling. He is just jumping on board in order to save the skin of his friend!

**Mr. Shidiye:** Mr. Temporary Deputy Speaker, Sir, you did not drop the Question before I came. You dropped it after I came in. I apologise for coming late.

**The Temporary Deputy Speaker** (Mr. Musila): Order! Mr. Shidiye, were you not here when I called out the Question for the first time?

**Mr. Shidiye:** Mr. Temporary Deputy Speaker, Sir, I was held up somewhere else. I sincerely apologise to



the House.

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Shidiye, you were not here?

**Mr. Shidiye:** Mr. Temporary Deputy Speaker, Sir, I was not here.

**The Temporary Deputy Speaker** (Mr. Musila): In that case then I reinstate the Question.

*(Question reinstated)*

*Question No.454*

#### ABOLITION OF VECTOR-BORNE DISEASES DIVISION

**Mr. Shidiye**, on behalf of **Mr. Weyrah**, asked the Public Minister for Health:-

(a) why the Vector-borne Diseases Division in the Ministry was abolished; and,

(b) what programmes are in place to adequately tackle the spread of vector-borne diseases in the country.

**The Assistant Minister for Health** (Dr. Galgalo): Mr. Temporary Deputy Speaker, Sir, Mr. Shidiye has clearly come in at the last minute to save his brother's skin, but my sentiments are very serious.

However, I beg to reply.

(a) The Vector-borne Diseases Division in the Ministry has not been abolished, but has been reorganised so as to enhance its service delivery.

(b) The old Vector-borne Diseases Division is now part of a larger division of Communicable and Vector-borne Diseases which is still charged with the responsibility of surveillance, control and operational research on vector-borne and parasitic diseases. The Ministry, therefore, has in place adequate mechanisms of tackling the spread of Vector-borne Diseases in the country.

**Mr. Shidiye:** Mr. Temporary Deputy Speaker, Sir, Masalani and Ijara Sub-district Hospitals are really in bad shape. The facilities to examine vector-borne diseases are not properly in place. Could the Assistant Minister assure us that laboratory equipment will be made available in the district or subdistrict hospitals?

**Dr. Galgalo:** Mr. Temporary Deputy Speaker, Sir, I request the hon. Member to give us a list of the particular equipment missing in those hospitals and we will take the necessary action.

**The Temporary Deputy Speaker** (Mr. Musila): Questions by Private Notice!

#### QUESTIONS BY PRIVATE NOTICE

##### USE OF NYAYO STADIUM AS CAR BAAZAR

**Mr. Anyona:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Heritage [Mr. Anyona] and Sports the following Question by Private Notice.

(a) Is the Minister aware that Nyayo National Stadium is being used as a bazaar for the sale of vehicles without payment of any revenue to the Exchequer?

(b) Since the organisers of these vehicle sale bazaars collect at least Kshs500 per vehicle, will the Minister ensure that some revenue is paid to the Exchequer for the use of Nyayo National Stadium and other public facilities in the country?

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports** (Mr. Osundwa): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Nyayo National Stadium is used as a car bazaar on Sundays for sale of private vehicles. However, it is not true that no money is paid to the Exchequer. The Department of Sports, under which Nyayo Stadium falls, has an agreement with the Auto-Bazaar Association who use the stadium on Sundays. Under the terms of the agreement, the Association pays Kshs20,000 per Sunday. This adds up to Kshs80,000 per month.

Since the agreement was signed in May last year, the Department has collected Kshs1.6 million as Appropriations-in-Aid.

(b) As it is the case with Nyayo Stadium, all other public facilities under the Ministry, for example, Moi International Sports Centre, Kasarani, remit money to the Exchequer when these facilities are used for private functions. The money is accounted for as spelt out in Government's Treasury regulations.

**Mr. Anyona:** Mr. Temporary Deputy Speaker, Sir, I am glad to hear that some money is being realised from the usage of these facilities. As I said, my information is that the Association charges Kshs500 per vehicle. If they are paying the Ministry Kshs20,000, through simple arithmetics, you will realise that they are only paying for 40 vehicles. But if you ever pass through Nyayo National Stadium on Sundays, the whole place is flooded with vehicles. What is

the basis of this agreement? Could you lay on the Table of this House a copy of that agreement? What factors did you consider in working out how much money you charge these people?

**Mr. Osundwa:** Mr. Temporary Deputy Speaker, Sir, the Ministry charges for space occupied by the vehicles and not per each unit. Allow me to lay a copy of the agreement on the Table of this House for the benefit of the Members.

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

**Mr. Obwocha:** Mr. Temporary Deputy Speaker, Sir, Kenya Amateur Athletic Association (KAAA) has a claim to Nyayo National Stadium. That Stadium was acquired by the KAAA. Now the Assistant Minister is telling us that the Government has a claim to it. Could he tell us this: Who owns Nyayo National Stadium? Could he table the evidence here?

**Mr. Osundwa:** Mr. Temporary Deputy Speaker, Sir, the Question is specifically on the car bazaar. I would request Mr. Obwocha to come up with a Question specifically on who owns Nyayo National Stadium and we will be glad to supply the facts.

**Mr. Obwocha:** I am an hon. Member of Parliament!

**The Temporary Deputy Speaker** (Mr. Musila): Order! Mr. Obwocha, you are an hon. Member and you are entitled to ask a question. However, in this case, you are asking the Assistant Minister to provide evidence of ownership. I think it is not possible for him to do it now because the Question before the House was not related to that.

**Mr. Obwocha:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a supplementary question! On what basis is the Government collecting this revenue when the stadium belongs to Kenyans? You cannot brush aside that question!

**The Temporary Deputy Speaker** (Mr. Musila): That question is okay, but as far as providing evidence of ownership is concerned here now---

**Mr. Obwocha:** Okay, let the Assistant Minister tell us who owns the Nyayo National Stadium!

**Mr. Osundwa:** Mr. Speaker, Sir, the Stadium belongs to the Government. As I advised the Questioner, if he wanted he could bring another Question to the House, specifically on that and then we would be too glad to answer it!

**Mr. Anyona:** Mr. Temporary Deputy Speaker, Sir, I have just had a quick glance at the so-called agreement. The Assistant Minister says that they charge on the basis of space, meaning, therefore, that they charge for every space that is occupied by a vehicle. That is what it would mean to me. The agreement says that they charge Kshs20,000 per day every Sunday. Which is which now? Are they charging per space or per day every Sunday? How many cars occupy that space?

**Mr. Osundwa:** Mr. Temporary Deputy Speaker, Sir, the space used for those vehicles at the Stadium measures one hectare and the Ministry charges Kshs20,000 per day every Sunday.

**The Temporary Deputy Speaker** (Mr. Musila): Next Question!

#### ALLOCATION OF LAND TO CIVIL SERVANTS

**Mr. Munyao:** Mr. Temporary Deputy Speaker, Sir, although I have not received the written reply from the Minister, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware that pieces of land L.R. No.3603-3606 measuring 1,000 acres each in Kangundo Division, Machakos District, have been irregularly allocated to some civil servants, among other persons?

(b) Could he undertake thorough investigations and table the names of the allottees?

(c) Could he further revoke that allocation so that the land goes back to the people of the area?

**The Minister for Lands and Settlement** (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, there was some confusion on this Question because, although it came earlier, I wish to apologise for not having provided a written reply. I will be happy to answer it next week because I have just seen it. This delay is due to internal confusion.

**The Temporary Deputy Speaker** (Mr. Musila): What do you have to say, Mr. Munyao?

**Mr. Munyao:** I will take the apology, but this is a Question by Private Notice and it came before the House three weeks ago and then it was deferred. How can the Minister say that he has just seen it? Could he prove to the House that he needs glasses to be able to see it? What might have happened since that time?

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Munyao, the Minister has admitted that there is some confusion and he has requested for the Question to be deferred. If you have no objection, we can defer it to next

Wednesday.

**Mr. Munyao:** Could we be told where the mistake arose because the Question was forwarded to his Ministry three weeks ago and he knew that it was a Question by Private Notice?

**The Minister for Lands and Settlement (Mr. J. Nyagah):** Mr. Temporary Deputy Speaker, Sir, to be exact what happened is that, the hon. Member, in his Question, referred to the wrong land reference number. So, arising from that confusion, the Speaker found that it was necessary for the correct details to be brought to the House. I am now saying that those correct details have now been received and the Question will be answered next week.

**The Temporary Deputy Speaker (Mr. Musila):** Mr. Munyao, let us give it another chance.

**Mr. Munyao:** Mr. Temporary Deputy Speaker, Sir, I will agree with your ruling, but this Question is urgent because it concerns land which has been allocated illegally. Could the Minister assure this House that the status of that land will remain as it is until he clears the position in this House?

**The Temporary Deputy Speaker (Mr. Musila):** Mr. Minister, when would you like to answer this Question? Is tomorrow okay?

**The Minister for Lands and Settlement (Mr. Nyagah):** Mr. Temporary Deputy Speaker, Sir, I hope it will be possible to do so on Tuesday.

**The Temporary Deputy Speaker (Mr. Musila):** Okay, it will be Tuesday next week. Thank you.

Mr. Minister, take note of what Mr. Munyao has said about something happening between now and Tuesday!

### POINTS OF ORDER

#### ALLOCATION OF PLOTS TO TRADITIONAL DANCERS

**Mr. Muchiri:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Yesterday, the Minister for Local Government was ordered to make a Statement with regard to Question No.532, on allocation of plots to traditional dancers. He did not make the Statement yesterday and when I asked him why he did not do so, he told me that he cannot make a Statement unless the Question is brought back to the House. May the Chair order the Question to be returned to the House?

**The Temporary Deputy Speaker (Mr. Musila):** Is the Minister for Local Government here? As far as I can remember, there was no point of another Question being brought to the House. It was some additional information which the Minister for Local Government undertook to provide to the House through the Chair. Since the Minister is not here, there is nothing which can be done now, but his attention should be drawn to the fact that he was to supply some information to the House on that Question, which he had almost exhausted in answering. So, we cannot go back to another Question.

**The Minister for Lands and Settlement (Mr. J. Nyagah):** Mr. Temporary Deputy Speaker, Sir, I will undertake to look for my colleague and pass the message to him.

#### INSECURITY IN TAITA-TAVETA

**Mr. Munyao:** Mr. Temporary Deputy Speaker, Sir, I rise again on a point of order to remind the Chair that last week, when I requested for a Ministerial Statement from the Minister in charge of Internal Security, Office of the President, the Speaker directed that the Minister provides a Statement on Tuesday, which was yesterday. I stood here again yesterday and called upon the Minister to give the Statement, but up to now, the Minister has [**Mr. Munyao**] not given the Statement. Will I be in order to demand for Statement from the Minister in charge of Internal Security, Office of the President?

**The Temporary Deputy Speaker (Mr. Musila):** Yes, indeed, you did request for the Statement and the Minister was not in and he is still not here now. Now, the Leader of Government Business should inform the Minister about that Statement. Mr. Nyagah, could you take collective responsibility to remind your colleague, the Minister of State, Office of the President, that Mr. Munyao has been demanding a Ministerial Statement, which was due yesterday, but it has not been brought to the House?

**Mr. Munyao:** Mr. Temporary Deputy Speaker, Sir, the Constitution of Kenya, Section 17(3) states as follows:

"The Cabinet shall be collectively responsible to the National Assembly for all things done by or under the authority of the President, the Vice-President or any other Minister in the House execution of office."

**The Temporary Deputy Speaker (Mr. Musila):** What is the idea of referring to that Section of the

Constitution?

**Mr. Munyao:** I want this Minister to be named because this issue of insecurity is endangering the lives of the people in Taveta and moment this Statement is not made the lives of Taveta people is at stake.

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Munyao, you have raised the issue of collective responsibility and the Minister has said that he is going to ask his colleague, on the basis of collective responsibility, to come to the House and give a Ministerial Statement on insecurity in Taita-Taveta. We expect the Minister to do that as quickly as possible.

#### ASSISTANCE TO YOUTH POLYTECHNICS

**Mr. Anyona:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to raise the same issue because this Question has caused a lot of problems in the House. Last week, I had a Question by Private Notice on youth polytechnics and the Minister claimed that he had sent some money to those youth polytechnics. I disputed that fact and I laid a letter on the Table, to show that the money had not been paid. The Minister said he would go, check and bring information to the House and he has not come back. There is no way we can trace him and get hold of him to account for that.

#### TABLING OF INVALID REPORTS

Secondly, the other week, Reports which were invalid and in breach of the law were laid on the Table of the House and the Office of the President said that they would come and make a Statement. They have not done so for the last two weeks and there is no Statement which has been given and they are not here now. What do we do and how do we deal with these problems? This matter is being handled in a very casual way!

**The Temporary Deputy Speaker** (Mr. Musila): Order! May the office of the Clerk to the National Assembly, perhaps, draw the attention of all the outstanding issues of Statements and information to be submitted to the House, to the Ministers responsible so that the matter can be resolved once and for all?

**Mr. Kitonga:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Will it be in order for the Chair to inform the President, during Cabinet meetings, that it is becoming very silly for Cabinet Ministers to keep on following him instead of attending to the business of the House?

**The Temporary Deputy Speaker** (Mr. Musila): Order! Mr. Kitonga, the Chair does not attend Cabinet meetings and so it cannot be able to inform the President.

**The Minister for Public Health** (Prof. Onger): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Mr. Kitonga in order to use the kind of language that he is using in this honourable House; that, the Ministers are silly? If he is not in order, could he withdraw that statement?

**The Temporary Deputy Speaker** (Mr. Musila): Order!  
Yes, Mr. Kitonga!

**Mr. Kitonga:** Mr. Temporary Deputy Speaker, Sir, I think the Minister is a well-educated person. I said that, "they are trying to become silly." I did not say that they are silly, Professor!

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Musila): I do concur with Mr. Kitonga. He did not call any Minister silly. So, the matter ends there.  
Next order!

#### MOTIONS

##### BILL TO AMEND SECTION 22 OF THE CONSTITUTION

THAT, this House grant leave to introduce a Bill for an Act of Parliament entitled the Constitution of Kenya (Amendment) Bill to amend Section 22 of the Constitution to provide that the President shall appoint such number of permanent secretaries as he may determine who shall be vetted by Parliament.

*(Mr. P.K. Mwangi on 1.8.2001)*

*(Resumption of Debate interrupted on 1.8.2001)*

**The Temporary Deputy Speaker** (Mr. Musila): Prof. Anyang'-Nyong'o was to continue, but he is not there. Now, the Floor is open.

Yes, Mr. Chanzu!

**The Assistant Minister for Labour and Human Resource Development** (Mr. Chanzu): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to oppose this Motion. The re-organisation and restructuring of Government Ministries is an on-going exercise and this is in line with the changing needs and times. Therefore, so far, everything is going on well. The number of Ministries that we have is commensurate with demands placed on the Government. The number of Permanent Secretaries currently serving in various Government Ministries, is quite optimal. Therefore, there is no need for somebody to think that there is need to set in place this kind of Motion, which is intended to correct any anomalies which are not there. At the moment, because of the appointment criteria, the Permanent Secretaries who are serving the Government are quite competent and there is no question about that. The appointments have been done in the right manner. The President plays the executive role when appointing these Permanent Secretaries as stipulated in the Constitution. Therefore, we cannot question that because it is constitutional. The mandate bestowed upon the Head of State by the Constitution also allows him to discipline or dismiss those appointees whose conduct may be wanting. This also provides the checks and balances which are necessary in the performance of their duties.

So, there is also no need for this Motion at the moment. Therefore, it is my suggestion that the amendment that is being proposed in the Motion should await the constitutional review process which is under way. Hon. Members of this august House, including the Mover of the Motion, should, therefore, ensure that, they present themselves before the Constitution of Kenya Review Commission when they will be visiting constituencies, in order that they present their views which will be most welcome for posterity of this country.

Therefore, with those few remarks, I beg to oppose the Motion.

**Mr. Omingo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion. Permanent Secretaries, as appointed by the President, have some powers that even go beyond Ministers who are in charge of them. Some time, about three or four years ago, we heard of PSs who could not submit materials for their Ministers to bring answers to Parliament, simply because they felt they were so important that they could not be answerable to their own Ministers. Most of the PSs, as appointed by the President, being the only appointing person, only owe allegiance to him. Sometimes, trying to see a PS is even more difficult than seeing a Minister in his office. This is because they feel that they do not owe any allegiance to anybody. I believe if this Motion is passed and the PSs are appointed through vetting by Parliament, they will be answerable. That is why some of them go on squandering money or using their Ministries' money without the authority of Parliament because they feel that they owe allegiance to the President alone. Most of them are irresponsible and appointment of some PSs is quite wanting. Some of them are given offices for political expediency. We must accept that one.

When they sit in the high offices, they make most of the decisions. Some of them, and I will not mention names, issue tenders unilaterally, without reference to anybody else. If you talk nicely to a PS, he or she can single-handedly give you tenders to supply anything you want. It was in a similar case with businessman Ketan Somaia, that imaginary security equipment were supposed to be supplied to the Office of the President and they never came because of the powers enjoyed by the PS in that office. Most of the PSs, other than being civil servants, more often than not, act like politicians. You will find all of them in public rallies and under the Constitution, Section 12(iv), they are supposed to be public servants, and they should be in their offices serving the public. But 90 per cent of their time is spent in political rallies, most of which are attended by the President. That, of course, is a good gesture of showing solidarity in terms of securing their jobs in the next Government reshuffle. I think if they are public servants, which they are---

I personally have tried to see one PS five times. Perhaps, they think that if an Opposition MP is seen in their offices, they could lose their jobs. But they forget that they owe responsibility to this nation, regardless of which political interests they are serving. Other than making physical appearances, I have made about 17 telephone calls to one PS whom I think should be serving my interests and my constituents as a public officer. Unfortunately, because I am an hon. Member from the Opposition who has no bearing to his appointment, that PS has refused to see me to date. In terms of the structure of the Government,

the Minister is supposed to be directing policies in the Ministry and the PS takes directives or guidance from the Minister. That is not happening. There is one Minister, without mentioning names, whom we are told that he was slapped by a PS and he went away crying; an adult was seen crying, because he was slapped by a PS! They know him! But perhaps because the Ministers do not want to step on the toes of those blue-eyed boys, and they have been appointed because they are serving a particular interest, they would just keep quiet. A Minister who is an adult and a gentleman was slapped by a PS! We need to consolidate their terms, so that when Permanent Secretaries (PSs) are

appointed, they are civil servants and should work within those limits. It is only fair that if those PSs are appointed through the vetting of Parliament, I believe that the PS whom I have been trying to see for the last five months since I became a Member of Parliament, would have seen me today. If the President was to appoint people on merit, there should not be any fears whatsoever, for them to pass through Parliament for vetting and ratification. In essence, that should give them the spirit of accountability. The PSs who just walk in and walk out steal, loot and are changed from one Ministry to the other, even without proper handing over. They are changed two or three times within a Parliamentary Session and you cannot hold them accountable to whatever they hold in their custody, because they are the accounting officers. But if they are appointed and sacked at will, what would be so difficult for me, as the appointing agency, putting that particular big boy in a Ministry to do a bit of errand for me and change him tomorrow.

We are saying that we need to be accountable and transparent or that we need to introduce the Anti-Corruption and Economic Crimes Bill, when we are actually abetting the same. I feel strongly that in line with the sense of responsibility, the PSs should be appointed through vetting by Parliament. Again, we are the ones who give them the funds to spend. But, sometimes, you find that they are appointed and leave their offices without even passing the appropriations that they have spent in their Ministries. That makes no sense at all! That is why in the Public Accounts Committee Report that was adopted by Parliament in this Session, some Kshs50 billion was withdrawn from some Ministries without the authority of Parliament! But if they knew they were going to pick my vote next time, they would be more cautious in terms of spending. We have left them to be on the rampage. They care for no human being except the one they owe their allegiance to. They are too big-headed. When I talk to my colleagues on the opposite side, they are quite accessible. They understand their role. But sometimes, the Minister refers you to the PS. That PS will toss you left, right and centre and will never get the issues done. So, I think it is very important for the PSs to be vetted by Parliament.

Mr. Temporary Deputy Speaker, Sir, in some cases, the PS has no time to sit in the office. So, when one wants to get an issue addressed, he is referred to his personal assistant. The personal assistant is chosen in a personal capacity and not on merit. The end result is incompetent service and at the end of the day, the collapse of the systems in the Government. At the end of the day, incompetent bad answers are brought to the House by the incompetent PSs and their personal assistants.

I must take issue with the seriousness with which this Parliament is supposed to be served. If some issues are brought--- A couple of times, we have had Ministers bringing half-baked information and say that the officers on the ground are competent, when they know for a fact, that they are not competent and they have no control over them. It is high time we became courageous and take the bull by the horns. Let those big ladies and gentlemen who serve in the Ministries be vetted by Parliament. That way, they will be more responsible, accountable and humane because they will know that there is more than one eye that watches them. We should not chicken out in terms of fearing that if we change, we are stripping the powers of the President. Most of us keep on wondering every other time: What are the implications? Could we also present issues and not necessarily support or object because they have come from this side of the House? But eventually, time will tell. At the end of time, issues will come out.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Musila): Order, hon. Members! It is now time to call upon the Government Responder, the Attorney-General, to respond. If you wish, you can allow some minutes to your friend, Prof. Ongeru.

**The Attorney-General** (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, thank you for giving me time to respond. I wish to donate five minutes of my time to my colleague, Prof. Ongeru, Minister for Public Health.

**The Minister for Public Health** (Prof. Ongeru): I thank you, Mr. Temporary Deputy Speaker, Sir, and the Attorney-General, for that generous time. I think we must, first of all, understand the concept of Government. Section 17 of the Constitution of Kenya is fairly clear; that there shall be a Cabinet consisting of the President, the Vice-President and other Ministers. Section 18 states: "Responsibility for any of the business of the Government of Kenya, including the administration of any of the Departments of Government, may be assigned to the Vice-President and several Ministers."

Therefore, the two are inter-twined. Section 111 of the Constitution of Kenya is fairly clear. It states: "The power to appoint a person to hold or act in the office of PS, Secretary to the Cabinet or Director of Personnel shall be vested in the President."

Therefore, Section 22 can only be a small part of the Constitution, where you are seeking leave of the House. Therefore, from the very word go, this Motion is directly in contradiction with the spirit of the main body of the Constitution of Kenya vis-a-vis forming the Government, and how the Government must be run; the style of the Government and the functions that are enumerated in the Constitution that the Government is expected to perform. You cannot detach the political office from the administrative because any Government that comes into power has a policy and a programme that must be executed. The executing authority are the administrators and officers that serve

under that Government.

Therefore, detaching them and making them become another peripheral group that will not take orders or listen to the Executive that has appointed them, I think that will be totally misdirected law. It would not be an acceptable format for running the business of the Government. Therefore, because of time, I want to oppose this particular Motion because it seeks to amend the Constitution in piecemeal. It is such piecemeal type of amendments that we do not want because, before us, we have the Constitution of Kenya Review Commission (CKRC), which may come up with a totally different format on how the Constitution of Kenya will look like. Even the parts that I have referred to may be subject to review by the current CKRC. Therefore, to start sniping here and there in order to appear that we are extracting authority from the Executive is a very unfair way of doing business. Certainly, that is not a fair business. It is a wrong business that is being done in a manner which appears a bit pecuniary. Now, since my five minutes have run out, I want to vehemently oppose the proposal of seeking leave to introduce a Bill in Parliament. It is superfluous, not required, in piecemeal and contradicts itself. I have already made reference to the relevant sections of the Constitution that give authority; "shall" for the Government. That formation of the Government includes PSs and other officers.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Attorney-General** (Mr. Wako): Thank you, Mr. Temporary Deputy Speaker, Sir. I stand here to oppose this Motion because the National Assembly has, through the Constitution of Kenya Review Act, decided on the way in which the Constitution should be now amended. There are those who have contributed to this Motion and have stated that Parliament has the right, as and when the need arises, to amend the Constitution. They have also stated that when the Constitution of Kenya Review Act was being debated, they were vehemently opposed to interim amendments. I, therefore, find it contradictory on the part of those Members who were vehemently opposed to interim amendments to the Constitution when this Act was being debated in this House, to turn round and say that they want to amend the Constitution as and when the need arises.

The Constitution of Kenya Review Act is very clear on the functions of the Commission which relate to the very issue which is the subject matter of this Motion. The Commission is entitled to examine and recommend the composition and functions of the organs of State, one of which is the Executive. The Commission has the function to also examine the federal and unitary systems of government and recommend appropriate systems. Therefore, the role of Permanent Secretaries is an issue which is subject to a review. They may not even be called Permanent Secretaries by the time the review exercise is complete. We are aware that even some of our neighbouring countries, like Tanzania for example, did away with the words "Permanent Secretaries". They are mainly called "Principal Secretaries." In other jurisdictions they are called Director-General. In other jurisdictions, depending on the system of the entire Government, Parliament has no role whatsoever in vetting. In Her Majesty's Government of the United Kingdom, which is a parliamentary democracy, Permanent Secretaries are never vetted by the House of Commons or the House of Lords.

We may recommend a parliamentary system of government and, therefore, the issue will be different. We may recommend an executive president with complete separation of powers like the United States of America and, thereby vetting may be necessary as it is done in America. In my submission, it is too early to go into the pros and cons even on the issue of vetting by the National Assembly. These are issues which are best left to the Commission being chaired by Prof. Ghai to delve into. I do know that even in the United States of America, none other than former President Bill Clinton has criticised the method of vetting by Congress. He made a number of statements to the effect that the vetting system of the Congress has now become a highly politicised affair.

If a President of the United States of America can criticise the system of vetting by the Congress in a developed country such as America which is united under the Constitution, what about a country such as ours with the type of political problems we have? Can we be sure that the vetting system by the National Assembly will be free of political manoeuvring? Will we not be politicising the appointment to this key position of Permanent Secretary? I am not saying "yes" or "no". All I am saying is this---

**Ms. Karua:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Attorney-General in order to mislead the House that the Motion would leave us open to political manoeuvring when he knows that what is happening at the moment is opening us to political manoeuvring? He is being manoeuvred politically by attending the KANU parliamentary group meetings as if he were a KANU Member!

**The Attorney-General** (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I made a statement seven years ago; that I am available to attend any parliamentary group meeting if invited and if the issue to be discussed is legislation which the Attorney-General has brought to this House and they want some explanation to that effect. I would not attend national executive meetings and so on. In as much as the Attorney-General is in charge of drafting and bringing Bills to this House, it is his responsibility to ensure that Members of Parliament are well briefed on the issue of Bills. Therefore, I am always available to attend parliamentary group meetings. I made that statement publicly

seven years ago when one Kenneth Matiba came to ask me my views on it.

I am saying there might be politicisation of these appointments, not so much as to say it will be done, but to indicate to the National Assembly that the issue of vetting by the National Assembly is not as straightforward as Members may think it is. It is not a solution to the very problems that the Members have in mind because in itself, it can also be abused. Consequently, the Constitution of Kenya Review Commission that we have appointed here will delve properly into the pros and cons of the vetting system of public officials, which will be part of the overall structure of the Government. A number of issues have been raised about the conduct of Permanent Secretaries and so on. The Public Service Code of Conduct Bill, which we will bring to this House will deal with the issues of conduct and ethics amongst public servants, including Members of Parliament, Permanent Secretaries and every other person.

It was said during the contribution that the President is a tribalist in that he has appointed all Permanent Secretaries from the Kalenjin community. I want to defend the President in that regard and ask Members of Parliament simply to look at the organisation of government. They will find that more than 60 per cent of the Permanent Secretaries come from other tribes. Let them compare that with the Permanent Secretaries that were there at the time President Moi took over in 1978. Let them even go further and compare the records as far as the appointment of Permanent Secretaries, PCs, DCs, heads of State Corporations and other key offices are concerned. If you do that, you will come up with the conclusion that our President has tried to involve each and every ethnic community in this country in the running of the Government. That is an achievement that we cannot just wash under the table.

In addition, Permanent Secretaries serve in Ministries which are headed by a Minister. Whereas, previously, we had one Minister and one PS per Ministry, we have this ingenious system where one PS is in charge of various Ministries. The appointment of Ministers is very clear under Section 16 of the Constitution. That has been followed because there was a suggestion that the appointment of current Ministers is illegal. The appointment of the current Ministers is very much legal and the President has the right, under Section 16 of the Constitution, to appoint Ministers in the absence of Parliament having passed the necessary legislation. This has been going on and it is still on-going.

Mr. Temporary Deputy Speaker, Sir, thirdly, the Motion is not timely because this type of Motion would have made sense at the conclusion of a general election when the Ministers and the Permanent Secretaries are being appointed. This has already happened; they are in place and, therefore, we should leave it to the Constitution of Kenya Review Commission (CKRC) to bring in place a Constitution under which they can be appointed properly and which will delve into all these issues.

Mr. Temporary Deputy Speaker, Sir, it was suggested that the constitution review process may take a long time and that the conduct of civic education and so on may also take two years. Who is to decide? That question was asked. I can do no better than quote the Constitution of Kenya Review Act. All those questions are answered under this Act. When will the Constitution be ready and the review process be complete? It is supposed to be complete by October next year. That is two years from October to the year 2001 unless, of course, the Commission itself comes and asks for the extension of time, in which case, this National Assembly will have the right to agree or disagree with the recommendations that may have been done by the Commission. However, as of now, the Commission has not come to the National Assembly to ask for an extension of time. It has not! In fact, as of now, the Commission cannot come to the National Assembly to ask for the extension of time. This is because, under the Act, they can only come to the National Assembly one year after the commencement of the Act. The earliest time, therefore, that they can come to us to ask for an extension is sometime in October or thereafter. However, they cannot do so now. The Chairman himself has made statements to the effect that they will try to do their level best to complete the process in time. In fact, he said that by June/July or August the latest, we will be having a new Constitution.

Mr. Temporary Deputy Speaker, Sir, therefore, the issue that is being dealt with here is one that is best delegated and left to Prof. Ghai and his Commission to really go into the main depth and make overall comprehensive proposals to this House to amend the Constitution. They are not issues which we can deal with just now in order to have the number of Permanent Secretaries fixed when the time period is less than one year. So, its timing is also questionable and it is because of all these things that I come to a conclusion that the best way to proceed with this Motion, which I agree is important, is to leave it to the CKRC being chaired by Prof. Ghai to deal with it.

Mr. Temporary Deputy Speaker, Sir, another contributor said that the KACA Bill is also piecemeal. We know why the KACA Bill is being brought and we shall talk about it this afternoon. The only other constitutional amendment that we are envisaging is the Constitutional amendment to retrench the Constitution of Kenya Review Act into the Constitution. However, that is not an amendment that directly touches on the entire process of the review process.

Mr. Temporary Deputy Speaker, Sir, so, with those few remarks, I beg to oppose this Motion. I still have one minute! I do not know whether anybody wants to take it or not.

However, I oppose the Motion.

**The Temporary Deputy Speaker** (Mr. Musila): Order! I will now call upon the Mover to reply. Mr. P.K. Mwangi!



**Mr. P.K. Mwangi:** Thank you, Mr. Temporary Deputy Speaker, Sir. I donate my five minutes to hon. Ms. Karua.

**Ms. Karua:** Thank you, Mr. Temporary Deputy Speaker, Sir. I think that it is not enough for the Attorney-General to tell this House that the Motion is important but it should be forgotten until later. If we were to measure the Government's commitment to constitutional review with response to this Motion, it is quite clear that the Government is only interested in preserving the *status quo* and they are totally against review.

Mr. Temporary Deputy Speaker, Sir, this Motion is calling for leave to bring a Bill. Passing this Motion does not in any way affect the work of the Commission. It would reinforce the Commission's position on the need to review this particular provision. Judging from what we have seen today, the Attorney-General and the Government are not interested in a change in the *status quo*. Section 16 of the Constitution which Prof. Ongeru was referring to clearly states:- "The President will appoint such Ministers as Parliament may determine." It is the responsibility of the Attorney-General to table the necessary resolution before the House or a Bill setting the number of Ministers to be appointed. The Attorney-General cannot rely on his own failure to guide the Government to operate within the law to defeat this Motion. This Motion is necessary because the Government has failed to lead the way forward in the review of our laws.

Mr. Temporary Deputy Speaker, Sir, all this Motion is saying is that, just like the number of Ministers should be set by Parliament, let also the number of Permanent Secretaries be set by Parliament and let there be vetting. There is a move the world over towards holding leaders accountable. The President is no exception. Even where the law gives him the right to appoint, the citizens must have a right to hold him to account. That is all this Motion is saying. However, here we have the Attorney-General and Cabinet Ministers telling us that we should not hold the Government or the President to account. This is a negation of the move towards transparency and accountability and it is quite clear that the Government would rather operate in an opaque manner.

Mr. Temporary Deputy Speaker, Sir, I was rather disappointed to hear the Attorney-General join the bandwagon of trying to excuse whatever is going wrong with what is perceived as past wrongs. This Motion is not about personalities, President Moi or a particular regime; it is about the manner in which we appoint our Permanent Secretaries. Tomorrow we do not know who is going to be President. Passing this Motion, therefore, is not aimed at an individual. It is aimed at the manner in which we operate as a country. We should therefore move to---

**The Attorney-General (Mr. Wako):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that the Attorney-General brought in personal considerations into this Motion when he was just simply responding to the contributions by the Mover of this Motion who brought in personal issues; when the Attorney-General has all the time been stating that we should remove personal issues from the discussions of the public debate?

**Ms. Karua:** Mr. Temporary Deputy Speaker, Sir, it is clear that the hon. Attorney-General, in my view, failed to focus on the issue which is one of governance. It is not an issue of this or that President. Therefore, answering such a serious issue, by merely defending the incumbent President, may give the impression that we are only dealing with our own political survival rather than national interests.

Mr. Temporary Deputy Speaker, Sir, about piecemeal amendments to the Constitution, the Attorney-General should be the last person to complain about them. We have before this House a piecemeal amendment of the Constitution brought by him. The work of the Commission does not take away the legislative powers of this House and a resolution recommending or giving leave for bringing an amendment to the Constitution, as I have already stated, only reinforces the need to review certain aspects of our law. I think it is time we set the number of Permanent Secretaries and Ministers to avoid appointments that are not for the good of the nation but are to serve the political interests of the ruling party when we have a bloated Cabinet and the number of Permanent Secretaries. This will also make them accountable to the House and will eradicate the practice by civil servants to act as KANU youth wingers.

With those remarks, I support the Motion and call upon the House to do likewise.

**Mr. P.K. Mwangi:** Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to thank every hon. Member who has contributed to this Motion, whether he supported or opposed it.

Mr. Temporary Deputy Speaker, Sir, the allegiance of hon. Members of this House is not to the President but rather to the people of Kenya. The people of Kenya will hold this House responsible for all the woes we have been crying about. Hon. Members cry every now and then that they do not have the power to change this country when they actually have that power. Some hon. Members come and agitate for more power for the Presidency. When we try to reduce the powers of the Presidency, and hand them over to Parliament, the Government opposes us; that becomes ridiculous.

While responding to this Motion, the Attorney-General (AG) stated that this Motion is contradictory to the consensus to review the Constitution, forgetting that he was due to move the Constitution of Kenya (Amendment) Bill himself. Because the latter constitutional amendment originates from the Government, it was deemed right. The

constitutional amendment proposed through this Motion is regarded wrong because it originates from the Opposition.

Mr. Temporary Deputy Speaker, Sir, I would like to call upon my colleagues, especially those on the Government side, to come back to their senses and realise that this country is suffering because we have vested all the powers in one person. Let us have a role to play in determining the destiny of this country. We, 220 hon. Members, are here to determine how the 28 million Kenyans should live; we are not here to sing only one song for the Presidency.

I have visited many Ministers in their offices without any problems. However, it was very difficult to visit a Permanent Secretary (PS) in his office. You have to book an appointment with him many months in advance before you are allowed to see him. In that respect, some Ministers are very good. We would like PSs to respect their respective Ministers. Just the other day, the PS in the Ministry of Local Government contradicted the Minister just because the PS owes his allegiance to the President.

Mr. Temporary Deputy Speaker, Sir, we respect and like the AG but it is time Parliament vetted the occupant of that office. The AG should owe his allegiance to Kenyans, and not to the President; even the President owes his allegiance to Kenyans. The AG cannot dare say what the President does not like to hear. The AG stated that this Motion is good but its timing is wrong. I would like to state that the timing of this Motion is not wrong. I had not been elected to this House before 1997. If I had been, I would have brought the Motion then.

I have brought this Motion because, after the next elections, we shall have another Cabinet, which will possibly be formed by the Democratic Party of Kenya (DP). We do not want a President from the DP to have so many powers like the one from KANU. We would like Kenya to have a good Government. I, nevertheless, urge Members of the current Cabinet, including my friend, Mr. Raila, to support this Motion. Probably, Mr. Raila will also vie for the Presidency in the next elections.

I, therefore, urge my dear colleagues to support this Motion so that we can come up with a Bill to change the Constitution to the extent being sought. Let us not forget our responsibility simply because we have created the Constitution of Kenya Review Commission (CKRC). We are not quite sure of what will happen with that Commission. With the current developments within the current Government, we might end up not having any constitutional changes in this country. Everybody in Kenya doubts whether the Constitution will be reviewed. We cannot say that we should become doubting Thomases. However, the doubt is there because experience is the best teacher.

With those few remarks, I beg to reply.

*(Question put and negatived)*

#### LEAVE TO INTRODUCE SUGAR BILL

**Mr. Wamunyinyi:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled The Sugar Bill in order to regulate the activities of the sugar industry and for matters connected therewith and incidental thereto.

Mr. Temporary Deputy Speaker, I am moving this Motion for a number of reasons. The issue of a Sugar Bill has been discussed at many fora before. Even the Government came up with drafts of sugar Bills and promises to introduce them to Parliament for enactment into law made at very high levels of Government. However, to date this has not happened. So, because I represent sugar-cane farmers, I have decided to bring this Motion and seek leave of the House to introduce the Sugar Bill.

The intention of the legislation being sought is to free sugar-cane farmers from unnecessary political interference. Sugar-cane farmers have not been able to manage the sugar industry themselves. Even this morning, we talked about the suffering sugar-cane farmers are going through. Therefore, this Bill is aimed at freeing the sugar industry from a cartel of a few individuals so as to benefit sugar-cane farmers like their colleagues in the tea and coffee industries.

Mr. Temporary Deputy Speaker, Sir, if the Sugar Bill is introduced to the House and enacted into law, we shall put in place the Kenya Sugar Board, whose majority directors will be elected by sugar-cane farmers.

Mr. Temporary Deputy Speaker, Sir, the Chief Executive of the proposed Kenya Sugar Board will be interviewed and appointed by the Board as opposed to the present scenario where one is appointed from elsewhere and he is not answerable to the cane farmers. The Chairman of the Board will also be elected by the Board and not an appointee of the Office of the President. We had hon. Mark Too appointed as the Chairman of the Kenya Sugar Authority, but he participated in ruining the industry rather than salvaging it. After the removal of hon. Mark Too, a Mr. Serem, who happens to come from the Kalenjin community has been appointed as the Chairman of Kenya Sugar Authority. I do not understand why a Kalenjin must always be the Chairman of Kenya Sugar Authority! They do not even come from the sugar-cane growing areas! Does it mean that we do not have qualified people from the sugar-cane

growing areas to take up this job? Why should it be a Kalenjii always?

Mr. Temporary Deputy Speaker, Sir, I want to compliment hon. Raila Odinga for invoking the provisions of the law on conflicts of interests. He removed some board members of the Electricity Regulatory Board. He removed those who sit in that board and other boards elsewhere, and had invited their friends in those other companies where they have business interests to come and do business with the Electricity Regulatory Board. I want to urge Dr. Godana to take action on the Chief Executive Officer--- I know that he is consulting with the "Total Man" but I hope he is taking notes. The Chief Executive Officer of Kenya Sugar Authority is the proprietor of FT Insurance Brokers. He also sits on the boards of sugar companies! His brokerage firm has been awarded insurance portfolios in various sugar companies. In Nzoia Sugar Company, for example, he was awarded fire and engineering portfolios worth about Kshs12.5 million. This is Francis and Tabitha---- By the way, FT Insurance Brokers stands for Francis and Tabitha. That is a man and his wife!

**The Minister for Agriculture** (Dr. Godana): On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought before the House is a Motion seeking leave to bring an Act of Parliament to regulate the sugar industry but not to discuss an individual. He can mention those names but he should give to the subject before the House!

**Mr. Wamunyinyi:** Mr. Temporary Deputy Speaker, Sir, I am giving reasons why we should put in place a Sugar Bill. Recently, a Government Minister invoked those rules and removed some board members, including the Chief Executive Officer! He should do the same!

**Dr. Ochuodho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Chair prevail upon the hon. Minister to listen to what the law requires instead of choosing who is to be on the Board by taking orders from hon. Biwott?

**The Minister for Agriculture** (Dr. Godana): Mr. Temporary Deputy Speaker, Sir, I am quite capable of listening with one ear and---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Minister! Just give him time to say what he wants to say.

**Mr. Wamunyinyi:** Mr. Temporary Deputy speaker, Sir, the Kenya Sugar Authority unilaterally constructed its headquarters in a non-sugar growing area without the consent of the sugar-cane farmers! The construction of that headquarters cost millions of shillings! This House was informed recently that the road to that headquarters will cost the sugar-cane farmer Kshs30 million. This is a mystery! That is why that Chief Executive officer is mysterious! Mr. Temporary Deputy Speaker, Sir, we have talked about the problems of the sugar-cane farmer for a long time. Some people have been named here as importers of sugar, but there has never been any step taken by the Government to stop the importation of cheap sugar into this country. While we embrace the concept of a liberalised market, the sugar-cane farmer, who is the most important Kenyan in that industry, must not be ignored. We must enact laws to protect our farmers. We have heard Government Ministers talk about restructuring of the sugar industry and sugar companies. These companies have been loaned monies previously but this money has gone into lining some poeple's pockets! The burden of repaying that money is left to the farmer when the money has been swindled by a few individuals. In the case of Nzoia Sugar Company, the Chairman of KANU in Bungoma District was at that time the Minister for Agriculture and the people he had appointed to manage Nzoia Sugar Company swindled all the money. We require strong political goodwill to ensure that money that is meant to revamp sugar factories does not go into lining individuals' pockets.

Mr. Temporary Deputy Speaker, Sir, we have small jaggeries owned by small-scale sugar-cane growers in the sugar-cane growing areas. There is a problem here because farmers are taxed heavily and yet they are not paid in time. There are other jaggeries which can engage in milling business. They have not been allowed to operate freely. Why should the people who own jaggeries not be left free to exploit the benefits of the free market? Let us put in place laws that will protect everybody! If the sugar companies are not paying and they take too long to harvest the sugar-cane, let those who own jaggeries operate freely.

Mr. Temporary Deputy Speaker, Sir, in India, 40 per cent of raw sugar goes to the jaggeries. Why should those jaggeries not be allowed to operate freely in this country? Farmers have also been exploited by those importing fertiliser for which they do not pay duty. The sugar-cane farmer is charged interest until the time of payment. What is the Government doing to protect the sugar-cane farmer against this? What steps has the Government taken to curb this practice? Nothing has been put in place to protect the farmer. If this Bill is enacted, some of the endemic problems that have been strangling the industry will be dealt with. Some of the factories have been run inefficiently due to political interference, delays in sugar-cane harvesting, frequent factory closures, corruption in cane weighing and purchases of equipment, weak farmer organisations, political manipulation and dumping of cheap imported sugar. When the Bill is enacted, all these problems will be taken care of. To deal with these problems, we require a strong political will from the Government side.

Mr. Temporary Deputy Speaker, Sir, I am aware that the Minister has published a Sugar Bill, but there is no

guarantee that it will be brought to this House.

Mr. Temporary Deputy Speaker, Sir, we have passed Bills in this House since 1996, but they have not been implemented. I know that the Attorney-General did not publish the intended Bill because he knew I was going to seek leave of the House to introduce this Bill. So, I want to appeal to hon. Members to support this Motion. At any stage when he will present the Bill, after the First Reading and then it is referred to the relevant Departmental Committee of the House, we will withdraw this Motion. But for as long as the Bill has not been introduced in this House, I want to appeal to hon. Members to support this Motion so that we get ourselves ready to introduce the Bill. This House will then set up the criteria for the salvaging of the sugar industry by putting in place comprehensive sugar policies, which have not been there. You cannot run the sugar industry without any policies. We need to put in place an enabling environment for the management of the sugar sector.

The sugar industry is in dire need of a new lease of life. All the problems that we have talked about affect the farmer and the importer. Even the Government has been losing revenue in form of unpaid duty. When the farmer has not been paid, the Kenya Sugar Authority (KSA) has been importing very cheap sugar and evading payment of duty and then turning round and buying it at an even cheaper price. This has been happening at the expense of the Government earning revenue. The KSA has imported sugar for some sugar companies. Why should the KSA import sugar and at the same time export sugar? For whom is it working? It is time a Kenya Sugar Board was put in place and made responsive to the cane farmers' problems.

Mr. Temporary Deputy Speaker, Sir, I spoke to the Minister about this issue. I know he is new in the Ministry, but Ministers who have been there before have been telling us that they would bring the Bill to the House, but this has not happened. In spite of the publication of the Bill, I want to appeal to hon. Members to support this Motion. But after its first Reading and referral to the relevant Departmental Committee of the House, I will be prepared to withdraw the Motion. I cannot withdraw the Motion now because it is the property of the House and the Bill has not been brought to the House. So, we will push for the introduction of the Bill in the House.

With those few remarks, I beg to move and ask hon. Shitanda to second the Motion.

**Mr. Shitanda:** Thank you, Mr. Temporary Deputy Speaker, Sir. I will take this opportunity to second this very important Motion.

In seconding the Motion, I wish to say that we all realise the sad history of the sugar industry in this country, especially in the western part of this country. The sugar industry has had a lot of problems for a very long time. For that long period of time, we have had numerous assurances from the Government that it would address the problems of the cane farmers through the introduction of a Sugar Bill in this House. This Sugar Bill has been talked about from as far back as 1996.

Mr. Temporary Deputy Speaker, Sir, the problems of the sugar industry are very many. Lack of a legislation to address these problems has led to quite a number of problems, especially to the farmers. Lack of a legislation to govern the operations of the sugar industry opened it up to very many interest groups, most of them with ill motives which were aimed at exploiting the situation and the sugar-cane farmers. Cane farmers have had a lot of problems in marketing their cane, having it milled and then having payments made to them for the cane they deliver to the millers. We have in this country farmers who delivered cane to sugar factories as long ago as 1985 and to date, they remain unpaid.

I am talking about cane farmers in Nzoia, Muhoroni and Chemelil areas. All these problems have been caused by lack of a proper legislation to protect the interests of the sugarcane farmers. This negligence on the part of the Government to address the problems of the cane farmers has led to serious problems in the sugar industry. In most areas now, some farmers have uprooted their cane and in other areas, some farmers have just abandoned cane farming. This has actually led to an increase in the number of profiteers, who take advantage of such situations and go out of the way to import cheap sugar at the expense of the Kenyan farmer. The sugar industry, as we all know, is in a situation where there are no set rules. If there are any rules, they are not applied uniformly. For instance, when you go to Mumias area, you will find the Ministry of Agriculture applying rules to the effect that no jaggery owner shall be allowed to operate in a radius of 25 kilometres from the sugar factory. When you move a few kilometres away to the west Kenya sugar zone, you will find that this rule is not applied. The west Kenya sugar factory is sharing a zone with 114 jaggeries, most of them owned by Asians and poaching cane men from the west Kenya sugar factory. Most of these jaggeries do not have weighing bridges. So, the farmer actually is not in a position to know how much value he gets for his crop. This situation has obtained for a long time, and it is high time we had a legislation that would compel even jaggery owners to have weighing bridges so that our farmers are not exploited as has been the case.

Mr. Temporary Deputy Speaker, Sir, the role of the Kenya Sugar Authority in the present legal set-up cannot actually be blamed on the Chief Executive of the Kenya Sugar Authority. I would like to believe that the Chief Executive of the Kenya Sugar Authority has tried his best in the circumstances, and it would be wrong for us to heap blame on him while the law they are operating under has very minimum provisions which would allow him to regulate

the industry as effectively as he should. With a new law in place to regulate the sugar industry, we will be able to transfer most of the powers to the main stakeholders who are in this case the farmers. Farmers have been completely sidelined in the present set-up. Most of the operations of the sugar industry are conducted by the millers. In fact, the biggest problem to the farmer is not even the Kenya Sugar Authority, but the miller. The millers have too much power and say on the activities of the farmer. They have been a main source of despair to the farmer.

Mr. Temporary Deputy Speaker, Sir, when a farmer delivers his cane to the miller, the person who gets the highest returns from the cane is first the miller; second the loader; third, the retailer who goes to sell that sugar and fourth is the farmer who toiled in the farm and waited for 22 months to get the least returns from his cane. A legislation that gives more power to the farmer as opposed to the current one which gives more power to the miller will go a long way in trying to revive the sugar industry. It will also help the farmers to address the issue of cost of production. At the moment, the cost of producing sugar in Kenya is one of the highest in the world. The millers do not care because they pass on that cost to the farmer. If there was a way the farmer would have more say in the way this cane is crushed and priced, I am sure the issue of improving on the technology of crushing will be addressed and the cost of production will certainly come down. The farmer will reap the work of his sweat.

Mr. Temporary Deputy Speaker, Sir, I must say the Kenya Sugar Authority has tried to disburse the Development Levy fairly. But, maybe, because of political goodwill, at times they have found themselves in very difficult situations. They have found themselves in situations where, they are being pushed politically to give more money to less productive areas of this country to an extent where if you looked at the disbursements in the last five to seven years, you will notice that 70 per cent of the disbursements have been in areas where sugar production is not as profitable compared to areas where they ought to have directed the money. I am talking about, for example, the Mumias area which produces about 70 per cent of the sugar consumed in this country and which has actually received the least amount from the Sugar Development Levy. We would like to request that this anomaly be addressed in the new law in a more realistic manner. Mr. Temporary Deputy Speaker, Sir, with those few remarks, I second the Motion.

*(Question proposed)*

**The Minister for Agriculture** (Dr. Godana): Thank you, Mr. Temporary Deputy Speaker, Sir for giving me the Floor.

The Motion before the House is seeking leave of the House for Mr. Wamunyinyi to introduce a Bill to be known as the Sugar Bill in order to regulate the activities of the sugar industry and for matters connected therewith and incidental thereto. We know the subject of the sugar industry in this country has been riddled by problems over the last couple of years. Sugar being a commodity which is in everyday use of each and every citizen is not in direct form and certainly in an indirect form. It is a crop on which the livelihood of thousands of farmers concentrated in the western part of Western and Nyanza Provinces depends, and given all the facts, the subject is one which provokes passions.

Mr. Temporary Deputy Speaker, Sir, it is true as the hon. Member who moved the Motion said, for a number of years, there have been efforts extended by Government and others, towards bringing about a more effective legal regulation. The talk of the sugar Bill has been there for a number of years.

Mr. Temporary Deputy Speaker, Sir, I have had the opportunity to discuss with the hon. Member himself over the last two weeks. Whereas I cannot disclaim responsibility for past delays, last week, I promised him that since I arrived in the Ministry, I have given top priority to this subject and that he should take my word; the Bill will be published soon. He appeared not to trust me in view of past promises and failures. I am happy to note today, as the hon. Member himself noted, that we have published the Bill. I do not want to discuss the contents of a Bill which is going to come before the House, but in summary I am satisfied that all the concerns of the hon. Member and others who feel the introduction of a Bill is very urgent have been effectively or fully taken into account and are well represented in that Bill which has just been published. Unfortunately, we cannot go through the First Reading today as the hon. Member said because we have to comply with the rules of the House. The Bill having been published yesterday, will mature for tabling 14 days from today. There is no way, in the circumstances, that a Bill whose introduction we are giving leave now can really overtake the Bill which has already been published. In the circumstances therefore, the Motion, while very well intentioned - I fully sympathise with the concerns of the hon. Member and other sympathizers - legitimate and having been fully and properly thought out, has now become superfluous. I think this House has so much business in abeyance that it cannot afford to spend two hours discussing a Motion which we know is superfluous because it has been overtaken by events. In view of that, I would wish to appeal for understanding to both sides of the House the hon. Member having ventilated sufficiently to the public, his constituents and other Kenyans to know that he is very concerned about this matter and he has brought it this far that we could, at the earliest terminate debate on the Bill.

On those grounds, I beg to oppose.

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

**The Temporary Deputy Speaker** (Mr. Imanyara): Dr. Ochuodho, what is your point of order?

**Dr. Ochuodho:** Mr. Temporary Deputy Speaker, Sir, perhaps, you could just allow me to contribute because I did not know that the Minister had finished his contribution.

**The Temporary Deputy Speaker** (Mr. Imanyara): That is a short-cut way of catching the Chair's eye. So, I will let you get away with it.

**Dr. Ochuodho:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I was just wondering why the Minister found it fit, while he was contributing and supporting this Motion, to bring the Bill a day before the Motion was discussed in the House. But this has been a tradition.

Mr. Temporary Deputy Speaker, Sir, in November, last year, we had planned to hold a Harambee in my constituency to bring a transformer to Rodi Kopany, and Mr. Kones had kindly agreed to officiate over the Harambee. Just a day before the Harambee was held, a transformer was brought by the Government to the people of Rodi Kopany, to do public relations and pre-empt the Opposition from getting mileage. It seems this is the tradition of this Government of doing things.

**The Minister for Agriculture** (Dr. Godana): Mr. Temporary Deputy Speaker, Sir, is the Chair satisfied that Dr. Ochuodho is not imputing improper motives to the hon. Minister for Agriculture, who is me, when he suggests that I have published this Bill just to deceive the people and do a public relations exercise? I would like to inform this House that we are engaged in serious business.

**The Temporary Deputy Speaker** (Mr. Imanyara): I think, Dr. Ochuodho, you are definitely imputing improper motive on the part of the Minister. If that is the case, you really know the rules. You should withdraw that and apologise to the Minister.

**Dr. Ochuodho:** Mr. Temporary Deputy Speaker, Sir, I sympathise with my former colleague at the university. I understand---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! It is not sympathies that I am asking for, but the withdrawal of---

**Dr. Ochuodho:** Mr. Temporary Deputy Speaker, Sir, since I know that he means well, I only hope that he will live up to his words.

**The Temporary Deputy Speaker** (Mr. Imanyara): Will you withdraw---

**Dr. Ochuodho:** Mr. Temporary Deputy Speaker, Sir, I apologise and withdraw the remarks.

But in supporting the Motion by Mr. Wamunyinyi, one point that I hope will come out of the Bill when it is brought to the House for discussion is the importance of giving the farmers a voice; farmers taking centre stage. Currently, the farmers are relegated and do not make any decision. When the Kenya Sugar Authority (KSA) decides to pump billions of shilling to put up a building that will not benefit the farmer, he has got no say. When well-connected people, including some hon. Members on the other side of the House, which includes hon. Members from my party, are involved in illegal importation of sugar, the farmer has got no say whatsoever. When the Sugar Development Fund is being misused, the farmer has got no say; when Muhoroni and Miwani Sugar Companies go to the dogs for debts that did not benefit the factories, the farmers or the employees, the farmer there has no say. It is in this regard that I hope that when the Bill eventually comes to this House, we will ensure that the centre stage should be the farmers and the employees of the factories, so that they can have a say.

I would also like to say that changing from an Authority to a Board without real change of power will not be helpful. The point I am trying to make is that it will be important that whether we call it an Authority or a Board, the independence of that body will be paramount to the extent that we do not use positions in this Authority or Board, whatever we choose to call it, to reward political loyalists; so that if you are loyal to KANU, you are rewarded by being appointed to be the Chairman or the Chief Executive Officer of the Sugar Board. I think it will be important to ensure that farmers' voices take centre stage, and that once the Board is constituted, it is independent from political interference.

Mr. Temporary Deputy Speaker, Sir, I contribute with a heavy heart in realising that, as we are talking, Miwani and Muhoroni Sugar Companies, which have been for a long time the "cash cows" of Nyanza Province, are going to the dogs. When these two companies were placed under receivership a couple of months ago, we were assured that this was going to be for protection purposes. But when some of us came up and said that since Government corporations started going under, none has ever been revived, we were dismissed for the first time, that these two companies were going to be revived. A Government Minister had even the audacity to reassure the farmers that within two weeks, Kshs8 million would be given out to pay farmers who were owed money by the sugar companies, but nothing has happened several months later. We do not have the courtesy to explain to the farmers why the Kshs8 million that was promised to be paid to Miwani and Muhoroni farmers has not been paid. I would like to

challenge the Minister that when the Bill is eventually brought before the House, we should ensure that what happens to Miwani and Muhoroni Sugar Companies does not recur.

I belong to a party that has a very intimate relationship with the Government. At the onset of the co-operation, which was launched in my own constituency, there were five major developments or matters that should have been addressed. One of them was the issue of revival of the sugar industry; the cotton industry was the second one, while the fish industry was the third one. The tarmacking of roads was the fourth one and, of course, the revival of the molasses project was the fifth one.

I am very saddened that whereas the co-operation has progressed into partnership; we have become even closer; in terms of reviving the sugar industry, it has become even worse. Even Muhoroni and Miwani Sugar Companies which were operating before the co-operation started have gone to the dogs. I think it would have been more beneficial for my people, that instead of even giving us flags, we ensure that Miwani and Muhoroni Sugar Companies operate, and even establish another factory in South Nyanza. We appreciate the flag that came, but I would like to say that it would have been more beneficial to give us a new sugar factory in South Nyanza than giving us a flag, which benefits just some individuals. So, I hope that the Government will not renege on its word when the co-operation started, that the sugar industry, among other industries, was going to be revived. This is because that would benefit our people much more than the cosmetic measures that they have taken today.

Mr. Temporary Deputy Speaker, Sir, I would also like to take issue with the failure of the Government to revive the Ramisi Sugar Factory, so that it is not just seen that we are only concerned about the western part of the country. I would like to point out that Ramisi Sugar Factory meant a lot not only for the coastal people, but also for the entire Kenyan people. Many of my constituents used to work on Ramisi farms. The Government has been saying all the time that it will revive this sugar factory. I am sure that if there was a by-election in that area today, the Government would go there and tell people that within one month, they would make an effort to initiate programmes for the revival of Ramisi Sugar Factory. Why should we wait for by-elections so that we start giving Kenyans false promises that we do not fulfil? So, I would like to call upon the Minister, as we talk of reviving the sugar industry, to ensure that even those potentials in Coast Province are explored with a view to reviving Ramisi Sugar Factory.

I must also take issue with the appointments to factory boards. When the Head of State recently visited Homa Bay District and held a bursary Harambee for the needy children, he was misled into saying that one of my own constituents was going to be appointed the Chairman of the South Nyanza Sugar Company (Sony); that is one John Otega. He even said that in his speech. I knew when this was being read that they were trying to justify the fact that in terms of positions that we have been getting in Luoland, both South Nyanza and Central Nyanza get their rightful share. So, in an attempt to defeat my claims that we have gotten a raw deal as the people of South Nyanza, they were saying that Mr. Otega, who is from my place, would be appointed the Chairman of the Sony Sugar Board. Why is it that several months later, he has not been appointed the Chairman of that Sugar Board? So, I would like to challenge this Government that whatever it undertakes, especially, in public--- They asked: Why make noise when Mr. Dalmus Otieno, Mr. Philip Okundi, Mr. Peter Nyakiamo and Mr. Daniel Opande are from South Nyanza and have jobs? All these people have since been sacked without being replaced with people from South Nyanza.

I would like to tell the Government that South Nyanza people, like other Kenyans, deserve to be appointed to State corporations.

**The Minister for Trade and Industry** (Mr. Biwott): There are many in the Ministries!

**Dr. Ochuodho:** Mr. Temporary Deputy Speaker, Sir, Ministries are not State corporations. Tell me of a single person from South Nyanza who holds a key post in the Civil Service or in the State corporations? So, I would like to urge the Minister that when it comes to appointments to boards of sugar factories, he gets people who are experienced and have merit to hold those positions. But if you have some people from those areas who merit to hold those positions, they should be given the first priority. So, I would like to appeal to the Minister to ensure that Mr. Otega, who the President is on record to have said was the Chairman of Sony, is appointed to that position.

With those remarks, I support this Motion.

**The Assistant Minister for Labour and Human Resource Development** (Mr. Chanzu): Mr. Temporary Deputy Speaker, Sir, the spirit of the Motion is quite good. But because the Minister has already published the Sugar Bill which will be tabled in this House in due course, I would like to call upon the Mover to reply.

**Mr. Ochilo-Ayacko:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute. I will begin by declaring my interest. I represent both millers and farmers. For those who may not be aware, I represent Sony Sugar Factory and the farmers who supply cane to Sony Sugar Company. So, I have a real interest in this matter.

I listened to the Minister say that this Motion is superfluous because the Government has published a Bill which will be tabled before this House. If we are to be honest, and I take the Minister for Agriculture to be a very honest person, this Bill has been waited for by farmers for the last three years. I did not hear the Minister say why he

published this Bill yesterday. So, the suspicion of this House is well founded.

**The Minister for Agriculture** (Dr. Godana): On a point of information, Mr. Temporary Deputy Speaker, Sir. I want to assure the hon. Member that this Bill would have been published a week ago but the Attorney-General, who had to sign the copy that we were satisfied with, was out. I had personally to ring the Attorney-General two days ago, luckily he was back in town and he signed it. We could not publish it before yesterday because of that signature. There is no hidden agenda. If Mr. Ochilo-Ayacko knows Dr. Godana to be a very honest Minister, he should trust him. This is final.

**Mr. Ochilo-Ayacko:** Dr. Godana could be a very honest Minister but we know that he is working for the Government. It is the Government that has delayed the publication of this Bill for the last three years. So, we cannot leave the livelihood of millions of farmers to the honesty of an individual Minister. This is a very good Motion and it should be supported by the Minister, if he really needs the assistance of this House.

Mr. Temporary Deputy Speaker, Sir, sugar-cane farmers are in great trouble. As I speak even right now being one of the farmers, we have not been paid our dues for supplying cane for the last one year. The only help this House can give to sugar-cane farmers is to pass this Motion and allow Mr. Wamunyinyi to bring a Bill to this House, so that farmers do not depend on the pussy-footing of this Government as has been happening for the last three years.

Mr. Temporary Deputy Speaker, Sir, I do not want to anticipate debate in the Bill that has just been published by debating its details, but in all honesty, let us join hands as both sides of the House and pass this Motion so that, if for one reason or the other the Minister is unable to move debate on the published Bill, Mr. Wamunyinyi, who also represents Nzoia Sugar Company and farmers of this country is able to bring a Bill.

Mr. Temporary Deputy Speaker, Sir, I want to say that part of the problem that is affecting sugar-cane farmers in this country is arising from the fact that there are no regulations to protect them. We know of Bills that have been published in this House and have not been debated. The passage of this Motion will just support the Minister. If the Minister is as honest as he claims to be and we support him in his claim, let him support this Motion and allow it to be passed.

With those few remarks, I beg to support.

**Mr. Khamasi:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to this very important Motion.

**Mr. Wamunyinyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We have been consulting but, maybe, you will allow Mr. Khamasi to contribute and then I can reply.

**Mr. Khamasi:** This is a very important Motion and it is the property of this House. I do not think Mr. Wamunyinyi is going to make deals behind us on a Motion that no longer belongs to him.

Mr. Temporary Deputy Speaker, Sir, this is an important Motion and the move by Mr. Wamunyinyi, who seems to be giving in, to introduce it is commendable. There has been lack of Government commitment in introducing this Bill in this House. I have served on the Committee on Agriculture, Lands and Natural Resources and this is the fourth year round, and every year, we have been promised that the Bill will be presented to this House, but nothing has come out.

**The Minister for Agriculture** (Dr. Godana): Now it is there!

**Mr. Khamasi:** Mr. Temporary Deputy Speaker, Sir, the fact that the Bill has been published does not mean it has been presented in this House. It is not the property of this House today.

**The Minister for Trade and Industry** (Mr. Biwott): It is here now and it sounds normal!

*(Mr. Biwott waved the Bill to Mr. Khamasi)*

**Mr. Khamasi:** Mr. Biwott can wave the Bill around that it is there now but the fact of that matter is that, it is not the property of this House as we are talking. Who knows whether this Minister will present this Bill in the House?

**The Minister for Agriculture** (Dr. Godana): I will, probably, table it this week!

**Mr. Kitonga:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Biwott and Dr. Godana to interrupt the speaker on the Floor when we know Mr. Biwott is not the Minister for Agriculture or the Leader of Government Business? Why do you not give him time?

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order! Continue, but you should be addressing the Chair.

**Mr. Khamasi:** Mr. Temporary Deputy Speaker, Sir, I think it is important that this Bill is supported by this House. It is not the mistake of the Mover of this Motion to bring it here today. This Motion has been pending for the last so many months. I think it has been listed since early this year. It is not the mistake of the Mover of the Motion to present it now. It is important that everybody in this House supports it. There are a lot of reasons for this one of them



being that the Government had left the sugar industry completely at the mercy of profiteers. This has harmed none other than the farmers who vote this Government into place. Probably, this has been a deliberate move by this Government and that is why they have been slow in bringing the Bill.

There is another pending Motion by Dr. Omamo on the same issue. People in Nyanza and Western Provinces are suffering because the Government has not been able to think about them and put in place regulations and statutes to look after the interests of sugar-cane growers. In that respect, the spirit of the Motion is good because we intend to have legislation in place to protect sugar-cane farmers in this country. As we are talking, we have got too many "sugar-daddies" in this country, very many of them on that side. These sugar-daddies have been too sweet to this Government because nobody has ever taken any action against people who import a lot of sugar when we have got enough sugar in the milling plants. Nothing has ever happened. They make money and get away with it.

Mr. Temporary Deputy Speaker, Sir, the question of the authority which collects the Sugar Development Fund has been a very big problem. The way those funds are spend leaves much to be desired. This money is left under the control of a few people who do what they want with it. Initially, the intention was to spend that money to revamp the dilapidated factories; give soft loans to farmers, and provide electricity in sugar-growing areas. It is a pity that all these things have not been done in most areas in sugar-cane growing areas. In a few areas they have been done on the basis of who-is-who. There is no regulation as to how this money should be spent. Therefore, I feel our farmers need a law to protect them.

I hope the Minister will bring the Sugar Bill in this House as soon as possible. I urge him to canvass seriously with the House Business Committee so that we debate it as soon as possible, if he does not want the Mover of this Motion to introduce a similar Sugar Bill in this House.

Families of sugar farmers in Muhoroni, Miwani and Nzoia, among other areas, go through a lot of hardships. Most of the farmers have not been paid hundreds of millions of shillings for the cane they delivered. As a result, their children do not go to school, or have proper medical attention. This is because of lack of a proper legislation in this particular industry. Therefore, I would urge the Mover of this Motion to stand firm on this Motion because he has the support of this House. We will move ahead and pass this Motion so that he can introduce the Bill if the Minister will not be able to do so.

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

**Dr. Anangwe:** Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me the opportunity to make my contribution to this Motion. I come from a sugar-cane growing zone. I represent a constituency that is 90 per cent, a sugar-cane growing area. Therefore, when matters of sugar-cane growing come up in Parliament, I can readily tell you that they are a source of anxiety not only to farmers, but also to the leaders from this particular area. It is in this particular spirit that I stand here to support this Motion.

Mr. Temporary Deputy Speaker, Sir, I am aware the Ministry has published the Sugar Bill. My plea is that time is of essence and, therefore, the Ministry must move pretty fast and ensure that this Bill is enacted into law. My support for the Motion is just an expression of anxiety on behalf of farmers in my district, and of the entire population in the sugar-cane growing areas.

**Dr. Ochuodho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Anangwe in order to anticipate debate on a Bill that is not yet even before the House as an excuse for not supporting this Motion?

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Dr. Ochuodho, what are you talking about? I think you are not listening to what the hon. Member is talking about.

**Dr. Anangwe:** Mr. Temporary Deputy Speaker, Sir, Dr. Ochuodho is not a good listener, as always. I said I support the Motion before the House.

Therefore, although the Government has published the Sugar Bill and it has shown its intention to pursue this particular matter, I support this Motion in order to put pressure on the Ministry to move expeditiously in terms of making sure that this Bill is debated and passed into law. They should also make sure that they put in place mechanisms that will remedy the situation in the sugar industry for the benefit of our farmers.

Mr. Temporary Deputy Speaker, Sir, next year will be an election year. For those of us who come from the sugar-cane growing areas, issues related to sugar-cane become very explosive. If we were given an opportunity to express our sentiments, we would say that action needs to be taken in order to remedy the situation.

Mr. Temporary Deputy Speaker, Sir, farmers in the sugar-cane belt suffer because their profit margins have gone down. Poverty, instead of declining, has, indeed, increased in these areas. Sometimes when people see sugar-cane plantations, they presume that our farmers earn a lot of money. What we are seeing in place is not so much about cash crop growing as about market subsistence. This is another kind of ordinary agricultural subsistence, whereby a farmer grows a cash crop, not that he will get surplus for sale, but he is simply substituting what he used to produce directly for consumption. That is, indeed, the case in Mumias and many other places. You find that farmers, although perceived to be growing a lot of cane, at the end of the day, do not generate any surplus. They spend 18 to 36 months

waiting for the proceeds, but when they get them they are not even adequate. By the time these proceeds come, they would have already incurred losses. They will not even be able to feed themselves. Poverty is rampant in the sugar belt. About 80 per cent of the houses in the sugar belt, are made up of mud. A paltry 15 per cent of those houses have access to tap water. Infant mortality is higher than the national average in those areas. This is just to underscore the point that poverty is rampant in sugar-cane zones and something needs to be done to remedy the situation in terms of legal as well as institutional arrangements, in order to make the situation a little better.

Mr. Temporary Deputy Speaker, Sir, many of the farmers in sugar-cane growing areas are facing a lot of problems. Most of these problems are mainly administrative. One such problem is spillage. When a farmer's cane leaves the farm, by the time it reaches the factory, half of it, or sometimes the entire load, drops by the wayside. That is at the expense of the farmer. We want some improvement in terms of administrative measures to remedy this particular situation.

There is cheating at the weighbridges because of administrative laxity. When a tractor load arrives at the factory, the clerk makes the wrong entries at the expense of the farmers. There is also delay in payments to farmers and that creates problems for them, because they cannot pay school fees, have access to health services, and even feed their family.

In addition, there are a lot of deductions effected without representation, such as the 15 per cent retention charges by MUSCO. We have argued and put pressure that the 15 per cent retention charges be removed without success. There is also 10 per cent MUSCO deductions which goes towards raising money to purchase Mumias Sugar Factory, when the factory will be privatised. We have reached a threshold where what they have collected, and which is nearly Kshs1 billion, can be re-invested in some security market or some other markets, where it can be able to generate additional funds without taxing the farmers any more. There is also 20 per cent deductions for credit given to farmers for fertilizer, transport and other farm inputs.

All these put together make the farmer poorer to the extent that by the end of the day, when a farmer has harvested the crop and his gross output is calculated, the bulk of it goes to these deductions and what he takes home, of course, is not enough to justify the labour he had put in. This makes it possible for the farmer to contract out his small parcel of land to the sugar factory. All these deductions and problems do not augur well for the development of the sugar sector, particularly from the farmers' point of view. That is why we are saying that we, as leaders from the sugar belt, want changes in the institutional and legal frameworks to allow farmers participate and create institutions which are more responsive to their problems. As of now, many managers in the sugar sector are unresponsive to the needs of the farmers, and they behave as if they do not even come from this country. They may be our sons, but they seem not to listen to what people are saying and, therefore, they are being irresponsible. Even if they may be our sons, many of them do not even grow sugar-cane.

**An hon. Member:** But they come from there!

**Dr. Anangwe:** Yes, they come from there, but they do not really encounter the problems face-to-face.

With those remarks, I beg to support this Motion.

**Mr. Kitonga:** Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nichangie Hoja hii kuhusu sukari. Ijapokuwa katika sehemu ninapotoka ya Kitui hakuna sukari, tunajua kwamba hili ni jambo muhimu sana katika taifa letu.

Kwanza, ningependa kusema kwamba, ingekuwa jambo la muhimu sana kama Serikali ingesaidia kutia motisha wakulima wa miwa. Kuna njia nyingi sana ambazo jambo hili la sukari lingefanywa ili liwafae wakulima wa miwa. Kwanza, Serikali lingechukua jukumu la kuwapatia mikopo wakulima wa miwa kwa sababu kitu kimoja ambacho kinaleta shida katika taifa letu la Kenya ni ukosefu wa pesa za kutosha kwa wakulima. Kwa hivyo, ningependa kumwomba Waziri wa Kilimo na pia Serikali, kama ingewezekana, wakulima watoe vyeti vya mashamba ili waweze kupatiwa mikopo ya kiwango fulani cha pesa ili waweze kuendeleza ukuzaji wa miwa na mambo ya kutoa sukari.

Vile vile, wakati wakulima wanapokutana katika sehemu za Mohoroni, Sony na Miwani, mara nyingi sana maofisa wa polisi huenda huko na kuvuruga au kuvunja hiyo mikutano yao. Hii ni kwa sababu Serikali haitaki kuwapa moyo wakulima ili waendeleo kukuza miwa na kuendeleza shughuli za sukari kwa sababu wanataka kamati zile zinazochaguliwa ziwe katika upande wa Serikali.

Pia ningemwomba Waziri wa Kilimo ajue kwamba Shirika la Kenya Sugar Plantation Workers' Union halikufanya uchaguzi juzi, kwa sababu wakulima wengi wanasema kwamba huu uchaguzi haukufanywa kwa njia ya haki. Uchaguzi huo ulifanywa kwa kuweka Bw. Atwoli kama Katibu Mkuu na shughuli hiyo ilifanywa kwa njia isiyo halali. Tunataka kusema kwamba lazima Serikali ikomeze mambo ya uongo katika shughuli za sukari. Yafaa wakulima wakubaliwe wafanye uchaguzi wao ili wachague kiongozi wanayemtaka bila fitina, kuonewa, au kuingiliwa.

Kuhusu kuiingiza sukari nchini kwa njia isiyo halali kutoka nchi za nje, ningeiomba Serikali ikomeshe shughuli hiyo. Wakulima wetu wanaendelea kutia bidii katika kilimo cha miwa, lakini wamekufa moyo kwa sababu

sukari inaingizwa nchini kutoka nchi za nje. Kitendo cha kuingiza sukari nchini kutoka nchi za nje kwa njia ya magendo kinafanywa na Wabunge ambao wako hapa, na sana sana kwa upande wa KANU, ambao wako na bidii sana kuingiza sukari nchini ili wajitafutie pesa haraka. Tunawajua wale wanaofanya kitendo hiki, hata kwa majina. Ningeomba, kama inawezekana, Serikali ihakikishe kwamba sukari haitoki nje ya nchi hii kabla hatujafanyia kazi sukari tunayotengeneza hapa nchini. Hata ingawa ni pesa wanatafuta kwa njia hiyo, ni afadhali wakulima katika nchi hii watiwe moyo katika kilimo chao kwa kupata soko la miwa yao.

Vile vile, ni wazi kwamba wakulima wengi wako na shida sana, kama vile mhe. Dr. Anangwe alivyosema na ninamuunga mkono. Kuna wakulima wengi sana ambao wamepeleka miwa yao katika makampuni ya kutengeneza sukari kwa muda mrefu na malipo ya mazao yao yamechukuwa muda kulipwa. Wakulima hao wako na matatizo mengi sana. Wako na watoto shuleni wa kulipiwa karo na kuna huduma nyingi ambazo wanahitaji, lakini wakipeleka miwa yao hawalipwi, kama wengine ambao wamepeleka miwa yao kwa muda wa miaka miwili na hawajaweza kulipwa pesa zao. Kwa hivyo, ningependa kuuliza hayo mambo yote yaangaliliwe.

Pia, lingekuwa jambo la muhimu kama Serikali ingeangalia sehemu nyingine katika nchi hii yetu, ambako tungeendeleza mambo ya sukari ili tujue vile tunaweza kuwaonyesha wafanyakazi na wakulima wetu hali ya kutunza uchumi wa nchi yetu vizuri. Hii ni kwa sababu tunajua kwamba shida ambayo inaikumba Serikali yetu ni uchumi ambao umeharibika kabisa. Kazi yetu ni kuombaomba pesa kutoka nchi za nje za Wazungu. Mkipatiwa nafasi baada ya kuombaomba, tena mnaiba! Hali hii inashangaza sana. Serikali inaomba misaada na inapatiwa, halafu wale ambao wako Serikalini wanaiba! Mambo hayo yote yanafanyika Serikali wakati inapoona vitendo hivyo viovu. Badala ya kukomesha mambo kama hayo, tunasikia bado watu Serikalini wanaendelea kuleta sukari nchini kwa njia za magendo na kuwaharibia wakulima wa Kenya nafasi.

Kwa hayo machache, ninaunga mkono Hoja hii.

**The Assistant Minister for Transport and Communications** (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I have very few points to make on this Motion. First and foremost, I oppose the Motion simply because it is my entitlement to say what I want. Okay!

**Hon. Members:** No! No!

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, hon. Members! He is entitled to oppose the Motion if he wants to oppose it.

**The Assistant Minister for Transport and Communications** (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I am entitled to oppose the Motion. On behalf of Kenyans and the Kaloleni people, I oppose this Motion for the following reasons. This Motion seeks leave of the House to introduce a Bill for an Act of Parliament. The Government is saying that the Bill has already been introduced. If any one has any comments to make, they should make those comments within the Government Bill that has already been published. If they have any comments to make, they should wait for the Government Bill to be laid before the House, and it is not too late. The Bill is there, and I am not anticipating debate, but I just want to inform the House that this Motion is misplaced and out of place at this point in time, simply because the Government has already published another Bill.

**Dr. Kulundu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to imply that the mere publication of the Government Bill means that it will be tabled in this House, when we know that there are Bills which have been published and have been pending for more than three years?

*(Applause)*

**The Assistant Minister for Transport and Communications** (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, you have been given the assurance by the Minister, but I want to say this also: It will even take a much longer time if this Motion is passed. I am saying that it is superfluous at this point in time, because the Government has made the necessary provisions that this Motion requires the House to make.

**Dr. Ochuodho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to imply that the mere reassurance of the Assistant Minister is enough, when we know that this Government is capable of telling teachers that they would be paid hefty salaries and then it reneges? Could we take it that whatever he says is going to be done?

**The Assistant Minister for Transport and Communications** (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I respect his point of view, but the Government is ruling. The Government must continue to rule and part and parcel of that ruling is the publication of a Bill such as this, which my good friend here wants permission of the House to do what the Government has already done. I am saying that it is superfluous.

Let me put it this way: Otherwise, the sentiments of this Motion---

**Mr. Ochilo-Ayacko:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in

order to claim that the publication of the Bill negates an hon. Member's right to move a Motion in order to seek leave of the House?

**The Assistant Minister for Transport and Communications** (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, it does not.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Keah! The Bill has not been read in the House and this Motion is the property of the House, and it is properly before the House. You may make your comments, but you cannot take away the hon. Members' rights to make their comments.

**The Assistant Minister for Transport and Communications** (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I have not even attempted to take away hon. Members' rights. That is why we are debating it. It is simple! The fact that we are debating this Motion clearly shows the rights hon. members have in bringing the Motion. I am saying that I am opposing it and that is my right. My rights must be respected on whatever grounds that I have; hon. Members may agree with my grounds or they may not agree.

Much as I would have liked to agree with the sentiments expressed in regard to the Sugar Bill in order to regulate the activities of the sugar industry, I, however, oppose this Motion. This Motion is seeking the leave of the House, but from the Government's point of view, I am saying that the demands of this Motion are being taken care of by the Government. That is all I am saying. What this Motion seeks to achieve has already been taken care of by the Government. If the Government has already taken care of that---

**Mr. Shitanda:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to keep on saying the same things time and again?

**The Assistant Minister for Transport and Communications** (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I am merely emphasising my point because of the interjections from the hon. colleagues on the other side of the House. Because they have been interfering with my contribution, I find it imperative to hammer the point home, so that it can be understood.

Mr. Temporary Deputy Speaker, Sir, without anticipating what is in that Government Bill, let me say that we need an Act of Parliament to review the sugar industry, to make sure that it operates effectively for the benefit of Kenyans. I entirely agree that sugar-cane farmers---

*(Mr. Gumo entered the Chamber  
without bowing to the Chair)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Gumo! Please, go right back!

*(Mr. Gumo retreated back, bowed to the  
Chair and entered the Chamber)*

**The Assistant Minister for Transport and Communications** (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I agree that we need to regulate the sugar industry for the benefit of Kenyan farmers and consumers. I totally agree that there has been some mismanagement in the industry, including the collapse of Ramisi Sugar Factory at the Coast. If we had an effective Bill, Ramisi Sugar Factory would not have collapsed. It is situated in the sugar-cane belt. It would not have disintegrated the way it did. It is in that respect that I support the sentiments expressed by hon. Members on the Bill. But I would like to say that we have already provided for that.

Mr. Temporary Deputy Speaker, Sir, let me go further and say that we should not only regulate the sugar industry as required by the Motion, but we should also look at other crops. Coming as I do from the Coast, I certainly take this opportunity to say that it is high time the Minister introduced a Bill in Parliament to regulate the coconut industry. That will ensure that the coconut and sugar industries are regulated in a manner that enhances industrialisation and commercialisation, so that the people may enjoy the fruits of such regulation.

Mr. Temporary Deputy Speaker, Sir, the coconut tree, just like sugar-cane, has over 100 products. The coconut tree has many more products than the sugar-cane, but it has been neglected all along. I take this opportunity to say that the Government is in the process of providing for the needs of this Motion. The Minister should take due note of what this Motion is all about. He has done so already, but he should also consider the coconut industry. I would like to add that it is not just sugar-cane and coconut crops---

**Dr. Ochuodho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Assistant Minister---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Dr. Ochuodho! Who gave you the right?

Proceed, Mr. Keah!

**The Assistant Minister for Transport and Communications** (Mr. Keah): Thank you, Mr. Temporary

Deputy Speaker, Sir. This is a golden opportunity for us to talk about sugar-cane, coconut and other crops as well. What this Motion is seeking to do in terms of the sugar industry must also apply to other crops.

**Dr. Ochuodho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Now that the Assistant Minister is talking about the coconut industry, could he advise his colleagues to bring a Coconut Bill before we bring a Motion?

**The Assistant Minister for Transport and Communications (Mr. Keah):** That is coming. Do not worry. I am only urging and asking the Minister to accelerate. After all, it is the business of the Government to bring here legislation that will enhance the economic productivity of this country. It is purely the business of the House to support Ministers' legislations or proposals here. Since the Minister has already assured us that the Bill will be brought here, I beg to oppose this Motion.

**Dr. Kulundu:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make my contributions to this very important Motion brought by Mr. Wamunyinyi. Let me say from the start that I am a very interested stakeholder in the sugar industry because my constituency relies almost entirely on the proceeds from sugar-cane delivered to Mumias Sugar Company.

The sugar sector is very important to the people of western Kenya. In fact, it is the only means of livelihood for people from that part of the country. Sugar-cane is just about the only major crop that has never been covered by an Act of Parliament. I wish to congratulate Mr. Wamunyinyi for bringing up this Motion in order for the Government to know how serious this matter of sugar-cane is to the people of western Kenya. I just want to highlight some of the problems that sugar-cane farmers, not only in western Kenya, but elsewhere face. I know that now that we have a very responsible and responsive Minister for Agriculture, he will take our sentiments very seriously.

The first problem that sugar-cane farmers face is the low price they get for their sugar-cane. Nearly eight years ago the price of sugar was liberalised, so to speak, and yet the price of the raw materials used to produce sugar is tightly controlled. Not too long ago, farmers were being paid Kshs1,730 per tonne of cane delivered to various sugar factories. It is only after noise was made that this was increased marginally to something like Kshs2,010. As representatives of sugar-cane farmers, we feel that cane prices must be reviewed regularly. In fact, as we talk now, the most appropriate cane price should be in the region of Kshs4,500 to Kshs5,000 per tonne of cane produced. Considering all the costs of production, that is the realistic price that sugar-cane farmers should be paid for their cane.

Another factor that eats into farmers' earnings to a large extent is transportation costs. Transportation of cane is solely borne by the sugar-cane farmer. It eats into the farmers' earnings up to the extent of nearly 33 per cent. We, the representatives of farmers from the sugar belt, feel that at the very worst, transportation costs must be a shared responsibility between a farmer and the miller. We want to go further and say that, in fact, sugar-cane transportation must be borne by the miller. When the millers contract farmers, that land is hardly ever used for any thing else apart from sugar-cane planting. We feel that when time for harvesting comes, the sugar miller should be able to bear the cost of transporting cane from the farmers, shambas to the factory.

Mr. Temporary Deputy Speaker, Sir, the third point which I would like to make is that another problem which plagues farmers in the sugar belt area is the poor state---

*(Mr. Keah's mobile phone rang  
and he ran out of the Chamber)*

*(Laughter)*

It is just as well because his sentiments were at variance with the wishes of sugar-cane farmers.

We strongly feel that the Government has neglected the road network in sugar-cane growing areas of this country and this results in spillage of sugar-cane while it is in transit from the farmers' shambas to the factory. That spillage, in some cases, especially in Lurambi Constituency, amounts to nearly 30 per cent of losses of sugar-cane delivered to Mumias Sugar Company.

We feel that there is need for various sugar-cane companies to introduce mobile weighbridges so that a farmer should be able to know what weight of cane the millers have taken away from his farm, and any spillage on the way to the sugar miller should be borne by the miller and not the farmer as the case is, presently. It is important that all sugar millers introduce mobile weighbridges. That is something that farmers all over the sugar belt are crying for. We must have weighbridges to minimise the loss that farmers incur due to spillage, which is mostly due to the poor road network.

Mr. Temporary Deputy Speaker, Sir, there is this other last problem of dumping of sugar by the sugar barons and politically correct people in this country. In fact, some of them are in this august House. They have destroyed the sugar sector in this country by bringing in contraband sugar to the extent that locally-produced sugar hardly ever gets a market. As I speak now, Mumias Sugar Company alone has nearly 50,000 metric tonnes of sugar that it cannot dispose

of because of this unscrupulous importation of sugar by the well-connected individuals in this country. We feel that--

**Mr. Achola:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Considering the fact that most Members have expressed their views on this Motion, would I be in order to move that the Mover to be now called upon to reply?

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Imanyara): No! Let Dr. Kulundu conclude his remarks!

**Dr. Kulundu:** Thank you, Mr. Temporary Deputy Speaker, Sir, for protecting me. I want to emphasise that unless the impending Sugar Bill contains all those safeguards, farmers in this country are going to uproot their cane.

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

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Very well. I do now ask the Mover to reply.

**Mr. Wamunyinyi:** Mr. Temporary Deputy Speaker, Sir, I would like to thank the hon. Members who have contributed to this debate. It is obvious that the Minister for Agriculture published the Sugar Bill because I gave a notice to move this Motion. The Sugar Bill has not been brought here for enactment into law because Government agents wanted to sustain the existing loopholes for looting purposes.

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

*(Question put and agreed to)*

**The Minister for Agriculture** (Dr. Godana): Division! Division!

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

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! I am satisfied that a sufficient number of hon. Members has risen in support of a Division. So, could the Division Bell be rung?

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, hon. Members! The doors are now closed. The Tellers for the Ayes are hon. Parpai and hon. Shitanda and those for the Noes are hon. Sajjad and hon. Kiminza. We will now proceed to Division. You know the rules. The Ayes should proceed to my right and the Noes to my left.

**Mr. Katuku:** On a point of order, Mr.

Temporary Deputy Speaker, Sir. I have heard you say that the Tellers for the Noes are hon. Kiminza and hon. Sajjad. These are both from KANU. Is that proper? I am proposing that we mix them.

**The Temporary Deputy Speaker** (Mr. Imanyara): Okay, I will mix them and have hon. Parpai and hon. Sajjad as Tellers for Ayes and hon. Shitanda and hon. Kiminza as Tellers for the Noes. The Ayes should, please, proceed to my right and the Noes to my left.

## DIVISION

*(Question put and the House divided)*

*(Question carried by 33 votes to 32)*

**AYES:** Messrs. Achola, Ayoki, Galgalo M.M., Gitonga, Ms. Karua, Messrs. Kathangu, Katuku, Khamasi, Kikuyu, Muchiri, Murungi, Mutahi, Mwalulu, Mwangi P.G, Mwenje, Mrs. Ngilu, Messrs. Ngure, Ochilo-Ayacko, Dr. Ochuodho, Mr. Omamba, Dr. Omamo, Messrs. Omingo, Otita, Otula, Parpai, Shitanda, Sifuna, Eng. Toro, Messrs. Thirikwa, Wamunyinyi, Waithaka, Weyrah and Dr. Wekesa.

Tellers of the Ayes: Messrs. Sajjad and Parpai.

**NOES:** Messrs. Affey, Anyona, Chanzu, Choge, Dr. Godana, Messrs. Gumo, Hashim, Kamotho, Keah, Kiminza, Kochalle, Kombe, Lengees, Lomada, Lotodo, Marrirmoi, Mkalla, Mokku, Morogo W.C., Muchilwa,

Mudavadi, Mwakalu, Mrs. Mwewa, Messrs. Nyang'wara, Okemo, Sajjad, Sankori, Sasura, Shidiye, Sunkuli, Tarar and Too.

Tellers of the Noes: Messrs. Kiminza and Shitanda.

*(Applause)*

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order! 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 12.50 p.m.