

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 8th November, 2001.

The House met at 2.30 p.m.

[*Mr. Speaker in the Chair*]

### PRAYERS

### ORAL ANSWERS TO QUESTIONS

*Question No.625*

#### MEASURES TO CURB INSECURITY AT GITHURAI ROUNDABOUT

**Mr. Speaker:** Is Mr. Muiruri not in? We will come back to the Question later.  
Next Question, Ms. Karua!

*Question No.635*

#### CIVIL SERVANTS IN PRESIDENTIAL ENTOURAGE

**Mr. Speaker:** Is Ms. Karua not in? We will come back to the Question later.  
Next Question, Mr. Sungu!

*Question No.603*

#### POLLUTION OF NYAMASARIA RIVER

**Mr. Sungu** asked the Minister for Environment:-

(a) whether he is aware that Kibos (Nyamasaria River) in Kajulu, Winam Division, is being polluted by effluent from the Kanura Juggery, located near the Kisumu municipality water supply and treatment works; and,

(b) in view of the serious health implications for the people living downstream who use the water for domestic consumption, what urgent measures he is taking to remedy the situation.

**The Assistant Minister for Environment and Natural Resources** (Mr. ole Ntutu): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Kibos River in Kajulu, Winam Division, is being polluted by effluent from Kanura Juggery.

(b) First, the management of the juggery has been directed to construct retention ponds immediately to avoid release of effluent to the rivers as a short-term measure. Further, he has been directed to submit a detailed design of an effluent treatment system for approval.

**Mr. Sungu:** Thank you, Mr. Speaker, Sir. I would like to thank the Assistant Minister for the good answer. But then, what action will he take against the perpetrators of this offence because they have already polluted the rivers and people are suffering from the pollution? Secondly, how will he ensure that the owners of the juggery will take the appropriate action as suggested by him?

**Mr. ole Ntutu:** Thank you very much, Mr. Speaker, Sir. I think my Ministry has already taken action. The officers have been sent to the ground and the culprit will be brought to book.

**Mr. Shitanda:** Mr. Speaker, Sir, given that I also come from an area where we have so many juggeries and that most of them are polluting rivers, what policy does the Ministry have on juggery operations *vis-a-vis* pollution of rivers around the areas they operate? It would appear the Ministry has just left them to pollute rivers

at will.

**Mr. ole Ntutu:** Thank you very much, Mr. Speaker, Sir. I want to inform the hon. Member that District Environmental Committees have been formed so that aggrieved parties can raise their complaints there. They also have powers to investigate and prosecute. I would advise him to make use of the District Environmental Committee.

**Mr. Sungu:** Thank you, Mr. Speaker, Sir. Government scientists have stated clearly that Lake Victoria will be "dead" in 30 years. That is in so far as the lives of the animals and fish in it are concerned. What comprehensive action does the Ministry have, to make sure that sugar factories and other factories in the area do not pollute Lake Victoria?

**Mr. ole Ntutu:** Thank you very much, Mr. Speaker, Sir. Several committees, like the District Environmental Committees and the Provincial Environmental Committees have been formed to deal with environmental issues. If we are going to tackle issues affecting the environment, we should concentrate on these committees and also rely on the information that they are going to give us, so that we can implement the proposals before things get out of hand.

**Mr. Speaker:** Next Question, Mr. Angwenyi!

*Question No.626*

UTILIZATION OF FUEL LEVY FUND

**Mr. Speaker:** Is Mr. Angwenyi not in?  
Next Question, Mr. Kariuki!

*Question No.612*

CONSTRUCTION OF STRUCTURES UNDER  
TEMPORARY OCCUPATION LICENCES

**Mr. Kariuki** asked the Minister for Local Government:-

- (a) what the Government position is on the type of building structures to be erected on plots issued by local authorities with temporary occupation licences; and,
- (b) whether he could explain why no action has been taken to stop and prosecute those that have put up permanent concrete structures in urban centres such as Murang'a.

**Mr. Speaker:** Is anyone here from the Ministry of Local Government? We will come back to the Question.

Next Question, Mr. Muiruri, for the second time!

*Question No.625*

MEASURES TO CURB INSECURITY  
AT GITHURAI ROUNDABOUT

**Mr. Speaker:** Mr. Muiruri is not in. The Question is dropped.

**Mr. Ndicho:** On a point of order, Mr. Speaker, Sir. In view of the seriousness of this Question, would I be in order to request you most kindly to defer this Question?

**Mr. Speaker:** It is not serious at all. Where is Mr. Muiruri? He does not care. So, it falls on its face to the ground.

**Mr. Ndicho:** It is in my constituency, Mr. Speaker, Sir, and I---

**Mr. Speaker:** I am sorry, it is not your Question. It falls on its face to the ground.

*(Question dropped)*

Next Question, Ms. Karua, for the second time!

*Question No.635*

## CIVIL SERVANTS IN PRESIDENTIAL ENTOURAGE

**Mr. Speaker:** Ms. Karua is not in. The Question is dropped.

*(Question dropped)*

Next Question, Mr. Angwenyi, for the second time?

*Question No.626*

## UTILIZATION OF FUEL LEVY FUND

**Mr. Speaker:** Mr. Angwenyi is not in. The Question is dropped.

*(Question dropped)*

Next Question, for the second time, Mr. Kariuki!

*Question No.612*

**Mr. Kariuki** asked the Minister for Local Government:-

(a) what the Government position is on the type of building structures to be erected on plots issued by local authorities with temporary occupation licences; and,

(b) whether he could explain why no action has been taken to stop and prosecute those that have put up permanent concrete structures in urban centres such as Murang'a.

**Mr. Speaker:** Is anyone here from the Ministry of Local Government? I am afraid this Question cannot be dropped because the Questioner is here.

**Mr. Kariuki:** On a point of order, Mr. Speaker, Sir. In view of the fact that there are so many Ministers on the Government side, can one of them answer this Question on behalf of their colleague?

**Mr. Speaker:** The problem is that so many Questions have been dropped and yet, there are many Back-benchers there. They are not asking their Questions. So, today, I have no moral authority to reprimand the Front Bench. I will defer the Question.

**Mr. Kariuki:** Mr. Speaker, Sir, the Assistant Minister is coming in and I guess he could take charge of the matter.

*(Mr. Kiangoi entered the Chamber)*

**The Assistant Minister for Local Government (Mr. Kiangoi):** Mr. Speaker, Sir, I wish to apologise for coming in when the Question had just been asked. However, I beg to reply.

**Mr. Speaker:** Let me correct you, Mr. Kiangoi. This Question has been asked for the second time. It has not "just been asked."

**The Assistant Minister for Local Government (Mr. Kiangoi):** I am sorry, Mr. Speaker, Sir, I did not know that.

However, I beg to reply.

(a) The position of the Government regarding the type of building structures to be erected on plots issued by local authorities on temporary occupation licences is as follows:-

(i) No permanent structures or walls are authorised to be built on plots issued on temporary occupation licences.

(ii) Any structure built on land issued with temporary occupation licences must be in temporary materials in accordance with terms and conditions of the licence and be able to be removed when the land is required for intended or planned purposes.

(b) I am not aware of any particular case in Murang'a where permanent structures are being built on land given under temporary occupation licence. However, if the hon. Member has a specific case which has not come to my notice, we would like to have the information in order to investigate the same and report to the House.

**Mr. Kariuki:** Mr. Speaker, Sir, the issue of private developers building on temporary occupation licences and road reserves is prevalent all over the Republic; in Nairobi, Outer Ring Road, Juja Road and many other areas. There are houses being built with permanent materials on road reserves. This laxity will cause a problem in this country. What is the Ministry doing, and in particular this Local Authority, to stamp out this unwelcome trend of affairs?

**Mr. Kiangoi:** Mr. Speaker, Sir, as I said, as a Government policy, all local authorities have been instructed to approve building plans. Building plans should not be approved if the structures are of permanent nature or on a road reserve and, yet they were intended to be temporary. So, the policy of the Government, in the first place, is that, no such structures should be put on road reserves. If it is a temporary occupation licence, then the buildings must also be temporary in nature.

**Mr. Wamae:** Mr. Speaker, Sir, what will happen when we have temporary structures on the road reserve? Can Local Authority authorise them to be demolished?

**Mr. Kiangoi:** Mr. Speaker, Sir, generally, road reserves are not meant for any kind of structures. But where structures have been put up on road reserves, local authorities have taken the necessary steps and demolishes them because are illegal in nature and should not be there in any case.

**Mr. Muchiri:** Mr. Speaker, Sir, since permanent buildings have been put up all over the country and especially along the Great North Road, could the Assistant Minister inform this House whether they will be demolished or the local authorities will legalise them?

**Mr. Kiangoi:** Mr. Speaker, Sir, I did not get the question correctly, because there are certain words I missed. Could the hon. Member kindly repeat?

**Mr. Muchiri:** Mr. Speaker, Sir, there are so many permanent structures built on the Great North Road. This is the road from Cape Town to Cairo in Egypt. In all local authorities, permanent buildings have now been put up on that road. People are living in those residential houses. Will the Ministry legalise those buildings or they will be demolished?

**Mr. Kiangoi:** Mr. Speaker, Sir, as far as land under the jurisdiction of local authorities is concerned, if any permanent buildings have been put up in areas where the area is designated as road reserve, I have said, those are illegal structures. It should not have been approved in the first place. If it was approved, which normally would not be the case, I do believe, and it will be our policy that those buildings be removed.

**Mr. Kariuki:** Mr. Speaker, Sir, although the Assistant Minister says he is not aware that there is such a structure in Murang'a Town, the Minister himself hon. Kamotho's cousin is building on a road reserve. I have told hon. Kamotho himself personally to take action and demolish that structure. What will the Ministry do and, in particular the Minister himself who is a culprit with his own cousin, with the building on the road reserve?

**Mr. Speaker:** Order! Mr. Kariuki, would it have made a difference if the builder of this structure was your cousin?

**Mr. Kiangoi:** Yes, Mr. Speaker, Sir. These are the same Ministers who make laws and, yet they are the ones breaking them.

*(Applause)*

**Mr. Kamolleh:** On a point of order, Mr. Speaker, Sir. Is hon. Kariuki in order to discuss a Minister without bringing a substantive Motion? Could he apologise for that?

**Mr. Speaker:** Order! Hon. Members, I think we are likely to get more of this as approaches time of reckoning. But my advice to the House, let us be above it; let us address issues. It is good for the House and the country. So, let us not personalise issues.

Mr. Kiangoi, why do you not become forthright? If it is the policy of the Government that illegal structures should not be on the road reserves, you should say so and they must be demolished.

**Mr. Kiangoi:** Mr. Speaker, Sir, I have said that it is not the policy of the Government to have any buildings on road reserves. The word "reserve" means that the place has been reserved.

**Mr. Kariuki:** Mr. Speaker, Sir, now that the Minister for Local Government himself is here, I would like to repeat that hon. Kamotho's cousin is building on a road reserve in Murang'a. Could he clear himself?

*(Laughter)*

**Mr. Speaker:** Order! Mr. Kariuki, I have already given guidance to this House. The least you can do is to obey what I have said. The Assistant Minister on the Floor will answer the question.

**Mr. Kiangoi:** Mr. Speaker, Sir, as I was saying before the hon. Member insisted on arguments based on relations, it is the policy of the Government that no buildings, be they temporary or permanent, be built on road reserves. This is because road reserves, by their own nature, being reserved are reserved for the roads and not for buildings. If any structures; be they permanent or temporary, if they are put up they are put up at their owner's risk.

**Dr. Ochuodho:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House that it is Government policy to protect road reserves, while he knows that nearly all road reserves in Nairobi have been occupied by a particular petrol company?

**Mr. Speaker:** Those are your opinions! That is not a point of order! We move on to Questions by Private Notice!

**Mr. Achola:** On a point of order, Mr. Speaker, Sir. I appeal to you to allow the other Questions which were asked, but not answered to be answered, because we have a lot of Question Time remaining.

**Mr. Speaker:** Order! Time for the sitting of the House is from 2.30 p.m., and we were here duly constituted as a House at that time. It is your business and the business of all those who were late to be here at 2.30 p.m. So, we will not go back to that. That is the penalty you pay for being late.

### QUESTIONS BY PRIVATE NOTICE

#### VEHICLES FOR DISTRICT OFFICERS

**(Mr. Onyango)** to ask the Minister of State, Office of the President:-

(a) Is the Minister aware that the District Officers in the three divisions in Nyatike Constituency have no vehicles?

(b) Is he further aware that as a result, it is impossible for the officers to deal with urgent security matters?

(c) What action is the Minister taking to provide the officers with vehicles?

**Mr. Speaker:** Mr. Onyango is not in? The Question is dropped!

*(Question dropped)*

**Dr. Ochuodho:** On a point of order, Mr. Speaker, Sir. With a lot of humility to the Chair, in response to Mr. Achola's appeal, the Chair said that Members of Parliament pay the penalty. What penalty do Ministers pay when they are late?

**Mr. Speaker:** I have given them a lot of tongue-lashing and it is on record! The public and their employer know it. So, if that is not enough---

Next Question!

#### KILLING OF KARIOBANGI ESTATE RESIDENTS

**Mr. Muchiri:** Mr. Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice:-

(a) Under what circumstances did the following residents of Kariobangi Estate, Nairobi, lose their lives on 8th October, 2001?

1. Mr. George Ochieng;
2. Mr. Alphaeye Ndambo;
3. Mr. Chris Otieno;
4. Mr. David Moroka;
5. Mr. Aggrey Otina;
6. Mr. Wilfred Otieno; and,
7. Mr. George Ambuayo.

(b) How many other Kenyans were killed on the material date under similar circumstances?

(c) What action is the Minister taking to ensure that such killings are prevented in future, and to bring the perpetrators of the killings to book?

**The Assistant Minister, Office of the President (Mr. Moroto):** Mr. Speaker, Sir, I also kindly request that the Question be deferred, because the answer is not yet ready.

**Mr. Speaker:** Why, Mr. Moroto?

**Mr. Moroto:** Mr. Speaker, Sir, the police

are still investigating the matter.

**Mr. Speaker:** Order, Mr. Moroto! Is this House working at the sufferance of the police?

**Mr. Moroto:** Mr. Speaker, Sir, I request that we answer the Question on Tuesday next week.

**Mr. Wamae:** On a point of order, Mr. Speaker, Sir. You realise this Question involves the lives of Kenyans who have died, and the Assistant Minister says he is not ready to answer and, yet policemen are too busy with other issues. What is more important than the lives of the people?

**Mr. Moroto:** Mr. Speaker, Sir, that is why we want to get the correct information.

**Mr. Muite:** On a point of order, Mr. Speaker, Sir. Could we have your guidance? Mr. Moroto is not telling the House or the Speaker why they are not ready with the answer today, and the substantive Minister is just seated there smiling. This House and the Chair in particular, are entitled to be given reasonable explanation as to why the Office of the President is not able to answer this Question by Private Notice today. No explanation has been given!

**Mr. Speaker:** Mr. Moroto, how far is Kariobangi from your office?

**Mr. Moroto:** Mr. Speaker, Sir, it is not far, but we would like to get the correct information.

**Mr. Speaker:** Why have you not got it now?

**Mr. Moroto:** Mr. Speaker, Sir, because we have not been briefed.

**Dr. Kulundu:** On a point of order, Mr. Speaker, Sir. These people died exactly a month ago. Could the Assistant Minister be kind enough to give us a hint of what progress they have made in investigating this death?

**Mr. Moroto:** Mr. Speaker, Sir, we would like to give the right information. We will be able to reply on Tuesday.

**Mr. Speaker:** Hon. Members, I am very disappointed.

*(Applause)*

**Hon. Members:** Hear! Hear!

**Mr. Speaker:** I thank you for appreciating my disappointment, that the whole of today, we have only dealt with only two Questions. Most of them have not been answered and those that have been asked, could not be answered. As a House we must be more serious than this. I would like the House to be taken seriously. Mr. Moroto, I will give you up to Tuesday because there is nothing else I can do. But next time you come and tell me that you could not get information on a matter in Kariobangi, then maybe, the House would want to know why you are sitting in the Office of the President. You must be here on Tuesday next week, properly briefed. That goes for everybody; could we please take the business of the House seriously?

**Mr. Munyao:** On a point of order, Mr. Speaker, Sir. Your ruling is very clear. This is not the first time you have done it. You have done it severally until the Ministers and some of us have taken it as a joke. The Standing Orders of the House, and even the Constitution are very clear. The Constitution states that Ministers are responsible to this House. What else would a Minister be doing other than coming here to answer Questions? Could I request that the particular Ministers be named as per the Standing Orders?

**Mr. Speaker:** Order! I think Mr. Munyao you should be even-handed. You should also direct the same to hon. Members who refuse to come to the House to ask their Questions. This House must be even-handed. From now on, everybody should be serious with the House. This House may be forced to take drastic action against those who are unwilling to discharge their responsibility to the country and to this House. So, everybody be on notice now; we will expect this House not to be disregarded with impunity. I am dead serious!

**Mr. Ndicho:** On a point of order, Mr. Speaker, Sir. The Member of Parliament that Mr. Moroto took over from; the late Mr. F.P. Lotodo was a very serious man. He never at any one time came here without a proper answer. He used to lash his officers in the Ministry. We miss that man. Would I be in order to ask Mr. Moroto to emulate that great son of this country so that our Questions can be answered appropriately? Could he learn from this great friend of ours that we terribly miss?

**Mr. Speaker:** Order! Obviously this House, and the Chair included misses any departed colleague; the late Mr. F.P. Lotodo included. But to ask the Speaker to be the manufacturer of individuals is going too far. I do not know how to make people. I only deal with the people before me.

**Mr. Mwenje:** On a point of order, Mr. Speaker, Sir. On the same day, apart from Mr. Muchiri's constituency, across my constituency in Dandora, 19 people were killed in the same manner. Could the Assistant Minister while answering this Question include those people who were killed in Dandora?

**Mr. Speaker:** Order! Mr. Moroto, you will ignore Mr. Mwenje because he does not take his word seriously. Mr. Mwenje, you will be ignored, because if you were serious like Mr. Muchiri, you would have filed

your Question. Since you have not, you will be ignored. Mr. Muchiri's Question is deferred to next Tuesday!  
Next Question!

*(Question deferred)*

ASSISTANCE TO TERRORIST ATTACK VICTIMS

**(Mr. Imanyara)** to ask the Minister for Water Development:-

- (a) Is the Minister aware that the U.S. Government has created a Fund to assist victims of the 11th September, 2001 terrorist attack?
- (b) Why have Kenyan victims of the 1998 bomb blast which killed more than 200 Kenyans been left out?
- (c) What is the Minister doing to ensure that Kenyan victims are also included?

**Mr. Speaker:** Mr. Imanyara is not in? The Question is dropped!

*(Question dropped)*

**The Assistant Minister for Foreign Affairs and International Co-operation** (Mr. Affey): On a point of order, Mr. Speaker, Sir. I wanted to inform the Chair that I am present and ready to answer the Question.

*(Applause)*

**Mr. Achola:** On a point of order, Mr. Speaker, Sir. This Question by Mr. Imanyara is very important to every Kenyan who was affected by the 1998 bomb blast. Could you allow the House as a whole to ask it so that we can get the answer, or you defer it? This is a very genuine appeal. You could also allow me to ask it on his behalf.

**Mr. Speaker:** Order! All Questions brought to the House by any hon. Member are important.

**Dr. Khamasi:** On a point of order, Mr. Speaker, Sir. Those of us who are friends of Mr. Imanyara know that he was indisposed, and he came out of hospital yesterday. It is for this reason that he is likely not to be here today. Could you consider deferring that Question till he is well?

**Mr. Speaker:** Mr. Imanyara is my Temporary Deputy Speaker. You cannot be closer to him than me!

*(Laughter)*

**Mr. Speaker:** Order, hon. Members! I am sure the hon. Member will receive it.

REMOVAL OF PUMPING MACHINE FROM NDII RESERVOIR

**(Mr. Mwakiringo)** to ask the Minister for Water Development:-

- (a) Could the Minister explain why a generator used for pumping water for over ten years from Ndii Reservoir tank in the Mzima springs was removed?
- (b) Why are the residents of Ngolia/Mbololo locations not supplied with water yet the Ndii Reservoir tank is usually full?
- (c) What action is the Minister taking to ensure that a generator is installed at the Ndii reservoir tank?

**Mr. Speaker:** Is Mr. Mwakiringo not here? His Question is dropped!

*(Question dropped)*

**Ms Karua:** Mr. Speaker, Sir, could I ask that Question on his behalf?

**Mr. Speaker:** You cannot! It is a Question by Private Notice! But I share your sentiments.

**Ms Karua:** Mr. Speaker, Sir, may I explain it on his behalf, just like it has been explained for Mr. Imanyara? Mr. Mwakiringo is very busy with the by-elections in his constituency.

*(Laughter)*

That being a national duty, may I request that the Question be deferred to next Tuesday when the by-elections will be over?

**Mr. Speaker:** Order! I think I must put that in its correct perspective. Participating in a by-election is a parochial party matter, while participating in the National Assembly of Kenya is a national duty. Parochial issues cannot override national duty. So, to that extent, I am not inclined to listen to you.

Next Question!

*(Question dropped)*

ADJUSTMENT OF CEREALS PRICES

**Mr. Munyao:** Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that due to poor prices of cereal food per bag which is caused by lack of clear food policy from the Government, this country is likely to experience food shortage next year?

(b) How much food is held in stores at the moment?

(c) How much do we expect from the

**[Mr. Munyao]**

current crop in the country?

(d) Could the Minister urgently allow a price of Kshs1,200 per bag for maize and Kshs2,000 per bag for beans, which will encourage farmers to produce?

**Mr. Speaker:** Is there no one from the Ministry of Agriculture and Rural Development? Now, what is happening today?

**An hon. Member:** Name him!

**Mr. Speaker:** Maj. Madoka, what is happening?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Speaker, Sir, that is not my Ministry.

*(Laughter)*

**Mr. Sungu:** On a point of order, Mr. Speaker, Sir. I thought there was something called collective responsibility in the Cabinet. Maj. Madoka being the seniormost hon. Member of the Cabinet present here could as well explain to us what is happening to the Ministry. Could we have a better response?

**The Minister of State, Office of the President** (Mr. ole Sunkuli): Mr. Speaker, Sir, while apologising for the hon. Members of the Cabinet who are not here, I just want to request you to inform hon. Members that collective responsibility does not mean that when a Minister is late or may be held up in the traffic---

*(A mobile phone rang)*

**Mr. Speaker:** Order! Whose mobile phone is ringing?

*(Mr. Achola withdrew from the Chamber while holding his mobile phone)*

Order! Mr. Munyao, what is the suitable time when you can ask your Question?

**Mr. Munyao:** Mr. Speaker, Sir, I am glad because you are asking me to give you a suitable time. But before we reach there, could I use my right in this House to demand that this Minister be named? This is because I have got a written reply here. He knew that this Question was going to be answered. It is the laid down procedure in this House, that Questions are taken to Ministers who sign on their written answers. The Minister knew that the Question was coming up today. Could I demand that he be named?

**Mr. Speaker:** Order! I want to put the Front Bench on notice; that, from now on, I will be very inclined to apply the proposition by Mr. Munyao in future. This is because it has become a tradition for the business of the House not to go on because we do not have Ministers and Assistant Ministers to answer Questions. In the same vein, as I am going to listen to applications like that of Mr. Munyao, to name Ministers who refuse to come to the House without good reason to answer their Questions, all Back Benchers should also be on notice. If any one of



you, without consulting the Speaker, fails to come to ask his or her Question, and it falls, I will not be inclined to reinstate it. So, both sides of the political divide are warned by the Chair, that you take your job seriously. I may not from now on be inclined to reinstate Questions dropped and I will be very willing to listen to the application like that one of Mr. Munyao, that, if a Minister is not present, without good cause to answer Questions, he or she will be named. I am in the office all the time. Any Back Bencher or Minister who is likely to be late should inform the Chair and above all, the hon. Member concerned, so that we all know what is likely to happen in the House.

Let us all be serious from now on.

**The Assistant Minister for Education, Science and Technology** (Mr. Karauri): Mr. Speaker, Sir, I wish to seek your guidance. Long ago, at least before 1992, answers to Questions used to be left with the Clerk of the National Assembly and any Minister. This is because the hon. Member asking the Question would have an answer and any Minister would stand up and answer that Question. I wanted to know: Who cancelled that practice? Is it the Speaker or Parliament?

**Mr. Speaker:** Order! We have never cancelled what is called collective responsibility, and that includes you. Even now, you are at liberty to proceed to the Dispatch Box and answer Mr. Munyao's Question. Are you prepared?

*(Laughter)*

So, Mr. Karauri, what you should do is to talk to your side, so that you all know what Questions are coming; you are properly briefed and if "X," "Y" and "Z" does not turn up, then, Mr. "L" can answer it. That is your arrangement; not the Chair's!

**Mr. Angwenyi:** Mr. Speaker, Sir, you seem to be in a very good mood today!

*(Laughter)*

**Mr. Speaker:** Order! Are you suggesting by any chance that the Chair is moody? Not you Mr. Moody Awori, the Assistant Minister for Education, Science and Technology. Anyway, what was your serious point of order?

**Mr. Angwenyi:** Mr. Speaker, Sir, my serious point of order is that since you have been magnanimous to the Ministers and Back Benchers, maybe, you could retract your initial decision and let us ask Questions on behalf of those of us who were late.

*(Applause)*

**Mr. Ndicho:** Mr. Speaker, Sir, this House is modelled on the British Parliamentary system, where the Prime Minister is the one who answers all Questions. Would I be in order to ask that we change the formula to have the Leader of Government Business, who acts as a Prime Minister, to answer all Questions in order to get out of this problem?

**Mr. Speaker:** Order! As a Parliament, although we derived practices in the name, and even the sitting arrangement, from the Westminster model, it does not mean that we are a replica of the same. This Parliament must work its own way to create its own distinctive identity that is truly Kenyan and unique to itself. We cannot go and become a photocopy as it were, of another Parliament. Not now!

Mr. Munyao, what date suits you? That is enough now!

**Mr. Munyao:** Mr. Speaker, Sir, I think Tuesday is okay. Let me tell you of another point. You are very good to the other side and you can see that. The rules are that when the Speaker is on the Floor, everything must freeze. Behind your back, nothing freezes because you do not see it. Could somebody be placed there who can be giving signs; that you are on your feet?

**Mr. Speaker:** To who?

**Mr. Munyao:** Mr. Speaker, Sir, to the hon. Members, so that they do not move when you are on your feet, because you do not see them.

**Mr. Speaker:** Order, hon. Members! Everything freezes when I am on my feet; on all sides, in the galleries and everywhere. So, can you ask your Question on Tuesday?

**Mr. Munyao:** Yes, Mr. Speaker, Sir.

*(Question deferred)*

**Mr. Waithaka:** On a point of order, Mr. Speaker, Sir. Because of your mood today, could you please, allow those hon. Members who came late to ask their Questions?

**Mr. Speaker:** Order, Mr. Waithaka! I have never changed my mood. My mood remains that of serious business. I am on serious business and that has always been my mood.

Next Question, Mr. Ndicho!

#### POWER SUPPLY TO NGOLIBA

**Mr. Ndicho:** Mr. Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) Is the Minister aware that Ngoliba Health Centre in Gatuanyaga Location of Juja Constituency has been without power supply for over two months now?

(b) Is he further aware that as a result, patients attending the health centre are suffering?

(c) What urgent measures is the Minister taking to alleviate this problem?

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

(a) I am aware that there has been a problem of power supply to Ngoliba Health Centre which has been solved now, and supply restored.

(b) Since electric power has already been restored, patients attending the health centre are not suffering due to problems arising from lack of power.

(c) No further measures are being taken since the problem has already been resolved.

**Mr. Ndicho:** Mr. Speaker, Sir, this is the third time I am asking this Question about Ngoliba Health Centre in Gatuanyaga Location. Every time I ask a Question here, the Ministry rushes to reconnect power. Does the Assistant Minister know that when power has been disconnected, the laboratory, the maternity wing and the theatre suffer a lot? We visited the maternity wing of that health centre with the District Commissioner, Thika, and nurses told us that they use torches belonging to watchmen to attending to women who are giving birth. Now that power has been reconnected, could the Assistant Minister tell us when this power was reconnected?

**Dr. Galgalo:** Mr. Speaker, Sir, to put the record straight, we did not rush to connect power when this Question was filed. We normally get reports through various ways from our health facilities. Whenever we get information, whether from hon. Members or District Commissioners, we respond to them. In this particular case, this health centre did not report to us that power had been disconnected and they did not forward to us the electricity bill as required of them. Immediately we got information we proceeded to make the payments and power was connected yesterday.

**Mr. Kariuki:** Mr. Speaker, Sir, bearing in mind the sensitivity of essential services like health, what strategy is the Ministry pursuing in conjunction with the Kenya Power and Lighting Company (KPLC), so that power cuts are not executed in health centres and hospitals? Otherwise, Kenyans will continue to die as a result of power cuts.

**Dr. Galgalo:** Mr. Speaker, Sir, we have centralised the payment of all electricity bills. We do not issue Authority to Incur Expenditure (AIEs) to the districts any more. All health facilities within the country forward their bills to us and we pay them from a central point.

**Mr. Kariuki:** On a point of order, Mr. Speaker, Sir. The Assistant Minister is talking about the mode of payment, but I am talking about the relationship between the Ministry and the KPLC. They should resolve this matter so that the KPLC does not disconnect electricity to health institutions. The Ministry and the KPLC should come up with an arrangement so that power to health institutions is not disconnected. Those institutions could be allowed to settle their bills later.

**Dr. Galgalo:** Mr. Speaker, Sir, to ensure that there are no power cuts in our health facilities, we have centralised the payment of bills. The KPLC will forward their bills directly to us, but not to the health facilities. We pay electricity bills for all the health facilities in the country from the headquarters. Those health facilities that have registered with us that they already have power, will not have their power disconnected, because the Ministry is committed to ensuring that prompt payment is made.

**Dr. Kulundu:** Mr. Speaker, Sir, in order to prevent the recurrence of this problem, either in this health centre or any other health institution, what policy does the Ministry have to install solar panels in health centres and hospitals throughout the country? Electric power can fail not only because of non-payment, but because of other technical reasons. Does the Ministry have any plans to install solar panels in health institutions?

**Dr. Galgalo:** Mr. Speaker, Sir, from our experience, solar panels are subject to theft. Wherever we have

installed them, they have been stolen after a few months. So, it has not been cost effective to install solar panels.

**Mr. Keriri:** Mr. Speaker, Sir, arising from that reply, could the Assistant Minister assure this House that the Ministry is going to install generators in all hospitals and health centres where in-patients are admitted?

**Dr. Galgalo:** Mr. Speaker, Sir, most of our health facilities like district hospitals and all provincial hospitals have alternative power supply in the form of generators. I know some health centres have got generators. We will see whether we can install more.

**Mr. Ndicho:** Mr. Speaker, Sir, if power supply to Ngoliba Health Centre was reconnected yesterday, then I am grateful to the Ministry. I am going there tomorrow to ascertain that fact. There is an inter-ministerial policy, that essential services in hospitals like water and telephones should not be interfered with. They should be accorded equal treatment with the 999 police facility. Telkom Kenya cannot disconnect this facility because of security considerations. Could the Assistant Minister undertake that from now onwards, hospitals, health centres and dispensaries will be regarded as essential institutions where neither power, water nor telephones will be disconnected because of non-payment of bills? Could he assure this House and the country that it will never be done again?

**Dr. Galgalo:** Mr. Speaker, Sir, I am sure hon. Ndicho is aware of the Government programme of privatisation. The facilities he is talking about like the KPLC and Telkom Kenya, are on their way to full privatisation. As a Ministry, we do not have control over them. Our obligation is to ensure that we pay them whenever their bills are due.

**Mr. Angwenyi:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to tell us that KPLC is in the process of being privatised, hence it cannot give essential services to the people of this country? In fact, they are coming to this House to seek a Kshs2.5 billion bail-out!

**Dr. Galgalo:** Mr. Speaker, Sir, hon. Angwenyi knows definitely that for a long time, KPLC has not been directly under the control of the central Government. It has been operating more or less autonomously. We have no control over them as a Ministry.

**Mr. Shitanda:** Mr. Speaker, Sir, the Assistant Minister has told us that they cannot use solar panels to provide power in rural areas because they are normally stolen. Is he telling this House that since these solar panels are stolen from the various health centres across the country, this is a reflection of what happens at the Ministry's headquarters?

**Mr. Galgalo:** Mr. Speaker, Sir, that is a ridiculous question! Hon. Shitanda knows very well that there are no people from the Ministry's headquarters who operate at the rural health facilities. If those solar panels are stolen, they are stolen by the local communities and not by our staff at Afya House. What happens at Afya House has no connection whatsoever with what happens in the rural health facilities. I am sure Kenyans have come to realise that the Ministry of Health has been on the right track for quite a while because of good leadership.

#### MINISTERIAL STATEMENT

##### TENDER TO SUPPLY POWDER CHLORINE

**The Minister for Local Government (Mr. Kamotho):** Mr. Speaker, Sir, Mr. Mwenje, the Member of Parliament for Embakasi, requested for a Ministerial Statement regarding the award of a contract for the supply and delivery of powder chlorine for water treatment by the Nairobi City Council (NCC). The tender for the supply of powder chlorine was advertised by the Council in February, 2001. Tenders were opened on 26th March, 2001, and subjected to rigorous technical evaluation process, starting with the testing of the samples. The testing of the samples was carried out by the NCC Chief Chemist at the Council laboratories. The tender conditions had provided for submission of three sealed samples; one to be tested by the Council and if any supplier was not satisfied with the results, he was at liberty to submit one of the remaining two sealed samples to a laboratory of his choice for re-testing. In the event of the results obtained by the supplier on re-testing not agreeing with the results obtained by the Council, the other sealed sample would be forwarded and opened for analysis to a laboratory agreed upon by both parties. The results from that final analysis would be final.

Mr. Speaker, Sir, that elaborate process was designed to ensure that there was fairness in the whole tendering process. In that particular case, only two tenderers; namely, Dokin Chemicals and Gladog Limited were dissatisfied with the Council results. After submitting their samples to independent laboratories, the results still showed that the Council analysis was correct. After the sample analysis, the evaluation team analysed the tender documents to establish whether the bidders had met the other conditions of the tender. Those firms that failed to meet the basic requirements were disqualified. Nine companies were disqualified at that stage. Those

who met the basic conditions were now subjected to final financial evaluation.

The tender committee met on 26th September, 2001 to deliberate on the award of the contract. The tender committee observed that the lowest bidder, M/S Gladog Limited, which was the Council's supplier of liquid chlorine by then, had registered very poor performance by making irregular and unreliable supply, such that, at times, the Council had to raise urgent quotations to procure powder chlorine to save the situation, which was at extra cost to the Council. Consequently, the committee recommended the second lowest bidder, M/S Gemini Stores, for the award of the tender at a contract sum of Kshs59,623,200. In recommending that firm, the committee considered its previous good performance record and consistency. The immediate previous supplier, M/S Calvadare Medical Equipment was the seventh lowest bidder, at a contract sum of Kshs83,068,700, which was considered to be too high and unrealistic.

Mr. Speaker, Sir, in conclusion, it is important to note that, that particular tender was subjected to thorough scrutiny at all stages to ensure fairness and transparency. The issue of oxidising agent sample analysis may have been taken out of context. The sample was just one among many conditions which every bidder had to fulfil. The purpose of the samples was to establish generally, if tenderers understood the product that they were expected to supply, bearing in mind that most of them are not experts in that area. Secondly, they were meant to confirm if any of the bidders had ex-stock which could be sourced in the event of an emergency during the tender processing period. It must be observed that the minimum oxidising agent acceptance level ranges from 35 per cent to 70 per cent. In that particular tender, the technical evaluation panel had recommended that any bidder who had submitted a sample with at least, 60 per cent to 70 per cent be considered, in order to make the bid more competitive. That recommendation took cognisance of the fact that, it is at the time of delivery that the actual chemical analysis must meet the tender specifications as provided under Sections 4 and 7 of the tender conditions.

Mr. Speaker, Sir, under the public procurement procedures, canvassing of any nature by a bidder or agents purporting to act on his behalf leads to automatic disqualification of the bidder. In that particular tender, Mr. Otieno Kajwang made several attempts to canvass among the council's chief officers and at the ministerial level, on behalf of, at least, two firms.

**Mr. Kajwang:** On a point of order, Mr. Speaker, Sir. I will expect the Minister---

**Mr. Speaker:** Order the two of you! We want the country to understand what is happening, but within the rules of the House! Mr. Kamotho, proceed within the rules.

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

**Mr. Speaker:** Order, Mr. Kajwang!

**Mr. Kajwang:** But you do not know what I am about to say!

**Mr. Speaker:** Order, Mr. Kajwang! You must understand that a Member on a point of order will not be interrupted! That is the rule!

**Mr. Kajwang:** Even when he is scandalising me?

**Mr. Speaker:** Order! I will throw you out!

Proceed, Mr. Kamotho!

**The Minister for Local Government (Mr. Kamotho):** Mr. Speaker, Sir, as I was saying, certain individuals are known to have ran around offices in City Hall and even in the Ministry on behalf of, at least, two firms, which had bid for the tender. It was after they were rebuffed that they decided to go public. If, indeed, there is genuine complaint on the way the contract was awarded, then those aggrieved should forward their complaints to the Public Procurement Complaints Review and Appeals Board in the Treasury.

Finally, my Ministry's position is that the tender was awarded properly after observing all the tendering regulations as per the new Public Procurement Regulations and Procedures applicable to all public institutions. The purported cancelling of the tender by the councillors is, therefore, null and void as they have no legal mandate to deal with tenders under the new regulations.

Thank you, Mr. Speaker, Sir.

**Mr. Mwenje:** Mr. Speaker, Sir, could the Minister now tell us whether the analysis done by the Chief Government Chemist showing the available chlorine in each sample was correct or not? Nairobi people got scared when they saw this thing. So, could he assure us that the water system in Nairobi will be kept out of differences between the "mergers" and "co-operations" of the NDP and KANU? Could the competing groups of this City be kept off the water system in maligning their own business between NDP and KANU and that the supply of water will not be affected, and that those who are interested parties will declare their interests?

**Mr. Speaker:** Order, Mr. Mwenje! When will hon. Members take my ruling seriously? You cannot interrupt an hon. Member on a point of order. I have already said that from now on, any hon. Member participating in this issue must do so within the rules of the House. Everybody must obey the rules of the House. It

is my business to ensure that that is done.

**Mr. Mwenje:** On a point of order, Mr. Speaker, Sir!

**Mr. Speaker:** I have given the Floor to another Member.

**Mr. Kajwang:** Mr. Speaker, Sir, I listened to the Minister very carefully and he said that only two companies were dissatisfied with the results of the tender. These were Docune and Grandall which were declared in the report as failed samples, such that Gemini Stores which happens to have been awarded the tender did not complain of the results which were given by the Government Chemist. The result, therefore, is that Gemini Stores remains at 62.8824 per cent of chlorine, although they went to Press and said that they later on took some samples and got about 72 per cent. I have not heard the Minister refer to that. The tender document talks about a certain standard which is 65-70 per cent. The procurement rule which the Minister is so happy to refer to also describes what a standard is. On page 149, the standard is described as "a characteristic or set of characteristics of an item which for reasons of quality level or compatibility with other products is generally accepted."

Mr. Speaker, Sir, the Minister has not told us why the tender document stated 65-70 per cent and still gave the tender to Gemini Stores which failed to meet the requirement. Even if it is true that the person who qualified had a bad record and the cost was too high, why did they not re-tender so that they could get the appropriate person to give us the correct chemicals? What guarantee do Nairobians have that this chemical, which is below the specified standard--- The specification states that---

**Mr. Mwenje:** On a point of order, Mr. Speaker, Sir!

**Mr. Kajwang:** No, it is just a short one!

**Mr. Speaker:** Order, the two of you! I see no reason at all why a business like this should create so much passion. Will you, please, address the House without unnecessary emotions? Mr. Mwenje, you must learn to "obey the rules of gravity" and sit down when I have given another hon. Member the Floor on a point of order. So, you must sit down.

**Mr. Kajwang:** Thank you, Mr. Speaker, Sir. First of all, I am a Nairobi resident and a Kenyan. I do not have an interest in any of those companies. That is not important. I may even have an interest, but what is important is this: The specification says that there shall be a strong oxidising agent, containing between 65-70 per cent of available chlorine for instant action against bacteria and other harmful elements in portable water. If this was not important, and if it could even be 35-70 per cent, then why take people through this rigorous testing? Let the Minister explain these things without playing politics. We want to know what is behind this issue. We do not want any "bio-terrorism" in this country.

**Mr. Speaker:** Order, Mr. Kajwang! You must learn to treat the House with respect. I can stand the weight of many and bring order to this House.

**Mr. Ndicho:** Mr. Speaker, Sir, I have two issues to raise. First and foremost, in his reply, the Minister said that one of the companies called Gadof Limited which had breached contract before was allowed to tender for a second time. Could the Minister tell us why that company was allowed to do business with Nairobi City Council when it had already breached a contract? This House and this country needs to know either from Mr. Kamotho or Mr. Kajwang how the name of the Vice-President came into all this. In their replies in the House, both Mr. Kamotho and Mr. Kajwang have not mentioned the Vice-President. This country and the House wants to know whether our Vice-President was involved in this matter; whether he is just being mudslung or if it is a case of succession politics. Why was he brought into this matter? This House is now anxiously waiting to hear that.

**Mr. Angwenyi:** On a point of order, Mr. Speaker, Sir. Under what Standing Order are we discussing this matter? Is it a Personal Statement or under Standing Order No.20, as a matter of national importance?

**Mr. Speaker:** Mr. Angwenyi, where were you? If you recall, the day before yesterday, the Member for Embakasi requested for a Ministerial Statement relating to the saga which we have heard concerning chlorine. Yesterday, Mr. Kamotho was ready to give a Ministerial Statement. By that time, it was ten minutes past 4.00 o'clock and I declined to give him the chance to do so because we had other businesses to transact. Today, he gave a Ministerial Statement on a matter which he was asked by the hon. Member. I will not allow a debate on this matter to happen. Hon. Members should instead seek clarification. We will not use a Ministerial Statement as a basis for debate. Arising from what the Minister has said, you may wish to seek clarification and that is what I have allowed hon. Members to do. All those hon. Members who tried to stray away from the rules were promptly brought back on course by the Chair, as he is duty-bound to do. If you stray, I will be duty-bound to bring you back. I now bring you back to the fact that your point of order was frivolous.

**Mr. Angwenyi:** Mr. Speaker, Sir, therefore---

**Mr. Speaker:** Will you sit down? We do not transact business of the House that way.

**Mr. Angwenyi:** Mr. Speaker, Sir, therefore---

**Mr. Speaker:** Could you sit down? Mr. Angwenyi, why do you treat the business of the House that way?

*(Mr. Angwenyi sat down)*

If there is one more point of clarification, I will accept it. Mr. Minister, have you finished?

**The Minister for Local Government** (Mr. Kamotho): No, Mr. Speaker, Sir.

**Mr. Speaker:** Okay. I think I will ask Dr. Kulundu to seek his point of clarification.

**Dr. Kulundu:** Thank you very much, Mr. Speaker, Sir. I just want some clarification from the Minister on one or two points. One, did the tender specify that the chlorine content should be between 65 and 70 per cent? Two, is the Minister aware that the cost of chlorine varies with the strength of chlorine in the sample? For example, if a sample contains 65 per cent available chlorine, that costs Kshs200 per kilogramme. If it contains less than 65 per cent available chlorine, it costs Kshs80 per kilogramme. Therefore, your refusal to name whichever company that I think quoted Kshs80 million, was frivolous. This is because if you base it on the chlorine content, then that was a reasonable cause.

**Mr. Speaker:** Order! Dr. Kulundu, when I say you seek clarification, it is not synonymous with providing advice or conclusions of your own. Your first point of clarification was right and the Minister can reply to that. However, please, is that enough for him to reply?

**Hon. Members:** No, Mr. Speaker, Sir!

**Mr. Speaker:** One more then! Mr. Vice-President, you want to seek clarification from the Minister?

**The Vice-President and Minister for Home Affairs** (Prof. Saitoti): Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Okay, go ahead and then I will come finally to Mr. Kathangu.

**The Vice-President and Minister for Home Affairs** (Prof. Saitoti): Mr. Speaker, Sir, mine is to seek clarification over what has just been raised by hon. Ndicho; that is: In what way is the Vice-President and his office involved in this saga? I would like that information to be stated here, and I hope that the Minister can now be able to say in what way the Vice-President was in any way involved in lobbying.

**Mr. Speaker:** Mr. Odoyo!

**Hon. Minister:** But he is an Assistant Minister!

**The Assistant Minister for Foreign Affairs and International Co-operation** (Mr. Odoyo): Mr. Speaker, Sir, the Vice-President has sought a clarification!

**Mr. Speaker:** Order! You know, I have heard, at the beginning of this issue, about some Members talking about the person of the Vice-President. I have not heard anybody talking about Mr. Odoyo. But if you want to say that you were mentioned, go ahead!

*(Laughter)*

**Mr. Kathangu:** Mr. Speaker, Sir, I would like to seek two clarifications. One, if the Minister is right in saying that Gemini Stores was qualified, I would like to know why, therefore, the tender was cancelled or suspended? Secondly, the word 'canvassing' has been used here. Which companies were disqualified because of the canvassing of the individuals for this tender?

**Mr. Speaker:** Very well. Mr. Kamotho, we will get all the responses and then we proceed to the next Ministerial Statement by hon. Kiangoi.

**The Minister for Local Government** (Mr. Kamotho): Mr. Speaker, Sir, first of all, as I said in my statement, the Gemini Stores who were awarded the tender objected to the results of the analysis as provided in the conditions of tender, and they appealed for---

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

**Mr. Speaker:** Mr. Kajwang, when you will ever know when to come in?

**The Minister for Local Government** (Mr. Kamotho): Mr. Speaker, Sir, could I finish?

**Mr. Kajwang:** Mr. Speaker, Sir, I refer to what the Minister said first. He said that there were only two companies which were dissatisfied.

**Mr. Mwenje:** On a point of order, Mr. Speaker, Sir!

**Mr. Speaker:** Order! The minute I see Mr. Kajwang or Mr. Mwenje again up on their feet, I will make sure they will not be here to disturb the business of the House. The two of you are on notice now. So, try again!

*(Laughter)*

**The Minister for Local Government** (Mr. Kamotho): Mr. Speaker, Sir, as I said in my statement, Gemini Stores appealed against the results of the analysis. The other sample was tested again on 13th August, 2001, and this is the certificate that was given by the Chief Chemist of the Nairobi City Council, Water Department, saying that the content of the chlorine is 72.87 per cent, which means it is better than the minimum requirement of 65 per cent to 70 per cent. I was very clear in my statement that, that is the minimum which was expected to qualify for the award of the tender. So, technically, I do not know what we are arguing about. I table this certificate for anybody who wants to look at.

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

Mr. Speaker, Sir, secondly, I do not know how on earth the names of the Vice-President and also that of the Minister for Local Government were brought into this matter by hon. Kajwang. According to the new regulations on the procurement procedures in the committee in the City Council or any parastatal or the Ministerial Tender Boards, there is no reference to the Minister whatsoever in matters of awards of tenders. This is the new Exchequer and Audit Public Procurement Regulations, 2001, issued by Treasury. That is what governs awards of tenders. I came to learn of the chlorine tender for the City of Nairobi when I heard about the Press conference. I watched it on Kenya Television Network (KTN). I had not heard anything about it because these are things done administratively by the authorities concerned without reference to the Minister. In case a tenderer is dissatisfied, there is room to appeal to an Appeals Board in the Treasury. So, I do not know why all these matters were brought about and started smearing my name and that of the Vice-President in this matter.

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

**Mr. Speaker:** Order! That matter is over! Mr. Kiangoi!

#### INTENDED BAN OF *MIRAA* IN LAMU

**The Assistant Minister for Local Government** (Mr. Kiangoi): Thank you, Mr. Speaker, Sir. I would like to issue a Ministerial Statement on a matter that was raised by the Member of Parliament for Ntonyiri, hon. Maoka Maore, who requested for a Ministerial Statement regarding the intended ban of *miraa* in Lamu. Although Lamu County Council has published the intended ban in accordance with the provisions of the Local Government Act, the Minister for Local Government has not yet approved the resolution and, therefore, the by-law that is intended cannot be applied. Indeed, under the Local Government Act, no by-law by any local authority can be implemented without the written approval of the Minister for Local Government. The Minister has not yet received the request for approval. Therefore, I cannot comment on the substance of the resolution by the council as of now. However, I will decide when and if the request is made through the official channels. This will depend on the justification offered by the council for the intended action. For now, I have instructed the council not to interfere with *miraa* dealers.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Could you seek clarification, Mr. Maore?

*(Loud consultations)*

Order! Order! Hon. Members, could you give audience to the Member of Parliament for Ntonyiri, Mr. Maore?

**Mr. Maore:** Mr. Speaker, Sir, while applauding the decision and action of the Assistant Minister, could I also seek clarification from him? Lamu County Council is not using the Government machinery to implement the proposed or intended ban; it is using youths who operate from mosques, where the *mullahs* are the ones in charge and not Kenya Government officers. Could the Assistant Minister tell his officers in the field, categorically, that it is the Ministry of Local Government, assisted by the Kenya police, which implements such decisions, and not marauding youths?

**Mr. Michuki:** On a point of order, Mr. Speaker, Sir. As per your instructions, I was expecting a Ministerial Statement from the Minister in---

**Mr. Speaker:** Mr. Michuki, we have not finished with Mr. Maore. The Assistant Minister was supposed to respond to his request for a clarification. I will come back to you. Mr. Assistant Minister, would you like to respond to Mr. Maore's point of clarification?

**The Assistant Minister for Local Government** (Mr. Kiangoi): Mr. Speaker, Sir, as I said, for any resolution made by a local authority to have the force of law, it must receive the Minister's approval in accordance with Section 204 of the Local Government Act. The Ministry does not go to local authorities to implement any laws or by-laws. Local authorities are empowered by the law to deal with matters within their jurisdiction. However, on the allegation that marauding youths are trying to implement a by-law that has not yet received the Minister's approval, as I said, I have instructed the council not to interfere with *miraa* dealers.

**Mr. Speaker:** Very well. Mr. Michuki, are you happy with that response by the Assistant Minister?

### POINTS OF ORDER

#### DISAPPEARANCE OF MR. JULIUS NJUGUNA KIMANI

**Mr. Michuki:** Mr. Speaker, Sir, it is the Minister of State, Office of the President, who was supposed to issue the Ministerial Statement I have mentioned.

**Mr. Speaker:** Which Minister is that?

**Mr. Michuki:** Mr. Speaker, Sir, it is Maj. Madoka. He was supposed to issue a Ministerial Statement on the disappearance of an Administration Policeman, Mr. Julius Njuguna Kimani.

**Mr. Speaker:** Maj. Madoka, do you know anything about the disappearance of Mr. Kimani?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Speaker, Sir, let me apologise to the hon. Member. The Ministerial Statement is ready, but I was not to come to Parliament this afternoon. I thought that my Assistant Minister would come with the Ministerial Statement, but he has not.

**Mr. Speaker:** Can you issue it on Tuesday?

**The Minister of State, Office of the President** (Maj. Madoka): I can, Mr. Speaker, Sir.

**Mr. Speaker:** Very well. Mr. Mutahi, could you seek your Ministerial Statement?

#### IMPRISONMENT OF STUDENTS

**Mr. Mutahi:** On a point of order, Mr. Speaker, Sir. I rise to seek a Ministerial Statement regarding two girls from Mukurweini Constituency, Nyeri District, who have been put into civil jail for three months for not clearing school fees balances. Ms. Mary Wairimu Ithage and Ms. Lucy Wangui Mukami were going to a school called "School of Alternative Medicine and Technology", owned by Dr. Jack Githae, a herbalist. When the girls failed to clear their fees balances, they were taken to court and jailed.

**Mr. Speaker:** Very well. Let us wait for that story from the Minister. Dr. Murungaru, very quickly, seek your Ministerial Statement. Time is running out.

#### PLANTING OF TREE SEEDLINGS IN MOUNT KENYA FOREST

**Dr. Murungaru:** On a point of order, Mr. Speaker, Sir. I rise to seek a Ministerial Statement on the Government position regarding the planting of tree seedlings in Mount Kenya Forest during the current rainy season. As we stand here, more than 1.5 million seedlings risk going to waste if they are not planted during the current short rains season. There is no sufficient prepared ground within the forest. So, the Minister should tell the House whether he will allow non-residential cultivators to go into the forest and prepare land to plant the seedlings or alternatively release them to residents of Mount Kenya region, who are ready to plant them during this rainy season.

### BILLS

#### *Second Reading*

#### THE BANKING (AMENDMENT) BILL

*(The Assistant Minister for Finance and Planning (Mr. Arap-Kirui) on 6.11.2001)*



*(Resumption of Debate interrupted on 6.11.2001)*

**Mr. Speaker:** Hon. Members, I understand that Mr. Angwenyi was on the Floor when debate on this Bill was interrupted. He has just walked out. Therefore, he has walked away out of his time. So, any other person who is interested in contributing may take the Floor.

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): On a point of order, Mr. Speaker, Sir. I was on my feet to respond to this debate when the Chair's attention was drawn to the fact that the House lacked quorum.

**Mr. Speaker:** Mr. Arap-Kirui, indeed, an hon. Member had asked the Chair to put the question that the Mover be called upon to reply, but I understand that the Chair declined to do so. Mr. Angwenyi was still on the Floor then. Therefore, the debate is still open. So, we shall proceed.

**The Assistant Minister for Education, Science and Technology** (Mr. Awori): Mr. Speaker, Sir, I want to, first of all, declare my interest that I am a chairman of a building society.

I have very few remarks to make in support of the proposal that building societies should be allowed to convert into commercial banks. Listening to my colleagues make their contributions, I was very delighted to hear how much they appreciate the role building societies have played in the provision of housing. In the last 45 years, building societies have played a major role in changing the character of major towns, including Nairobi. Before the advent of the building societies in this country, Nairobi was a small colonial town of less than 200,000 people, who lived in areas demarcated according to their races. There were areas for the Whites, Asians and the natives. Natives were not allowed to live or own houses in places such as Kilimani. Even if they were allowed to do so, they did not have the ability or the means to occupy or acquire houses in those areas.

Mr. Speaker, Sir, the advent of building societies brought houses to the natives. They took natives also into areas which, hitherto, they were not allowed to live in. One, therefore, can state that the role of building societies in this country has been to integrate communities. They have continued to provide housing to the extent that we know the population of Nairobi is now in excess of 2.5 million people. They enabled our people to acquire houses in places such as Bahati Estate and later on, were responsible for the construction of what then was up-market Buru Buru Estate.

However, we cannot overlook the fact that building societies are experiencing difficulties now. Therefore, we have to look to the future in order to see how these difficulties can be solved. We know that the economy has been worsening in the last three years. Particularly, recession has made it impossible for the construction industry to thrive. We know that the construction industry is normally the barometer of the economic activities of a country.

In the last six to seven years, there was an over-investment in the housing sector. This was because there were always very high expectations of returns from investment in housing. It was the safest and the easiest investment, because once you had put your money in housing, all you needed was an estate agent to manage it, and you got the returns on your investment. However, because there was over-investment in housing and the economy started going downwards, very many houses have remained unsold. All you need to do is to drive around the River Side Drive, Kilimani and other such areas to appreciate the difficulties that are facing the building industry. Because of that, building societies have seen their portfolios go down. Their revenue has been considerably depleted.

Mr. Speaker, Sir, during the contributions of my colleagues, I observed their fear that should we allow building societies to be converted into commercial banks, there will be less money going into housing. First of all, I want to just state that we must move with the times. In a country such as Great Britain, which was the mother of building societies, big building societies have progressively turned themselves into commercial banks. The same thing is happening in Australia and South Africa. I would, therefore, like to urge my colleagues to accept the Minister's proposal that building societies should now convert themselves into commercial banks.

There are many reasons for this conversion. The very first reason is that we would like to allow building societies also to raise revenue. They should collect and bring in revenue so that they can serve people properly. By bringing in more revenue, they will have a proper and sound capital base. The second reason is that as commercial banks, they will be subject to the supervision, administration and inspection of the Central Bank of Kenya, which has qualified professionals to look after commercial banks. Thirdly, they will also come under the Deposit Protection Fund (DPF).

Mr. Speaker, Sir, I wish to allay the fears of my colleagues that by building societies being converted into commercial banks there will be no one to cater for mortgage financing. All we require is for the Minister to ensure that those commercial banks that were originally building societies have a portfolio, or a section, which will

continue to give housing loans. Secondly, most of those building societies that will be converted into commercial banks, will automatically have subsidiary companies that will continue to do housing development. Therefore, there will be the opportunity to ensure that on one hand, there is a bank that continues to have a portfolio for mortgage financing, and secondly, there will be a subsidiary that will continue to develop housing estates. Therefore, if anything at all, it will mean that the housing sector will have been strengthened considerably because the banks which were previously building societies will have got much more sources of finance.

To conclude, as has been said, when a wind of change comes, it is very difficult to stop it, and the wise person simply moves with it. Since this is a time when most building societies will convert themselves into commercial banks, I suggest that we all, in this country, accept that we should move with the wind.

With those few remarks, I support.

**Mr. Donde:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Bill.

I would like to support the Banking (Amendment) Bill. Though there has been some reservation in the manner the Building Societies Act was brought in this amendment, I believe this is a minor problem which we can live with and allow the amendment to be passed.

I would like to concur with the previous speaker, Mr. Moody Awori, that it is a progressive idea to allow the building societies to behave like normal banks. This is because, at the moment, the trend in the financial sector requires that those who are banking with the building societies get various types of services, which they have not been getting in the building societies. So, I would urge my colleagues on this side of the House, who had some reservations in the manner in which this amendment came, to support this amendment.

Mr. Speaker, Sir, I am a little bit happy that we are moving forward in the financial sector. The changes that are taking place now are showing positive signs that this sector will move forward. We have had a lot of problems in this sector since 1991, when the economy, was liberalised. We did point out that the economy was liberalised without proper thinking. One cannot complain of controls in the financial sector because it is the most controlled sector of any economy in the world. Therefore, when you hear us wanting to control interest rates and other aspects in the financial sector, it is not something new. If you go to any country in the world, you will find that the financial sector is the most controlled sector. It has never been set free.

If you want to enter the financial sector, you must get permission. Even if you are tired and you want to quit business, you must be supervised by the regulators. There are many rules in the financial sector. In fact, I do not think there is any sector in the economy which has more controlling mechanisms than the financial sector. So, when we talk about controlling interest rates and other things, it should not look strange because this is a sector which has always been controlled. If you look at the Central Bank (Amendment) Act, you would find that there are 54 sections and each section talks about controls. This must be done in order to control this and that. So, it is something that hon. Members must understand. I think Kenyans out there must understand that we need to make sure there is a proper control mechanism in the financial sector.

Mr. Speaker, Sir, I would say that there are a lot of positive things going on in the financial sector and we must encourage the participants in it. We know it is not going to be easy because they were used to "easy" money, but now the situation is different and the country must prosper. This way, we must look into every sector in this country and we are not only looking at the financial sector. Remember we have gone through parastatals in the Public Investments Committee to clean them up and make sure they are working. We have done so in the financial sector and we will continue to do it.

We will move into the energy sector, including the Kenya Power and Lighting Company (KPLC), which we are now debating about, and ensure that by the time we go through it, it will be working. I would like to encourage hon. Members to support this amendment so that we can move forward and have a unified banking and financial sector in this country.

There is another thing which is worrying people out there. There is a possibility that the Government may be tempted to print money. I would like to assure Kenyans and hon. Members that the Government should not worry at all. Indeed, it should not even think of printing money. There is enough liquidity in the economy and there is enough money to go round, if it is managed well. There would be no need at all for us to print money, even if the general elections are coming next year. So, I would like to remind those few people in the Government who believe in printing money--- I have heard them urging the Government to print more money. It is not necessary to print money because the financial sector is moving towards stability.

Before passing an amendment the other day in this House, no bank could buy Treasury Bills and retain them beyond 91 days. Subsequent to passing the Central Bank (Amendment) Act, banks have gained confidence in the financial sector and they can even buy three-year bonds because they are assured that the interest rate will not go beyond 14 per cent within the next two or three years. This kind of confidence was never there! Before this amendment came, there was no bank or financial institution which could buy the 182-day Treasury Bills. This is

because they thought that if they bought Treasury Bills at this percentage, the market was so volatile and within another three weeks, it might go up to 28 per cent or 30 per cent and they could lose out. But because they know that Parliament is serious and has passed a serious law to make sure that the interests are put under control, the financial institutions are so confident in this Parliament to the extent that they can buy eight, six, five and four-year bonds.

The other day the Central Bank of Kenya sold a two-year bond at 14 per cent. This means, therefore, that the bank is sure that the interest rates will never go beyond 14 per cent even for the next two years. This is good for the economy, the industries and investors. So, they can plan forward, knowing that Parliament has put a mechanism in place, which will ensure their money is preserved. They now know that even if they invest now, they will get the value of their money in two years' time.

I must say that I am quite happy that we are moving in the right direction. This Parliament has put some mechanisms and parameters in place, which the financial sector out there needs. Though they are complaining, they know the stand of this Parliament that, once we have made this Bill into law, it does not matter whether somebody goes to print another Bill and so on, because this is the same House which passed the Central Bank (Amendment) Act. So, those semantics can never work and I am glad the financial sector out there knows that.

I would urge the banks to observe the law because there is nothing to wait for; there is no other Act that is going to be followed out there other than the Act we have passed in this House. So, if you are still waiting that something is going to happen and that this Act is going to be repealed, I can assure you that it is not going to happen. Just obey the law; pay whatever you have to pay, live within your limits, and you will be all right.

Mr. Speaker, Sir, I know companies which have the same capitalization as Barclays Bank of Kenya. For example, the Portland Cement have Kshs8 billion capitalization like Barclays Bank of Kenya. When they make a profit of Kshs600 million per year, they feel quite comfortable. But some banks want to make a profit of Kshs3.5 to Kshs4 billion, yet comparative companies, which have invested the same amount of money, are happy with a profit margin of Kshs400 million to Kshs500 million. So, I would urge the Central Bank of Kenya to realise that it is a creation of this House. It was created by an Act of Parliament and the Central Bank of Kenya should know that if Parliament passes a law, it should not go out there and encourage banks to break it. I think if this is going to happen, we are going to re-look at the Act which created the Central Bank of Kenya and see if it is doing its job or not.

Mr. Speaker, Sir, I think the Governor of the Central Bank thinks that he has security of tenure. He does not have security of tenure! The President has a right to sack him. His security of tenure is not constitutional. The President could as well like to dismiss the Governor today. He thinks that the tenure which has been given in the Central Bank (Amendment) Act is enough to make him think that he can go about to flout the law; to discourage Kenyans against obeying the laws which are passed in this Parliament, and continue to be the Governor of the Central Bank of Kenya. We will not allow it! I think we should encourage institutions to obey the law. If institutions cannot obey the law, then what do you think about the citizens of this country? I think we must have respect for our institutions before we can run this country efficiently.

When I was elected into this House, my maiden speech was precise about our institutions. I said that people must have confidence in institutions which have been created in this country. They must have confidence in Parliament, the Judiciary, the Executive, the Central Bank and the Kenya Ports Authority, and these institutions should work according to the law. It is a very sorry state if you have a Governor who feels that he can go to the media and behave as if he is a politician by saying that he cannot obey a law which has been passed in this House.

So, I would like to support this amendment. I believe that we really do not have to say much about this Bill because we more or less believe that this is in the right direction, and is a good thing for the banking industry. My only piece of advice is to try and encourage our institutions to work as per the laws of this country. This is because if they do that, they will get respect from Kenyans. I would like to point out that Kenyans will be encouraged to obey the laws if they see their institutions working. But if the people we appoint to head our institutions are the same ones who talk in the manner they talk, I think we will move backwards instead of forward. I do not have much to say. I am very happy in the manner in which things are going on in the financial sector. Therefore, I would like to support this amendment wholeheartedly.

Thank you very much, Mr. Speaker, Sir.

**Mr. Mboko:** Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute to this very important amendment. I do agree with the expression of the Bill, but I have one reservation which I would like to make. We are putting two Acts under one amendment. The Building Societies and Mortgages Act should not be amended within the Banking Act because these are two different bodies established under different laws. I would like to point out that there are certain rules to govern banks; there is a corporate body which supervises the banks. I would like to inform this House that the Central Bank of Kenya (CBK) supervises the commercial banks.

The building societies and mortgage companies do not fall under the Banking Act. These institutions are supervised by the Registrar of Societies. Therefore, there is an anomaly in this amendment. It will be wrong if this Parliament allowed two Acts to be lumped together when enacting the law.

If you look at the manner in which the Bill has been drafted, you will realise that there is an attempt by the Attorney-General's Chambers to belittle the work of the Minister for Finance. This is because the biggest anomaly is that the building societies have no minimum capital base requirement, while the commercial banks have a requirement in the capital formation. Although the entire amendment in the Banking Act is very good for this country, if the major anomaly is allowed by this Parliament, it will create a disaster in the banking sector. This is because the building societies and mortgage companies would like to operate as commercial banks through the back door. Time has come, if building societies find it difficult to operate in their current status, to change their operations and become commercial banks. The rules set to govern commercial banks cannot be applicable to the building societies. Why should we allow building societies and mortgage companies to take other modes of securities other than land? Is there any logic? Their role is primarily to build. Why do they want to join the banking sector? That section of the law is very dangerous and it should be done away with. It should not be under the same Act governing the banks.

Mr. Speaker, Sir, there is this aspect of the CBK and commercial banks sharing information of their customers or sharing information of transactions of their clients. Unless the law is changed here--- The Chair has witnessed this on the Floor of the House; you cannot disclose an account of an individual without his authority, as per the law. The sharing of information among banks could set a bad precedent. This could undermine the operations of individual citizens in this country. We have seen some people malign others, and we are opening a can of worms to all of us. This is because, if we allow the law to be changed as per the amendments, then we will have a bad law.

I do not want to say much because I know that the previous speakers have spoken about the good trend and system that we are approaching, but it will be very dangerous. While I support the intention of the Minister, we should have separate amendments from the outset. The Building Societies Act should come up with its own amendments. The Banking Act should also come up with its amendments as per the law. Otherwise, we should do away with the Building Societies Act and the entire sector, and let them operate as commercial banks so that they can meet the necessary capital requirement.

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

**Mr. Speaker:** Very well! Mr. Arap-Kirui, since there is no other interest, would you like to respond?

**The Assistant Minister for Finance and Planning (Mr. Arap-Kirui):** Thank you very much, Mr. Speaker, Sir. First, may I, in responding, thank all the hon. Members who have contributed to the debate on the Banking (Amendment) Bill. Very many hon. Members have contributed with very informed opinions, and I am sorry to say that some hon. Members have also contributed on the basis of probably inadequate information.

I will not be able to respond to every issue that has been raised by the hon. Members, but may I just say that I would like to, maybe, reaffirm the comments made by Mr. Donde, who is leaving the Chamber, that this is a progressive Bill. What we are doing here is trying to reflect the times; what is happening in the present financial world. We are trying to move our laws so that they are in tandem with what is happening in the rest of the world. There is nothing sacrosanct about the assistance of building societies as such. I think, if we will talk about financing housing, we should look into other ways and means and, maybe, make it mandatory - if that is what we need although that will go against the liberalisation process that we are in and what we are trying to encourage - for the banks to provide a certain percentage of their income to finance housing. This is because, as we know, building societies are dying. We have got 39 registered building societies in this country, but out of that number, only three are in operation and only one might be considered a substantial operator. In fact, what we are doing here might be in the interest of the building industry.

Mr. Speaker, Sir, two main concerns have been raised by Members. One is the fact that we are, through this Bill, amending two Acts and some Members have complained that we cannot do this because this is not a Miscellaneous Amendments Bill. We are not amending unrelated Acts, but we are amending one Act as a consequence of the amendments being made in the other. So, we are amending the Building Societies Act because we have amended the Banking Act in areas that will impinge on the activities of the building societies and which make it necessary to bring in amendments to the Building Societies Act so that the two Acts act in unison. They will not act in opposition or contrary to each other. May I point out that this is nothing new. This has been done in the past. For example, last year, we passed the Capital Markets Authority (Amendment) Act (2000) which also repealed the Units Trust Act which was necessary as a consequence of the amendments we had made to the Capital Markets Authority Act. In 1996, the Auctioneers Act of that year repealed the Court Brokers Act, Cap.20. It also repealed the previous Auctioneers Act, Cap.526. The Act further amended the Law of Contract Act, Cap.23

of the Laws of Kenya; the Registered Law Act, Cap.300 and the Agricultural Finance Corporation Act, Cap.323. These amendments were very extensive because various Acts were amended. But these amendments were made as a consequence of the initial new Act; that is, the Auctioneers Act.

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

[**Mr. Mboko**]

Speaker, Sir. Is the Assistant Minister in order to mislead this House by alleging that we are amending the Building Societies Act because we amended the Banking Act? The two do not operate under the same body.

**Mr. Speaker:** Who told you they do not?

**Mr. Mboko:** They do not!

**Mr. Speaker:** Are you saying that building societies do not lend money?

**Mr. Mboko:** Commercial banks are under the Central Bank of Kenya!

**Mr. Speaker:** Order! That is your view. Let him belabour his.

**Mr. Mboko:** That is the law, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Mr. Mboko, in other words, you are overruling the Chair at your own risk. You are overruled!

Proceed!

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): Mr. Speaker, Sir, as I was explaining, there is nothing new here or unusual. If we do not effect the same amendments in the Building Societies Act as we are doing, there will be conflict between the two Acts. I am sure the hon. Member would not like to see our laws being in conflict.

Another example is the Council of Legal Education Act of 1995, which also brought in amendments to the Advocates Act, Cap.116. Again, these are related Acts just like the Building Societies Act and the Banking Act are, in fact, related.

**Mr. Speaker:** I am satisfied it is all right; you do not have to belabour the point.

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): Thank you very much, Mr. Speaker, Sir. That was one area of concern.

Another area of concern was the limitation of the provision that required that not less than 75 per cent of all loans made by mortgage finance companies should be made for the purpose of the building industry. Again, we think the removal of this limitation on the operations of mortgage finance companies is a modernisation of the Act. In the old days, banks hardly financed housing, but now they do. Since they do, there is absolutely no logic why we should limit another operator from operating in a similar manner as the opposition. In our view, this is an advancement in our law, and one that I would urge Members to support. We are willing to concede a small retention of a certain percentage and this can be looked at if there is an appropriate amendment brought in, but we would urge Members that the law be amended as proposed. If it should be felt strongly that, maybe, we should retain a certain percentage, we are not averse to this.

Mr. Speaker, Sir, I think those are the main concerns that I noticed from the Members and in my view, we believe those concerns while genuine, maybe, resulted from a misunderstanding of the provisions of the Act.

With those few remarks, I beg to move.

*(Question put and agreed to)*

**Mr. Speaker:** Next Order!

*Second Reading*

THE CHILDREN BILL

*(The Assistant Minister, Office of the Vice-President  
and Ministry for Home Affairs, Heritage  
and Sports (Mr. Osundwa) on 2.8.2001)*

*(Resumption of Debate interrupted on 2.8.2001)*

**Mr. Speaker:** Mrs. Sinyo was on the Floor! Mrs. Sinyo not being there, that time has been lost.

**QUORUM**

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports** (Mr. Osundwa): On a point of order, Mr. Speaker, Sir. I wish to draw your attention to the fact that we do not have a quorum in the House.

**Mr. Speaker:** Mr. Assistant Minister, I am shocked. This is the first time it has ever happened in the history of this Parliament. The Mover of the Bill is complaining. We do not have a quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**Mr. Speaker:** Order! We have a quorum now. You may proceed, Mrs. Sinyo. We are on the Children Bill. Is Mrs. Sinyo here? Well, she forfeits her chance. No further interest on this Bill? I will call upon the Minister to respond.

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports** (Mr. Osundwa): Mr. Speaker, Sir, I want to thank the hon. Members who contributed to this Bill when we moved it in the Second Reading. Since I do not see any hon. Member wishing to contribute further to this Bill, I beg to move.

*(Question put and agreed to)*

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

*Second Reading*

THE COFFEE BILL

**Mr. Speaker:** Is there anyone here from the Ministry of Agriculture and Rural Development to [Mr. Speaker] move the Bill? I will defer the Bill.

*(Bill deferred)*

Next Order!  
*Second Reading*

THE SUGAR BILL

**Mr. Speaker:** Is there anyone here from the Ministry of Agriculture and Rural Development to move the Bill? What is happening today? If there is no one, let us move on to the next Order. I will defer the Bill.

*(Bill deferred)*

*Second Reading*

THE KENYA WATER INSTITUTE BILL

**Mr. Speaker:** Is the Minister for Water Development not here? What is happening today, Mr. Vice-President?

**The Vice President and Minister for Home Affairs** (Prof. Saitoti): Mr. Speaker, Sir, let me apologise to the House. I believe that the hon. Minister for Agriculture and Rural Development and the Minister for Water Development must have taken it for granted that the deliberations for both the Banking (Amendment) Bill and the Children Bill were going to take a long time. They thought that these Bills would not be discussed exhaustively today. I believe that is the problem, but that is no excuse.

**Mr. Speaker:** That is absolutely no excuse! Except for the importance of these various Bills to the

ordinary Kenyans, I would have dismissed all of them. But because these are matters that touch on the lives of ordinary Kenyans and their general welfare, I will postpone debate on these Bills to next week and register my total disappointment that three Bills lined up for debate this afternoon cannot proceed because, neither the Ministers nor the Assistant Ministers are present to move them. I hope that the Leader of Government Business will take note of what I have subsequently said. We require more time to discuss the many Bills that are before the House! I think you must get your people in place.

*(Bill deferred)*

#### **ADJOURNMENT**

**Mr. Speaker:** I am afraid, hon. Members, there is no business left for this House to transact. The House is, therefore, adjourned until Tuesday, 13th November, 2001, at 2.30 p.m.

The House rose at 4.50 p.m.