

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 8th May, 2002

The House met at 9.00 a.m.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.191

SESSIONAL PAPER ON RETRENCHMENT

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

- (a) whether he is aware that there are plans to have a second phase of retrenchment before tabling of a Sessional Paper in the House, detailing the criteria for retrenchment of civil servants; and,
- (b) why he has not tabled the Sessional Paper on retrenchment of civil servants.

The Temporary Deputy Speaker (Mr. Muturi): Is anyone here from the Office of the President? We will leave that Question until the end. Let us move on to the next Question by Mr. Muithia.

Question No.193

OCCUPATION OF MUTHANGA FARM

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

- (a) whether he is aware that the owners of Muthanga Farm in Maragwa have been unable to occupy their land due to frustration by the Provincial Administration; and,
- (b) whether he could inform the House when he will facilitate the occupation of the land by its rightful owners.

The Temporary Deputy Speaker (Mr. Muturi): Is anyone here from the Office of the President? We will leave that Question until the end. Let us move on to the next Question by Mr. Kaindi.

Question No.133

STANDBY GENERATOR FOR NAIROBI UNIVERSITY

Mr. Kaindi asked the Minister for Education:-

- (a) whether he is aware that motorists and other road users have continued to suffer heavy losses and injuries whenever there is an electricity black-out around the environs of the Nairobi University Main Campus and Chiromo Campus; and,
- (b) when the Ministry will instal a standby generator to avert the problem.

The Assistant Minister for Education, Science and Technology (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that motorists and other road users have continued to suffer greatly by having their cars smashed and persons injured whenever there is an electricity black-out around the environs of the University of Nairobi Main Campus and Chiromo Campus.

(b) At the moment, the Ministry is not intending to instal a standby generator. What the Government is doing at the moment is to advise the university management to plan on the best way of obtaining alternative power. At the moment, the problem is that due to the continued shortage of available funds to the university, it has, in the past, been

given generators only at Kikuyu Campus, Upper Kabete and Lower Kabete Campuses. But those generators have not been connected to enable the commissioning because of lack of funds.

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, I was at the university in late 70s and that problem still persisted even in those days. We had continuous interruptions of activities in the City whenever the students at the university went on strike. It is a tragedy to see what happens at night. Three weeks ago, we were marooned at the United Club for eight hours because the only available source of power to the university is the Kenya Power and Lighting Company (KPLC). It has no alternative power. People, including Ministers, have been stoned, injured and taken to hospitals and yet, the Assistant Minister is saying that there are no funds available.

While I appreciate the honesty of the Assistant Minister, the question is: Of those alternative ways that they have been discussing with the university, which is the immediate option? That is because my Question suggested that the provision of a standby generator could solve the problem. I suggested that, in view of the many generators that were bought by the Government to alleviate the power shortage problem that we had recently, is it not possible to provide one and if not, what is the alternative management proposal that you are discussing with the university?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, we are aware that new technologies are coming. One is to use solar panels to see whether they can help. But you know that the initial cost of installing solar panels is prohibitive. In so far as the generators are concerned, you must appreciate that, that is a university with over 7,000 students. It is a big place. The only standby generator would cost in the region of about Kshs200 million. That is definitely out of the budget that is given to the university.

Secondly, you cannot have very many generators because of pollution and protection of our environment. Therefore, the only way is to ensure that the KPLC improves its services and, at the same time, it is necessary that discipline must be inculcated in the minds of our students, so that they do not go wild whenever there is a power black-out.

Eng. Muriuki: Mr. Temporary Deputy Speaker, Sir, it is okay for the hon. Assistant Minister to say, generally, that to buy a generator that can serve the whole university would cost over Kshs200 million. However, normally, when such incidents occur, a smaller generator which could give the critical services should be provided, so that people can be able to see where they are going. You may not light up all the laboratories and classrooms. However, you can light up the main area so that the students do not go wild and shut out hon. Members for eight hours.

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, it is not as if there is absence of generators entirely. There are standby generators in the kitchens and we find that they are the most essential services that require standby generators.

Mr. Muithia: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is telling us that there are standby generators in the kitchens. Students do not live in the kitchens; they live in the halls of residence and they need the street lights. Could he assure this House that the available generators will be installed immediately in the hostels and the streets around the campus?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, I cannot give that guarantee; that installation will be effected immediately but only when funds will be available. If the students had gone wild over the last two or three years, we would have installed them. However, at the moment, I am afraid we will just keep on doing what we are doing.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister realises that this is not just a simple question of rioting of students; it is a question of the overall security. Could he explain to the House why there are frequent blackouts? Is it due to sabotage or general inefficiency of Kenya Power and Lighting Company (KPLC)? Thirdly, if there is inefficiency on the part of the KPLC, what is the Government doing to make it more efficient? Lastly, is it because of sabotage? Why should these blackouts be so regular because I had such an experience at the university?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, the Ministry of Education, Science and Technology is a mere customer of KPLC and, as to their inefficiency or sabotage, I think I am not competent to answer that question.

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir, I do, indeed, appreciate that the Ministry of Education, Science and Technology is the service Ministry in this respect but we are talking to the Government of the Republic of Kenya. So, could the Assistant Minister take it upon himself to pass this concern of the House to the relevant Ministry because the House cannot leave matters hanging like that?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, in fact, I was coming to that before my very good friend interrupted me. Indeed, as a service Ministry which is also simply suffering from the shortfall of power, we intend to make consultations. In fact, we intend to make complaints because we would like the students at the campus to do well and whenever there is an interruption of electricity, there are no proper studies. So, it is in our interest, as a Ministry, to ensure that power is provided, and also from the security point of view, because we do not want people to be injured

when they are passing near the campus.

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, it is like the Assistant Minister does not know that, that becomes a no-go zone. One of the problems which I would like to inform him about is that the only transformer that provides power, and which keeps on breaking down because of overloading, is within the environs of the university itself. Therefore, one of the problems that KPLC personnel encounter is accessing the university itself. Is it not possible for the Ministry to consider discussing with KPLC, ways of relocating that particular transformer so that whenever there is a blackout, the KPLC personnel can have access to the transformer? Secondly, is it not possible for you to discuss the alternative of providing the university with an emergency line so that they do not experience this problem again since it is a large community?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, certainly we will pass on that suggestion so that there is easy access to the transformer by KPLC staff.

The Temporary Deputy Speaker (Mr. Muturi): Next Question by hon. Omingo!

Question No.186

PROVISION OF TELEPHONE EXCHANGE
TO MARKET CENTRES

Mr. Obwocha, on behalf of **Mr. Omingo** asked the Minister for Transport and Communications when Tabaka and Etago market centres will be provided with a telephone exchange and a post office.

The Temporary Deputy Speaker (Mr. Muturi): Where is Mr. Omingo?

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, he has just rung me when I walked out. He instructed me to ask this Question on his behalf. In fact, I have with me, the details of which I will inform you later.

(Laughter)

The Temporary Deputy Speaker (Mr. Muturi): Very well. I will allow it.

The Assistant Minister for Transport and Communications (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I beg to reply and I am aware that the Questioner does not have the written answer because I made changes to it last night and it has just been brought.

However, I beg to reply.

Tabaka and Etago market centres will be included in the 2004-2006 Telkom Kenya Development Programme for automation of those market centres with Subscriber Trunk Dialling services (STD). Currently, Tabaka Market is served from the Rongo Exchange which is some 12 kilometres distance, while Etago Market gets its telephone services from the Ogembo District Headquarters.

Secondly, Tabaka Market Centre Post Office was opened on 6th December, 2001 and provides all basic services including issuing and payment of money orders. The office is also equipped with 100 private letter boxes. Etago Market Post Office was re-opened on 17th August, 2000, when a new Sub-postmaster was employed. The office offers basic postal services; that is, postage stamps, postal orders and money orders.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, the three main centres of South Mugarango are Nyamarambe, Tabaka and Etago. There is only one telephone booth at Tabaka in the whole constituency. Even the headquarters of the constituency does not have access to telephone facilities. People must travel from Etago or Nyamarambe to Kisii Town which is 40 kilometres away or to Rongo. Putting aside the opening of these post offices, when will the headquarters get the telephone facility?

Mr. Keah: Which headquarters?

Mr. Obwocha: Etago headquarters.

Mr. Keah: Mr. Temporary Deputy Speaker, Sir, I have just informed the House that both Tabaka and Etago market centres are included in the 2004-2006 Development Plan for the purpose of automation of STD services. That is the point I made. Right now, the demand in those areas does not really justify the high installation costs of an automatic exchange for telephone services. In so far as the post office is concerned, again, Telkom Kenya is satisfied that the sub-post office at Etago provides all the basic facilities that are required for the time being, considering the demand for the service.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister does not know that Tabaka is the home of the famous Kisii soapstone, which is known worldwide, and which is a very important export for this country.

We would like to have access both externally and internally. That cannot wait. We are trying to promote the economy. What is he going to do to make sure that, at least, Tabaka has necessary facilities to facilitate the development of this very important mineral?

Mr. Keah: With due respect to Mr. Anyona, I may not have visited the place, but I know precisely where it is, because I have a map showing where Tabaka, Etago, Nyamarambe Market, Ikoba, Kenyenyema and Ogembo are. So, I have done my homework. While I appreciate the concern, the statistics I have here do not justify the installation of an automatic exchange. We have a 300-line capacity at Tabaka Market. The total collection to date is 139. We have 24 in the waiting list; awaiting for materials for them to be connected. We, therefore, have a spare capacity of 161 lines. But I am aware of the fact that it is problematic for Tabaka telephone connections to go through the Rongo Exchange because of the time delay. If we have this spare capacity at the moment, I do urge my colleagues to get more people to take on this extra capacity so that we can accelerate the STD automation.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I was not talking about internal services. I was talking about a very important industry. What is he going to do to facilitate that industry? Let us forget those small connections he is talking about. We want to tap the world market. So, is he going to facilitate the installation?

Mr. Keah: Mr. Temporary Deputy Speaker, Sir, I have said that the facility does exist.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, if you go to the UN Headquarters in New York, you will see a little bird carving there. This was carved from soapstone from Tabaka. That is what Mr. Anyona is talking about. So, it is a very important area. If they cannot provide a telephone exchange, then they should provide a telephone facility. This is what we are asking the Assistant Minister to consider.

Mr. Keah: May I take this opportunity to congratulate the soapstone carvers out there in Tabaka and the surrounding areas. Certainly, we appreciate the contribution made to this economy by that soapstone market. I also appreciate that, when you visit the UN Headquarters in New York, you will see that Kisii soapstone carved out there. We do have spare capacity in terms of the lines available; 161. I would like to see that spare capacity absorbed and I want to assure my colleagues that if that happens, I will be the first one to side with them and push Telkom (K) Limited to put an STD service there. But for now, there is idle capacity. It is not economically viable to instal a very high cost STD service when even the existing capacity is not utilised.

The Temporary Deputy Speaker (Mr. Muturi): Next Question, Mr. Kihoro!

Question No.235

SOCIETIES WITH NON-PERFORMING LOANS

Mr. Murungi, on behalf of **Mr. Kihoro**, asked the Minister for Agriculture:-

- (a) whether he could table a list of all coffee co-operative societies with non-performing loans, indicating the amount owed and to whom it is owed; and,
- (b) how many of these loans were guaranteed by the Government of Kenya.

The Temporary Deputy Speaker (Mr. Muturi): Anyone here from the Ministry of Agriculture and Rural Development?

Mr. Murungi: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very important Question because coffee farmers in this country are suffering from huge loans which have been caused by this Government charging an interest on World Bank loan at 8 per cent, which should not have been the case. This loan should be written off. We do not know why the Minister is hiding from this House so that he does not come to answer this Question. Could we have the Question in the second round?

The Temporary Deputy Speaker (Mr. Muturi): Yes.
Next Question, Mr. Sungu!

Question No.137

NON-REMITTANCE OF FUNDS BY KNTC

Mr. Ayoki, on behalf of **Mr. Sungu**, asked the Minister for Trade and Industry:-

- (a) whether he is aware that the Kenya National Trading Corporation (KNTC) is not remitting funds deducted from employees' salaries to their co-operative society;

- (b) whether he is further aware that members of the society are unable to get emergency loans due to this anomaly; and,
- (c) what urgent measures he will take to remedy the situation.

The Temporary Deputy Speaker (Mr. Muturi): There seems to be some new phenomenon about Members being absent and others springing up to ask Questions on their behalf. Do you have his specific instructions to ask the Question on his behalf?

Mr. Ayoki: Mr. Temporary Deputy Speaker, Sir, why do you doubt me in this case? Yes, I do have instructions to ask the Question on his behalf.

The Minister for Trade and Industry (Mr. Biwott): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) Yes, I am aware.

(c) The Ministry has instructed the KNTC to cease deducting co-operative contributions and pay up the arrears immediately. In addition, the following remedial measures are being taken to boost the financial status of the corporation. One, the expansion of the business to appropriate break-even level. Two, to ensure maximum utilisation of the KNTC properties to earn better rental income. Three, ensuring proper financial management with a view to achieving better returns from the corporation's assets. We believe that this will restore normality as far as that Corporation is concerned. **Mr. Ayoki:** Thank you, Mr. Temporary Deputy Speaker, Sir. There are quite a number of employers in this country who deduct funds from employees' salaries for, maybe, NSSF, NHIF and even pension funds. When time comes for those funds to be released to the appropriate authority, that is not done. Could the Minister tell the House what specific action he is going to take to make sure that such practices are eliminated?

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, I have just enumerated the steps which we will take to ensure that normality is restored. Furthermore, we will now keep an eye strictly to ensure that our corporations do practise the best methods which will ensure that they do their job properly according to the expectations.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir. As the Questioner has said, these monies are deducted from employees's salaries. So, it is actual money deducted. If it is not remitted to the relevant authorities, it is a crime committed. What punitive measures is the Minister going to take against the officers who refused to remit these funds to the co-operative societies concerned? Maybe, even the Speaker has taken action because, I understand our pension funds have been deducted and they are nowhere to be found. That is why they have not brought up the Statute Law (Miscellaneous Amendments) Bill so that we can get our refund. What action is the Government going to take against the officers who do not remit these funds?

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, I do not think that the situation is as serious as depicted, but I believe this was due to sheer inefficiency. We are now determined to ensure that they perform accordingly and that people's money is refunded.

Mr. Kamolleh: On a point of order, Mr. Temporary Deputy Speaker, Sir. I heard the Minister say the words: "It was sheer inefficiency". This country cannot allow inefficient officers to work in parastatals. Is he in order to actually accept that this was a case of sheer inefficiency and yet he is not taking any step to sack or discipline the officers involved?

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, I did admit that the allegations made were true. I did suggest that remedial measures will be taken. In normal life, you give a warning to somebody, once, twice, and deal with them accordingly the third time.

Mr. Ochilo-Ayacko: Mr. Temporary Deputy Speaker, Sir, it appears that the Minister has been misinformed by his officers. There was an immediate former chief executive of this corporation, called Mr. Shimanyula, who wilfully refused to remit this money because the then company secretary and financial controller had been dismissed and they wanted a refund of their co-operative remissions. This act was wilful, deliberate and intended to frustrate these people. What will this very efficient Minister do to ensure that chief executives do not abuse their positions and make other people suffer?

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, the hon. Member, and the entire House, can be assured that I do not condone any inefficiency and I act decisively.

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, could Mr. Biwott, who is reputedly the most active Minister in Mr. Moi's Government, tell the House the circumstances which have led to the near collapse of the Kenya National Trading Corporation (KNTC) which was one of the most active parastatals during the reign of the late President Kenyatta?

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, I think the hon. Member is anticipating what I will answer in the Statement I will make tomorrow regarding globalisation and liberalisation in the country. Whereas it was very efficient under Kenyatta's rule, that was under restrictive circumstances where the KNTC was given almost a virtual

monopoly. Today, it is operating in a liberalised economy and the two cannot be compared because one is open and the other closed. I will say more tomorrow when I make a Statement in response to the request made by Mr. Gatabaki.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, could the Minister tell the House and Kenyans whether the Government condones and accepts the collapse of our local industries and institutions which were set up at great cost to the taxpayers simply because we have to accept globalisation and all these other things? Does the Government accept the collapse of the sugar, dairy and meat industries simply because of globalisation? He should tell Kenyans whether the Government accepts it or not so that they know whether all the institutions in the country will collapse?

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, I think the hon. Member knows that there is no better and more caring Government than this present one. This Government will never accept the collapse of any institution which assists the welfare of its own people. Indeed the KNTC is one such institution and, as I said, we will take remedial measures. The KCC has been revived and I think it will be operational very soon. Action is being taken concerning the NCPB. The President took the trouble to convince the Americans to assist revive the NCPB and now our maize will be bought. The future of the NCPB will be bright. All the other parastatals, like the KMC, are being revived. I think a Sessional Paper on the KMC will be brought to this House. The AFC is also being revived. I do not know who to apportion blame to, but I am not in the mood for doing that today. Tomorrow I will shed more light on globalisation and its impact on our country.

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. The question from Mr. Sambu was whether the Government accepts globalisation at the expense of Kenyans or not.

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, I believe if the lecturer wants more, I will lecture him. We accept globalisation because it is a reality. It is a phenomenon that we cannot resist. We will not accept it at the expense of our own people. This is the reason why we recently raised the tariffs on the importation of powdered milk, wheat flour and many other products. We are here to ensure that we protect the interests and economic welfare of our people. Our interest comes first and other things second.

Mr. Keriri: Mr. Temporary Deputy Speaker, Sir, you must have heard the Minister say that many parastatals will be revived, the KMC being one of them. Is the Minister aware that the KMC has no holding ground for animals because all the land was grabbed and, therefore, revival of the KMC will be a major task? How does he expect to revive the KMC without land?

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, I am not aware of that aspect of it. Maybe the hon. Member knows more about grabbing. If he knows anything maybe he can tell us how grabbing takes place and how the land belonging to this other corporation will be grabbed.

Mr. Ayoki: Mr. Temporary Deputy Speaker, Sir, these employees of the KNTC cannot get loans from their co-operative society because their funds were not remitted. These employees want this money to pay school fees for their children. What action will the Minister take to rescue them because the school fees must be paid now?

Mr. Biwott: All I can do is to direct - which I have already done - the KNTC to refund those contributions immediately. As for their domestic interests and responsibilities, I do not think I will go that far.

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

Question No.166

MINISTRY'S POSITION ON ABORTION

Mr. Gatabaki asked the Minister for Medical Services what the Ministry's position is on abortion.

The Assistant Minister for Health (Mr. Mukangu): Mr. Temporary Deputy Speaker, Sir, I beg to reply. The Ministry's position on abortion is that it is illegal by law.

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, the answer given by the Assistant Minister is exactly 12 words long and yet this is a major issue involving millions of Kenyans. This is not only highly contemptuous of this House, but also of the intelligence and integrity of Kenyans. The Penal Code regulations allow abortion when the life of the mother of the unborn child is in danger. Therefore, the answer he has given us is not factually correct. Could the Assistant Minister tell the House under what circumstances abortion is allowed? Could he accept that the answer is contemptuous and wrong?

Mr. Mukangu: Mr. Temporary Deputy Speaker, Sir, my answer consists of only 12 words and Mr. Gatabaki's question consists of only nine words. The Ministry's position on abortion is stated very explicitly in law and it is provided for in the Penal Code, Cap.63. What Mr. Gatabaki says is legal is not legal.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister must be aware that illegal abortions are being carried out throughout the country daily in very unhealthy environment. Consequently, many women,

including young girls, are losing their lives. The Government does not prosecute anybody for carrying out illegal abortions. When is the Ministry going to initiate an informed debate, so that this social issue can be resolved by consensus being developed, so that we can safeguard the lives of the women who are losing their lives through illegal abortions?

Mr. Mukangu: Mr. Temporary Deputy Speaker, Sir, Section 158, Cap.63, is very clear about anybody who attempts to procure an abortion on any woman. Section 159 states very clearly that it is illegal for a woman to procure an abortion. Section 160 prohibits anybody from supplying any kind of instruments or drugs to cause or procure an abortion.

Mr. Keriri: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has not answered Mr. Muite's question, which is: "When is the Ministry going to facilitate a debate on this social issue?" The Assistant Minister has quoted the relevant sections of the law regarding the matter, but that is not the question put to him by Mr. Muite.

Mr. Mukangu: Mr. Temporary Deputy Speaker, Sir, I do not see the need to facilitate debate on this issue, because the law is clear on it.

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, this is a very serious matter. For a long time, young girls and women have died in very bad circumstances. This is a matter which even the Government cannot decide on, on its own, how to go about it. The importance of the lives of Kenyans should be brought to the fore; public debate should be initiated on this issue. The people should speak up on this issue. We cannot ignore the fact that we are losing innocent women. Some women and girls may not know the dangers involved in procuring an abortion due to lack of information on the matter. Facilitating debate on the issue may enable more women and girls access to information about it. So, could the Assistant Minister undertake to facilitate debate on this issue immediately? This is a matter of grave concern to families in this country.

Mr. Mukangu: Mr. Temporary Deputy Speaker, Sir, I do not know exactly what Mrs. Mugo wants me to promise the House. The law is very clear on the issue of abortion.

Mr. Kamolleh: Mr. Temporary Deputy Speaker, Sir, I have heard the Assistant Minister, and other colleagues here, talk about abortion. Laws in this country are made for Kenyans. When the laws on abortion were made, we were very few. At that time, most of this country's population was concentrated in rural areas. Today, many people have moved into the urban areas. As Mrs. Mugo said, it is high time we reviewed these laws. Today, there are many *chokoras* in the streets. Many girls are dying as people commit the crime of facilitating illegal abortions, because our laws on abortion are bad. It is, therefore, high time that the Ministry initiated in this House a debate on the issue, so that we can determine whether to legalise professional abortion procurement or not, and so that people can be clear on the issue. So, is the Assistant Minister aware that this country needs new laws on abortion? What measures is he going to take to facilitate this new approach?

Mr. Mukangu: Mr. Temporary Deputy Speaker, Sir, unless an hon. Member brings a Motion to this House to facilitate that debate, my Ministry can do very little to amend the existing laws on abortion.

Mr. Waithaka: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that he does not understand what hon. Members are talking about? He has been asked to facilitate debate with a view to amending the existing laws on abortion. That is all hon. Members are asking him to do, but he is pretending not to understand what they are talking about.

An hon. Member: He does not understand!

The Temporary Deputy Speaker (Mr. Muturi): Mr. Assistant Minister, are you in a position to facilitate debate on this issue? That is the question which has been put to you.

Mr. Mukangu: Mr. Temporary Deputy Speaker, Sir, I have taken the hon. Members' sentiments into consideration. We will look into the matter and issue a Ministerial Statement on it in due course.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, too little knowledge is dangerous. Having quoted only one section of the law, the Assistant Minister thinks that he knows all the law on abortion. As a matter of fact, as Mr. Gatabaki said, there are certain exceptions. The proviso to the same section quoted by the Assistant Minister says that where the life of the mother is threatened, abortion is allowed. Be that as it may, even the law quoted by the Assistant Minister is dead law. How many people in this country have been charged with the offence of procuring or facilitating the procurement of abortion in the last two years? If you go to Kenyatta National Hospital, you will find that all the patients hospitalised in Ward Six are women with cases of incomplete abortion. Is it in order for the Assistant Minister to mislead the House by reiterating a law he is not enforcing? Since he does not seem to know very much about this subject, could we ask the Chair to defer this Question so that Prof. Ogeri can come and answer it?

Mr. Mukangu: Mr. Temporary Deputy Speaker, Sir, too much of anything is also very dangerous.

(Laughter)

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir. We need your guidance here. Is the Assistant Minister saying that knowledge of too much of law is dangerous?

Mr. Mukangu: Mr. Temporary Deputy Speaker, Sir, the fact that one is not a lawyer does not mean that he does not think. That is what I would like Mr. Murungi to understand. Secondly, this Question does not need a professor to handle it. It is a very simple Question.

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. In all seriousness, the original answer by the Assistant Minister was about the law. Of course, we know about the law. From a professional point of view on the one hand, and from the demands of normal life on the other, what is the Ministry doing to resolve this issue? That is what we are asking for. So, in all fairness, the Question should be deferred, so that the Minister, who is a professional in health issues, can come and answer it. Otherwise, we may become the laughing stock of this country.

The Temporary Deputy Speaker (Mr. Muturi): Mr. Assistant Minister, would you like to react to that recommendation?

Mr. Mukangu: Mr. Temporary Deputy Speaker, Sir, I have answered this Question to the best of my knowledge. What I have said is that we, as a Ministry, cannot really amend what was passed in this House. I stated very clearly that I have noted the hon. Members' sentiments. We are going to look into the matter and see if there is any need for a review of the law on abortion. We will then come back to the House and issue a Ministerial Statement on the matter.

The Temporary Deputy Speaker (Mr. Muturi): Very well. Could you ask the last question, Mr. Gatabaki?

Mr. Munyao: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is addressed to the Chair. You have followed exactly what has been happening here; the confusion caused by the Assistant Minister will be recorded in the HANSARD. Would I be in order to ask the Chair to defer this Question? This is because your wisdom is important. Could we defer the Question until it is answered later? You understand the implications of this issue. He might not, but you can understand. Could you use your wisdom to arbitrate over this matter?

The Temporary Deputy Speaker (Mr. Muturi): Order, Mr. Munyao! The Assistant Minister said that he has taken into consideration the sentiments of hon. Members and he will then pass them over to the Ministry for consideration. So, even if I defer the Question---

Dr. Kituyi: The Professor will answer it!

The Temporary Deputy Speaker (Mr. Muturi): Order, Dr. Kituyi! The Professor would also say that he has taken that into account.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. You know, we share a certain frustration; that, there is no Standing Order that prohibits ignorance!

(Laughter)

The Assistant Minister has said that he is operating at full capacity. You and I are surprised at which capacity. We are not asking that somebody takes our sentiments into consideration; we are asking somebody to show that there is re-thinking going on in the Ministry. But he has shown that "his full capacity" does not even reflect that. So, if we defer the Question, somebody must see that they are thinking; that is, taking your views into consideration.

The Temporary Deputy Speaker (Mr. Muturi): Order, Dr. Kituyi! Your own Standing Orders give you an avenue through which you can ventilate, or pursue this matter further. If you think the answer given is inadequate, or the responses have been unsatisfactory, the Standing Orders also give you permission to pursue the matter otherwise.

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, considering that anywhere here about a million women - young girls and middle age women - procure abortion in our hospitals; that even the majority of the well-to-do go to hospitals to procure abortion and go home afterwards, would the Ministry consider amending the Penal Code in order to decriminalise abortion? Most of the girlfriends of Ministers, Assistant Ministers, other members of KANU and the like procure abortion day in, day out. A thousand others go to the Kenyatta National Hospital to procure abortion and go back. Are those not serious sentiments in addition to what hon. Members have expressed?

Mr. Mukangu: Mr. Temporary Deputy Speaker, Sir, I am sure I have said that.

Question No.191

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

- (a) whether he is aware that there are plans to have a second phase of retrenchment before tabling of a Sessional Paper in the House, detailing the criteria for retrenchment of civil servants; and,
- (b) why he has not tabled the Sessional Paper on retrenchment of civil servants.

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Temporary Deputy Speaker, Sir, I do want to apologise that the answer to this Question is not ready. It will be ready some time this afternoon.

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, it is unfortunate to hear from the Assistant Minister that he cannot deliver an answer until in the afternoon. Noting that we have eight Ministers - four full Ministers and four Assistant [Mr. Kiunjuri]

Ministers in the same Ministry - and we are talking about retrenchment and they have not even retrenched themselves in order to have one Minister in that Ministry, and now he is telling us that he will give us an answer in the afternoon, could the Assistant Minister state categorically when he is answering the Question?

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Temporary Deputy Speaker, Sir, I said that the answer will be ready this afternoon, and I will be ready to answer the Question.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Order Paper for the afternoon sitting is ready. Would the answer be given at a campaign rally for Mr. Uhuru Kenyatta, or where will he give it?

(Laughter)

The Temporary Deputy Speaker (Mr. Muturi): Yes, that is right.

Order! Dr. Kituyi, the point that you are making is valid. The Order Paper for this afternoon is ready. So, will Mr. Kiunjuri's Question be answered tomorrow afternoon?

The Assistant Minister, Office of the President (Mr. Samoei): Yes, Mr. Temporary Deputy Speaker, Sir. I will be ready to answer the Question tomorrow, if that is okay. But I did not have any assignments to campaign for Mr. Uhuru Kenyatta this afternoon. I was also ready to answer the Question.

The Temporary Deputy Speaker (Mr. Muturi): Mr. Kiunjuri, is that okay with you?

Mr. Kiunjuri: When?

The Temporary Deputy Speaker (Mr. Muturi): Mr. Samoei has asked that the Question be answered tomorrow afternoon!

Mr. Kiunjuri: Thank you, Mr. Temporary Deputy Speaker, Sir.

(Question deferred)

Question No.193

OCCUPATION OF MUTHANGA FARM

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

- (a) whether he is aware that the owners of Muthanga Farm in Maragwa have been unable to occupy their land due to frustration by the Provincial Administration; and,
- (b) whether he could inform the House when he will facilitate the occupation of the land by its rightful owners.

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

(a) I am not aware that there is any disagreement or, indeed, that the Provincial Administration has blocked the settlement of the owners of Muthanga Farm in Maragwa.

(b) A working committee has been formed to plan how the land owners would take possession of their land and is being assisted by the Provincial Commissioner in this regard.

Mr. Muithia: Mr. Temporary Deputy Speaker, Sir, I am quite surprised by that answer; that, the Assistant Minister is not aware that farmers cannot access their land. The Assistant Minister is on record, way back on 18th October, 2000 - as having answered a similar Question in this House and - as having stated that he is aware that the parcel of land was given and legally subdivided among the shareholders and title deeds issued out. The Assistant Minister also stated then that while he would take up the matter raised by the hon. Member and give express instructions to the DC to deal with the matter once and for all, I would like to request the land owners to show up so that they can take possession. Rather than the Assistant Minister taking his work seriously, he is running around the

country campaigning for one young man and asking for votes from Gatundu farmers, whom he has oppressed by not giving them land, and he expects votes from them. May I know the specific date when the farmers are going to be settled because I have been to his office several times together with the farmers for the last one and a half years? May I know the specific date when the farmers will take up the land?

Mr. Samoei: Mr. Temporary Deputy Speaker, Sir, the hon. Member knows very well that he and myself have handled this issue. We have talked to the persons concerned on this issue, and we have had a meeting with the people in question together with the DC. The hon. Member knows very well what is going on now. It is unfortunate that he is trying to drag into this matter the name of the Provincial Administration. Indeed, the DC himself, being our officer, has been facilitating the meetings between the squatters and genuine land owners. I did undertake, in this House and in my office, that this issue was going to be sorted out. I have said that we did put together a working committee, and it has been facilitated by the DC to make sure that, that issue of Muthanga Farm is sorted out.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, we have a lot of problems in Central Province in so far as land buying companies are concerned. Many of them have resulted in many people being killed because of differences, and many times, the President has gone there and ordered that the land buying companies be wound up. We have Nyakinyua Investments Limited at Gatundu and Ruiru and the Githunguri Ranching Company where some people have been killed. We also have the Kihui Mwiri whose Chairman was killed the other day. What is the Ministry going to do, to have all these land buying companies in Central Province wound up, and the shareholders given their equal portions? The assets should be sold and the money shared among the shareholders, so that we can bring to an end the killings and the problems that these land buying companies have brought to the people of Central Province. When is the Assistant Minister going to heed the President's orders and advice, to have the land buying companies wound up because they have not fulfilled the purposes and reasons for which they were created?

Mr. Samoei: Mr. Temporary Deputy Speaker, Sir, I do agree that we do have a problem of land buying companies turning out to be a nightmare for their members. We are also aware that majority of the cases have resulted in what the hon. Member has correctly said. However, most of these companies are private entities and the Government can only do what the law can allow it to do. We cannot dissolve any company because most of them are private entities. They can only be dissolved by the members themselves. However, we have tried our best to make sure that we facilitate meetings and sub-division of whatever farms are available so that these land buying companies can live up to what their original intentions were. I cannot promise more than what we are doing now. I believe that we are doing the best we can.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. This Government is responsible for the lives of Kenyans and their properties. Although all the companies are limited liability companies, there is no way the Government can hide behind the law and say that since the companies are private and people have been killed, they are going to wait until everybody is wiped out before they take action. Is the Assistant Minister in order to deny the responsibility of the Government to ensure that no further killings take place in those companies, by ensuring that they are wound up?

Mr. Samoei: Mr. Temporary Deputy Speaker, Sir, I am afraid that the Government cannot do what is not possible legally. We cannot wind up any private company. All we have done is to make sure that the companies live up to the expectations of the members in terms of the sub-division of whatever land was bought. We have facilitated that exercise to the best of our ability.

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, I am surprised by the Assistant Minister's answer. The Question raised by the hon. Member is about Muthanga Farm. The Assistant Minister is on record as having accepted that he was aware of the problem. That was two years ago. Those people are peasant farmers and they do not have money to speculate with. They want to settle on the farms they paid for. Is it acceptable that people pay for land get issued with title deeds and yet, they cannot settle on those farms? The Assistant Minister has told this House that he has set up a committee. A committee to discuss with who? Those people own those parcels of land. Could the Assistant Minister say when he is going to facilitate those farmers to take possession of what they have rightly paid for? He should do that, unless he wants to tell us that title deeds are mere papers which do not represent anything!

Mr. Samoei: Mr. Temporary Deputy Speaker, Sir, sometime back, I did undertake in this House that I was going to look into the issue. The hon. Member did follow up the issue with me and we had a meeting with members of the land buying company and the working committee in question was not formed by me but by the owners of the farms themselves. I cannot disband a committee that was formed by the owners themselves! All I have done is to facilitate that committee to create an understanding which has been the cause of the confusion and we are making headway!

Mr. Muihia: Mr. Temporary Deputy Speaker, Sir, with due respect to my friend, I agree that he gave me a cup of tea in his office when we were discussing this issue. We also travelled to the office of the District Commissioner, Thika, with the farmers. But there is no such committee. Those farmers travelled to Maragwa about six times but that committee is not in existence. Why would the farmers form a committee when they have title deeds?

They just want their land. Could the Assistant Minister assure me that, over another cup of tea, he is going to provide security to the farmers in a week's time, so that they can go and take possession of their land?

Mr. Samoei: Mr. Temporary Deputy Speaker, Sir, I can promise the cup of tea. As a result of that cup of tea, I am sure we will get somewhere.

The Temporary Deputy Speaker (Mr. Muturi): Mr. Kihoro's Question for the second time!

Question No.235

SOCIETIES WITH NON-PERFORMING LOANS

Mr. Murungi, on behalf of **Mr. Kihoro**, asked the Minister for Agriculture:-

- (a) whether he could table the list of all coffee co-operative societies with non-performing loans, indicating the amount owed and to whom it is owed; and,
- (b) how many of the loans were guaranteed by the Government of Kenya.

The Assistant Minister for Agriculture and Rural Development (Mr. J.D. Lotodo): Mr. Temporary Deputy Speaker, Sir, I apologise for coming late. However, I beg to reply.

- (a) I am happy to table the list as required.

(Mr. J.D. Lotodo tabled the document)

(b) All the loans given under donor financing through the Co-operative Bank of Kenya were Government guaranteed.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, we are happy that the Assistant Minister has tabled the list and we are going to look at it. But the Government has oppressed and burdened coffee farmers in this country by adding interest rates on the loans given by the World Bank to assist the coffee farmers in this country by up to 8 per cent. Right now, we are talking about writing off loans belonging to the Agricultural Finance Corporation (AFC) while at the same time, we are paying lip service to coffee farmers in this country. Could the Ministry consider writing off all the loans owed by coffee farmers and guaranteed by the Government of Kenya?

Mr. J.D. Lotodo: Mr. Temporary Deputy Speaker, Sir, the Ministry has taken the necessary steps and the Co-operative Bank of Kenya has written to the Cabinet. The Cabinet is considering that request to write off those loans.

Mr. Wamae: Mr. Temporary Deputy Speaker, Sir, could the hon. Assistant Minister tell us when the Government is going to agree to write off those loans as it has done with the AFC loans, owed by farmers?

Mr. J.D. Lotodo: Mr. Temporary Deputy Speaker, Sir, the Co-operative Bank has written to the Cabinet and that issue is being considered. So, any time from now, the decision will be forthcoming.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, the Government should treat all Kenyans equally. If the Government has agreed to come up with a Sessional Paper to write off all loans owed to the AFC by farmers, they should do the same for coffee farmers. Coffee farmers are in a serious situation. We passed the Coffee Act here in order to improve the growing and marketing of coffee. The Assistant Minister should be very clear and tell us that, in the same way, they will write off all the loans owed by the coffee farmers. Could the Assistant Minister confirm that they are going to do precisely that, as they did with the other farmers who owed the AFC money?

Mr. J.D. Lotodo: Mr. Temporary Deputy Speaker, Sir, the Government has been sensitive and serving farmers without discrimination. I would like to assure the hon. Member that deserving loans will be written off.

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has told this House that the Government is seriously considering writing off the loans owed by the small-scale and other coffee farmers. That is a very welcome statement from this Government. Considering that gravity of the matter, could the Assistant Minister re-emphasise the fact that the Government of Kenya will write off loans owed by the coffee farmers, and that we, the representatives of the coffee farmers, can from today tell them to expect a write-off of the loans owed to the Co-operative Bank of Kenya and other banks?

Mr. J.D. Lotodo: Mr. Temporary Deputy Speaker, Sir, the Government will take the necessary steps to ensure that the loans owed by the coffee farmers are written off. The Co-operative Bank of Kenya has written to the Government asking it to consider writing off these loans. The issue is under consideration and we expect the decision to be made very soon.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, on such issues, it would be very dangerous to take the country for a ride. If a big statement goes out of this House that these loans will be written off and then that does not

happen, it will become another set of excess baggage of mismanagement.

Could the Assistant Minister tell us what he means by saying that the Co-operative Bank of Kenya has written to the Cabinet on this issue? Is he telling us that the Ministry of Agriculture and Rural Development has actually prepared a Cabinet Paper, which is before the Cabinet, or what is he saying?

Mr. J.D. Lotodo: Mr. Temporary Deputy Speaker, Sir, that is what I said. I meant that the Ministry of Agriculture and Rural Development has prepared a Cabinet Paper to be presented to the Cabinet to consider the write-off.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, they say that "all animals are equal, but some animals are more equal than the others". The Cabinet Paper which the Assistant Minister has talked about was sent to the Cabinet six months ago. In fact, it was sent there before the Agricultural Finance Corporation (AFC) Paper was presented to the Cabinet.

What is the Cabinet doing sitting on the coffee farmers loans while it is speeding up the process of writing off loans owed by big shots in AFC? Does the Assistant Minister want to tell this House that, unless the coffee farmers loans are written off, even the AFC loans will not be written off?

Mr. J.D. Lotodo: Mr. Temporary Deputy Speaker, Sir, I would like to inform the hon. Member that the Government is considering all farmers equally, irrespective of whether they owe money to the Co-operative Bank of Kenya or to the AFC. They are all citizens of Kenya. Proper consideration will be given to every case. As I stated, the Government is committed to assisting farmers by trying to write off these loans. That is why the Cabinet Paper has been prepared. It is awaiting approval and everything will be under control.

QUESTIONS BY PRIVATE NOTICE

JUSTIFICATION FOR IMF DIRECTOR'S PRESENCE IN KENYA

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

Since the International Monetary Fund (IMF) has decided not to extend any further funding to Kenya, what is the justification for the continued stay of the IMF Country Director in Kenya?

The Minister for Finance (Mr. Obure): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

I am not aware of any decision by the IMF not to extend funding to Kenya. It is certainly not true that the IMF has refused to extend funding to Kenya. On the contrary, a team of staff from the IMF has been here and has just completed a review of Kenya's performance under the provisions of Article 4. The team is now preparing a report for submission to the Board of the institution for consideration.

Kenya is a member of the IMF along with about other 180 or so countries of the world. As a member of this institution, we in Kenya will continue to engage in dialogue with the Fund, whether or not we are on a programme. Part of our relationship with the Fund involves us having its representative resident here in Kenya for the purpose of facilitating consultations and dialogue.

Eng. Muriuki: Mr. Temporary Deputy Speaker, Sir, the answer given by the Minister is very good for purposes of normal Government propaganda. But we all attended a meeting at the Coast where the IMF was represented. The IMF representatives were very categorical that the IMF will not extend any more funding to Kenya until the Government puts in place good governance.

On the other hand, the current Government has also put it categorically that it does not understand the meaning of good governance, and so it will not meet the IMF conditionalities. So, what is the purpose of the Government saying that it is evaluating anything, while this demand for good Governance has been in place for ten years and the Government has always said that it does not understand it? What is being evaluated?

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, we were all in Mombasa and we engaged the IMF and the World Bank representatives in discussions on various subjects. Those of us who were there will agree that there was no time when the IMF representatives announced the decision not to extend any funding to Kenya.

These matters are, indeed, discussed and negotiated between member countries and the Fund. In the case of Kenya, indeed, there is a programme in place. But it was interrupted in the year 2000 because the basis of the agreement was disrupted when our High Court took a decision to disband an institution that had been put in place to fight corruption. When that decision was taken, the Fund then decided to stop disbursement of funds under that programme until such a time when we put in place a similar institution that would continue to fight corruption.

So, those were the prior conditionalities, which the IMF wanted us to fulfil. The position now is that the IMF team has just completed a review of Kenya's performance and it knows that we have been pursuing the issue of

fulfilling all the prior conditionalities. Part of these conditionalities, for example, will include putting in place certain pieces of legislation, which are in this House already, for consideration. Once some of those conditionalities are fulfilled, including putting in place certain pieces of legislation, certainly, Kenya's case will be considered by the Executive Board of the IMF.

The position is that we have fulfilled a large number of these conditionalities and we are on the right path towards the resumption of aid disbursement to Kenya.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, one thing which I remember being mentioned by the International Monetary Fund (IMF) and World Bank representatives is that, some people have taken US\$2 billion out of the Kenyan economy and banked it abroad, and it would help very much for them to bring that money back to the country before they beg the IMF to give us\$300 million. Another thing which I remember happened immediately after that, the President of Kenya, who has invited the IMF to have a Country Director in this country, goes to an open urban settlement conference and starts unpatriotic raid against the IMF and the World Bank! How do you explain that you are persuading the IMF and the World Bank to send a mission to Kenya; to try to prove that you have accepted their conditions so that they release part of the payment for support? At the same time, the Head of your Government is abusing the IMF and the World Bank publicly before an international audience! Are you the same Government?

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, first of all, the reference to the US\$2 billion by Dr. Kituyi-- I was in that conference and my understanding of the reference to the US\$2 billion was that, this was an amount of money representing investments by Kenyans abroad. These investments are in various countries and you know that, in fact, Kenya is the second biggest investor in our neighbouring countries after Great Britain. It is my understanding that, that reference was made to the investments in those countries.

Secondly, I want to clarify that, we are operating in a regime where there are no controls regarding foreign exchange. You can walk into any bank today and change your money from Kenya shillings into Dollars, British Pounds, Japanese Yen, *et cetera*, and take it away. There is no control over that! But on the contrary, because of the same freedom, Kenya has also benefited from substantial investments from Rwanda, Uganda and Somalia. A lot of those investments are in Kenya helping the Kenyan economy to grow. So, it is not necessarily a bad thing that Kenyans have also invested abroad.

With regard to the second question, the fact that we have invited the IMF here, and that there are allegations about insults and so on, I am not aware of that. Secondly, it does not mean that our membership in the IMF is going to tie us down, and that we shall not express our opinion in public or in private. Kenya is a sovereign State and a member of the IMF. We are on a programme and we have agreed, as hon. Members saw in Mombasa, we do agree and sometimes we disagree, but nevertheless, we are working together through this dialogue. So, we will continue to express our views.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Minister in order to mislead this House - he is an immediate former Minister for Foreign Affairs and International Co-operation - that an organisation or a country which is officially a friend of Kenya; its representatives can be abused at a public function by the Head of the Government of Kenya against all conditions of protocol and international understanding? Is he in order to mislead the House that what the President did is within the domain of what is normally done, as the former Minister for Foreign Affairs and International Co-operation? And also to mislead the House---

The Temporary Deputy Speaker (Mr. Muturi): Dr. Kituyi, raise one point of at a time!

Dr. Kituyi: That is too misleading, Mr. Temporary Deputy Speaker, Sir. I will just finish the second one; that the flight of capital is investment! When Mr. Joshua Kulei buys a ranch and keeps horses in Southern England, is that investment or flight of capital?

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, I am not aware of the exact wording of His Excellency the President's remarks during the conference. But our President is diplomat number one. He is entitled to express his views at any time and at any forum. If he has criticised the IMF with whom we work, he or any other Kenyan is entitled to his own views and I see absolutely nothing wrong if he expresses his own views.

On the second question regarding capital flight, we have said it, and I have said it very many times that, in recent days, Kenya has experienced a negative net inflow of capital. That is a fact! We are not going to hold any Kenyan by the neck and tell him to invest in this country. What we are doing, on the contrary, is to try and improve the conditions in this country and make the cost of doing business less expensive. That is what we are trying to do here. We are trying to make our own conditions more attractive so that not only Kenyans can invest their money here, but also foreigners.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, the Minister says that we are going to improve our conditions so that we have a net inflow of funds. Before we do that, can we put stern measures in place to curb the flight of funds and repatriation of resources out of this country, a factor which has now affected this country to the extent that, instead of talking about employing our youth, we are talking about retrenching them from service?

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, I agree with what Mr. Angwenyi says. We are aware that we have certainly taken certain very painful actions, including retrenchment of people in recent days. Hon. Members are fully aware of the background that led to some of these painful measures. We will all appreciate that some of these painful measures were necessary indeed, as part of a prerequisite to improve the general conditions in the long-run.

Eng. Muriuki: Mr. Temporary Deputy Speaker, Sir, the review by the IMF, as mentioned by the Minister, is happening in this country every year. I am not even sure that it does not happen several times a year. We all know that the IMF and the World Bank have not helped a single country in Africa to come out of poverty! So, why are we wasting time which we could have used to look for our own home-grown solutions, instead of waiting for a so-called "Rich Uncle" who will never arrive?

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, I am in complete agreement with Eng. Muriuki. In the long-run, it is Kenyans themselves who must build this country. But as a member of the IMF, we are a member of that Fund alongside many other countries, both developing and developed. The IMF was set up by member countries in order, first of all, to assist member countries on short-term basis to stabilise their economies, balance of payments, and to provide budgetary support and so on. We will continue to be a member of that Fund because we believe that we derive certain benefits through advice and expertise from the IMF. So, we are not a member of the IMF necessarily to get financial support; we also get technical support and many other benefits. So, we will continue with our membership in that Fund whether or not we get financial support for the time being.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister really in order to concur with Eng. Muriuki that the International Monetary Fund (IMF) and the World Bank have not helped African countries, and at the same time advise his Government to continue being a member of the same merchants of capital who have not helped the African countries? Why do they not pull out and let us do our things ourselves?

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, I am sure Prof. Anyang'-Nyong'o heard me correctly when I said that in the long run the bulk of the effort that is required to make our economy sustainable must come from Kenyans themselves. However, by virtue of our membership in these organisations, alongside other members, we expect to get short-term support from the IMF. This should include budget support and stabilisation of balance of payments on short-term basis, as well as advice and expertise in the management of the economy. What I agreed with Eng. Muriuki, in the long-run, is the effort of Kenyans themselves which must really form the basis of sustainable development.

The Temporary Deputy Speaker (Mr. Muturi): Hon. Members, as you can realise, we have spent the time allocated for the next Order. Therefore, I direct that the other two Questions by Private Notice be answered tomorrow. These Questions are for Dr. Murungaru and Mr. Kajwang. They will be answered tomorrow at 2.30 p.m.

COLLAPSE OF AI SERVICES

(Dr. Murungaru) to ask the Minister for Agriculture:-

- (a) Is the Minister aware that the Nyeri District Veterinary Officer has withdrawn Government vehicles attached to the seven dairy societies to facilitate Artificial Insemination Services and that as a result, these services have collapsed?
- (b) Could he order immediate return of these vehicles to the affected societies?

DISMISSAL OF SABCO WORKERS

(Mr. Kajwang) to ask the Minister for Labour:-

- (a) Is the Minister aware that a company known as South African Bottling Company (SABCO) which recently bought the interest of Coca-Cola from Nairobi Bottlers Limited, has massively dismissed its staff contrary to the provisions of the Employment Act, Cap.226?
- (b) Is he further aware that the said company has made variations to the remaining employees' salaries effectively reducing the emoluments by 50 per cent contrary to the Employment Act, Cap.226 and is now threatening the employees with dismissal if they refuse to sign the new employment contracts reflecting the illegal variations of their salaries?
- (c) What urgent measures is he taking to address workers grievances?

Dr. Murungaru: Mr. Temporary Deputy Speaker, Sir, will these Questions be given sufficient time?

The Temporary Deputy Speaker (Mr. Muturi): Dr. Murungaru, they will be given the first priority.

Dr. Murungaru: Mr. Temporary Deputy Speaker, Sir, I am asking this question because, in recent times, Questions by Private Notice are asked at the end of Question Time. We are rushed and hurried by the Speaker so that

we are unable to ventilate the subject matter.

The Temporary Deputy Speaker (Mr. Muturi): Very well! These Questions will be given the first priority tomorrow at 2.30 p.m.

Dr. Murungaru: Mr. Temporary Deputy Speaker, Sir, these Questions should be given sufficient time. Thank you, Mr. Temporary Deputy Speaker, Sir.

(Questions deferred)

POINTS OF ORDER

CLARIFICATION ON MR. NASSIR'S UTTERANCES

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Most of the Press, both print and electronic media covered a prominent hon. Member of this House, Mr. Nassir, MP for Mvita, as declaring that another hon. Member of this House was barred from going to Mombasa. The honour and dignity of this House is that we behave as hon. colleagues. I wonder whether at the earliest opportunity, you could find it expedient to avail Mr. Nassir an opportunity to tell this House that he has actually not been party to such primitive and irresponsible utterances?

(Mr. Nassir remained seated)

Hon. Members: Let him respond to that point of order!

DEFERMENT OF QUESTIONS BY PRIVATE NOTICE

The Minister for Agriculture (Dr. Godana): On a point of order, Mr. Temporary Deputy Speaker, Sir. I had a point of order which was actually relevant to that subject. If we have that point of order, then I would also like to---

Hon. Members: Which one?

The Temporary Deputy Speaker (Mr. Muturi): Dr. Godana, are you on a point of order?

The Minister for Agriculture (Dr. Godana): Yes, Mr. Temporary Deputy Speaker, Sir. Mine is on the understanding that we are not yet in the next Order. I can understand the frustration of the hon. Member for---

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, Mr. Nassir has not responded to Dr. Kituyi's point of order.

The Temporary Deputy Speaker (Mr. Muturi): There is no need for response, Mr. Mwenje!

The Minister for Agriculture (Dr. Godana): Mr. Temporary Deputy Speaker, Sir, I would like to touch on the issue of Questions which are postponed. I would also like to plead that the Clerk's Department and the Speaker's Office strictly reserve space for Members' Questions by Private Notice. The Questions by Private Notice facility is designed to deal with matters which are of an emergency nature, and if you do not have a resolution, passage of time may prejudice irreparably the interest which ought to be protected. I think there is a tendency for people to put any Question.

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

The Temporary Deputy Speaker (Mr. Muturi): Mr. Minister, the Speaker has used his prerogative and put the Questions on the Order Paper.

SACKING OF CITY COUNCIL EMPLOYEES

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I would like to criticise the Press for misreporting yesterday's meeting, that the NAC leaders did not agree, and say that, indeed, they agreed on the issue of leadership. The Press should correct that because that was wrong information put on the headlines of all newspapers.

However, the point I would like to make is about what they have reported about the Nairobi City Council (NCC). Could we get a Ministerial Statement from the Minister for Local Government to clarify and tell us the correct position about the 12,000 staff members who are about to be sacked at the end of this month? We would like to know who made this decision, who these people are and how they were employed. We would like to hear from the Minister for Local Government before these employees are sacked because we shall mobilise the whole of this City to make sure that nobody is sacked unless we know, in the first place, how they were employed and what happened. We will not allow 12,000 employees just to be sacked from the NCC.

BARRING OF PEOPLE FROM VISITING
CERTAIN PARTS OF THE COUNTRY

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to seek a Ministerial Statement from the Minister of State, Office of the President in charge of Internal Security and Provincial Administration as to whether it is the Government's policy for people to be barred from visiting various areas of this country for whatever reasons but are not criminal.

The Temporary Deputy Speaker (Mr. Muturi): Let us move on to the next Order!

MOTIONS

COMMISSION TO REVIEW SALARIES
OF MEDICAL PERSONNEL

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-
THAT, while appreciating the critical role played by the nurses and doctors in provision of medical services to wananchi, aware of the difficult and poor working conditions prevailing in all public health institutions; noting with concern that salaries for these health workers have not been reviewed for the last ten years; and cognizant of the fact that these officers are almost living below the poverty line; this House urges the Government to appoint a Salaries Review Commission to review the salaries, allowances and other benefits for the nurses and doctors, and that the findings and report thereon be tabled before this House within three months after the appointment of the Commission.

It is not possible to put monetary value to the essential services which are provided by these health workers, namely the doctors and the nurses here in Kenya. Indeed, it is not even possible in many other parts of the world. But more often than not, these services are remunerated according to their professional qualifications and the quality of their services in many countries. Unfortunately, this is not the case here in Kenya. Although the Government spends a lot of taxpayers' money to train these doctors and nurses, their working conditions are hazardous and leave a lot to be desired. Indeed, I had an opportunity to visit Pumwani Maternity Hospital, which is the referral hospital for maternity cases, and found it in a terrible condition. It looked like a slaughterhouse! There was blood all over. The babies had no blankets and the mothers shared beds. This maternity hospital is in a very bad condition. I am sure this hospital is a replica of many other health institutions in this country. This health institution is also characterised by shortage of essential needs or facilities for these health workers to do their work properly. These facilities are gloves, injections, syringes and so forth.

Mr. Temporary Deputy Speaker, Sir, the lives of health workers in hospitals and dispensaries are in danger because of the risks they are exposed to. For example, they can easily contact the HIV/AIDS pandemic or even Ebola which might threaten our region. Doctors and nurses work in remote parts of this country where there are no telephone or ambulance services that can help them be effective in their work. I am sure our health medical officers work under real mental torture when they watch their patients die from curable diseases. They bear all these bad working conditions and earn very low salaries.

Mr. Temporary Deputy Speaker, Sir, on the training facilities for doctors and nurses, I feel they are inadequate. We do not have enough training facilities for these health workers. Even the available facilities are not enough to train our medical health officers because of corruption. You will find that during the recruitment exercise, medical officers used to visit district and provincial headquarters so that they could give equal training chances to many Kenyans. These days, they no longer visit district and provincial headquarters. This exercise depends on who is known by who, who is politically-correct, and who can give *kitu kidogo* to recruiting officers. There is a lot of ethnicity and nepotism in this exercise. We end up getting trainees who are not even interested in doing the job they are being trained to do. The *kitu kidogo* culture has eaten into this sector to the extent that one has to bribe his or her way out to the tune of Kshs50,000 in order to join the medical training colleges. Indeed, officers at the Kenya Medical Training College have even resorted to selling the land which belongs to the college. We want that to be stopped immediately because that land is for the expansion of training facilities in that college.

Mr. Temporary Deputy Speaker, Sir, when our doctors lack the necessary tools and skills, we cannot expect them to treat the patients or dispense their services efficiently. The morale of our health workers has been badly damaged. We know that there have been strikes by health workers. For example, in 1997, there was a strike by nurses. Instead of this Government appreciating and supporting their good work, they condemned them and even implied that nurses do not care. In fact, they care a lot. But they also must afford a decent living for their families.

They must be able to feed and send their children to schools. It is the responsibility of the Government to review the salaries of our health workers so that they can support their families. They should work in better conditions so that they will be happy in their work. Mr. Temporary Deputy Speaker, Sir, apart from parenting and family life, maybe the most important profession is that of nurses and doctors because they keep life going. Theirs is a matter of life and death. Indeed, we need to support them both professionally and morally. The nurses do not get adequate facilities for retraining. Although the nurses make up about 75 per cent of the health workforce, they have very limited retraining facilities. The available retraining facilities are normally taken up by the doctors. This frustrates the nurses. It is as if there is no hope for their career advancement. I would like to ask the Salaries Review Commission to look very critically into the training facilities of our health workers.

Mr. Temporary Deputy Speaker, Sir, we remember there was a prolonged strike by doctors in the country. They were later joined by the nurses. However, most of us were very surprised to hear the Head of State saying that he would bring doctors from India and other developed countries. We wondered whether we should not look after the conditions and terms of service of our doctors and nurses on whose training we have spent a lot of taxpayers' money. Instead, they were threatened that if they continued with their strike, they would be sacked. Where is the partnership? Is it cheaper to bring doctors from India, who do not even know our conditions, or to pay our medical health workers better? That is harassment of the health workers. This habit should stop immediately. Indeed, it should stop in all other areas where our professionals are crying for better remuneration and working conditions. We should not threaten them that we will bring professionals from other countries. The other day, we witnessed Air Traffic Controllers being sent home because they went on strike demanding for better remuneration and working conditions. It is sad that they were replaced with retirees. In fact, it is even immoral for this Government to threaten professionals in this country. The Government owes Kenyans an explanation as to why they should not provide good working conditions for our professionals. It is even happening now with teachers over their contentious salary award. I do not know how many retired teachers will be brought in to take up the positions of teachers who will go on strike.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about the salaries and allowances of doctors and nurses. These health officers are definitely overworked. That is a fact we have established. They also work under very difficult conditions. That is why we are helplessly observing a brain drain in the health sector. Indeed, there are only 600 qualified doctors in the public sector of this country, and they are supposed to serve a population of over 30 million Kenyans. Most of these doctors also have other responsibilities like teaching in the universities and other medical training institutions. So, very little time is devoted to patients. The ratio of doctors is one to every 50,000 Kenyans. It is unimaginable! It is unbelievable that this Government can watch doctors leave this country because of poor remuneration and good working conditions. Even after spending so much money on training doctors, the Government can only watch them helplessly leaving this country for greener pastures. It is not even ashamed to hear that there is one doctor for every 50,000 Kenyans. Indeed, we understand in some districts such as Mandera, there is only one qualified doctor. What a shame that after more than 30 years of Independence, there is only one doctor in Mandera District, and yet we have our own medical training colleges? What is happening to the planning of this Government?

Mr. Temporary Deputy Speaker, Sir, we understand doctors in Botswana, Zimbabwe and South Africa earn about Kshs80,000 per month. Here in Kenya, they earn between Kshs13,000 and Kshs25,000. Even our office managers earn better than these doctors. These doctors have trained for over 15 years. This is more or less like slave trade. This Government must review salaries of doctors and pay them what they deserve; otherwise, there will be no single doctor left in this country. On the other hand, nurses earn between Kshs10,000 and Kshs15,000 per month. After all the training, they earn a meagre salary. In fact, most people in offices who have no training at all earn much better than these nurses. Is it fair? Are we fair to our nurses and doctors?

Mr. Temporary Deputy Speaker, Sir, according to the statistics from the Kenya Health Professional Society, the rate of brain drain in this country since 1990 has been as follows: Association of Public Health officers - about 4 officers have gone to South Africa, Seychelles, USA and Botswana. About 20 have joined NGOs like CARE, AMREF and other areas of health. Whereas they are still working in Kenya, the ordinary Kenyan cannot access their services because it means they are now either in the private clinics or elsewhere. About 30 members of the Kenya Dental Association have gone into private practice. There is nothing wrong with the private practice health providers, but we know the ordinary Kenyan cannot access them because they are expensive. We do not have enough doctors because most of them have gone to South Africa and elsewhere. About 25 members of the Kenya Association of Radiographers have joined the private sector, and that is why there is congestion in radiology departments of our public hospitals. It takes time to get this service.

Mr. Temporary Deputy Speaker, Sir, 30 members of the Association of Kenya Medical Laboratories - scientific officers - have gone to the United States of America, United Kingdom, Botswana, South Africa, Swaziland and other countries. It is amazing that even the Head of State can be very happy when our doctors and nurses get

employment in other countries. He is really encouraging them to get employment elsewhere, even after we have spent about Kshs3 million to train one doctor, and about Kshs300,000 to train one nurse. He is happy that they can find employment elsewhere, whereas we do not have enough nurses to care for our people. What a waste of the taxpayers' money and talent? How backward are we going to remain? Our people cannot access good professional medical services and yet we have trained personnel. I think it is misguided for anyone to advocate that our trained personnel in the medical sector be exported overseas.

Mr. Temporary Deputy Speaker, Sir, there are many other professionals in the medical fraternity who have been affected. I think the worst hit are the doctors where, I understand, that about 50 of them leave Kenya every year. About 350 Kenyan doctors are practising in South Africa and 80 in Namibia. I am sure there are many others elsewhere. This is a very expensive brain drain of our professionals. We definitely need to review the salaries of our health workers so that we can save the situation.

Mr. Temporary Deputy Speaker, Sir, it is irrational for the Government to just watch while the cream of our medical professionals are leaving the country. We are not serving the interests of our citizens because of corruption. Instead of paying the doctors and teachers the little money that is got through taxes, a few people have opted to pocket that money. I do not know what they are saving it for, because I am sure their life span - if they are lucky - is not more than 80 years. An individual does not need so much money. For example, we have heard that billions of shillings have been stolen by some people in this House, including hon. Members on the Front Bench, for their own personal use, instead of serving Kenyans. I think this House owes the medical professional workers a review of their salaries.

Mr. Temporary Deputy Speaker, Sir, the problem started when we institutionalised corruption. It is good that we are debating the Corruption Control Bill, 2002, and I hope the Attorney-General will put it to use. It should not just be a mere public relations exercise for the IMF, World Bank and other donors.

The health workers do very difficult work. It is callous of us to expect them to perform well in their work, and yet we do not want to pay them. I am saying that we do not want to pay them, because it is not the money that is lacking. I am amused when this Government keeps on telling us that there is no money. I do not know where they are waiting for this money to come from. That money is supposed to come from the taxpayers. So, the Government must start to use that money for the people's welfare and not in their pockets.

Mr. Temporary Deputy Speaker, Sir, the management of our health institutions is an issue that leaves a lot to be desired. I hope that when we put this commission in place, it will also look into the management of the health sector. Do we have the right people to manage our health institutions, or their appointments are based on corruption and ethnicity? It is about time we appreciated professionalism, because we have plenty of it, and managed our health care facilities the way we are supposed to.

Mr. Temporary Deputy Speaker, Sir, to summarise, the Government should take into consideration the facts that I have mentioned, otherwise, the exodus of doctors from our health facilities will continue. We should not look at their departure as unparliamentary. They are very patriotic, only that they have to eat and feed their families.

I beg to move and request Dr. Omamo to second the Motion.

Dr. Omamo: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I would like to point out that this Motion has come at the right time. I would like to be very specific on the Motion; word by word.

The first line of the Motion reads:-

"While appreciating the critical role played by nurses and doctors---"

What is this critical role played by nurses and doctors? It is all about human lives. There is a critical role that nurses and doctors play as far as human life is concerned. In a situation where a sick person goes to see a doctor and a nurse, they both do their part, and the doctor writes a prescription. At this moment, the patient is still talking. Then another time, the patient goes to the doctor when he or she is not able to talk, but the nurses and doctors work on the patient and finally write a prescription. At some other stage, the nurses and doctors are present but the patient is dead, but they do not run away. They still work on the dead body to find out the cause of death. So, that total human life, whether talking, quiet or dead, the doctor takes care of. That is why, even in the case of the unfortunate King'ong'o prisoners, the doctors were called upon to do something about the dead bodies. So, their work is critical to the society.

Mr. Temporary Deputy Speaker, Sir, as the Gracious Lady has pointed out, it is true that many Kenyans, including the nurses and doctors, are living either below the poverty line or very close to it. We all agree that the poverty line is about Kshs80 per person per day. That is just living from hand to mouth. If there is nothing for the hand to take to the mouth, the mouth goes without anything. That is the situation that many Kenyans are facing and today, it is estimated that there are 10 million Kenyans living below the poverty line. We cannot allow that to happen to our medical staff. We will lose more.

I would like to say that the suggestion that there should be a salary review now makes a lot of sense. The last salary review was ten years ago; and ten years is a long time. It is now time for a salary review. What I would like to suggest is that we should have a thorough salary review. Let the review commission do a thorough job. Today, we are

threatened by the teachers because their salary review, which was done several years ago, has not been implemented. But I like the suggestion in this Motion that the review, when completed, should be brought to this House for debate, so that when the House approves that review, we would not have the kind of trouble that we are now having with the teachers. The teachers are demanding what they believe is correct, and the Permanent Secretary in the Ministry of Education, Science and Technology says he has no money and offers Kshs2. The Kshs2 is not a drop in the ocean; it is an insult!

Mr. Temporary Deputy Speaker, Sir, today, Kenyan medical and public health services still leave a lot to be desired. I am glad that the Gracious Lady who has moved the Motion has pointed out the problem that we are facing in this country; that is the brain drain. Why are we having brain drain in our medical services? The answer is because there are greener pastures everywhere. If the doctors are able to identify greener pastures--- It is like a cow. If a cow can identify greener pastures, it would be difficult to stop it from going there. Anyone would go there. It is greener pastures which mean better food. Why should we not offer greener pastures right here at home? Training doctors and nurses costs a lot of taxpayers' money. I believe that it is possible for us to pay our doctors attractive salaries, so that we could train, employ and hold them. We should not let them go. You hold them by giving them that carrot. Let them enjoy the services that our country can offer. I believe that the Kenyan doctor is very well trained to handle tropical diseases, and we are a tropical country. Some even go for specialisation, which is also very good. When you go to Nairobi Hospital and Aga Khan Hospital, you find nationals from other countries coming to Kenya for medical treatment. They have recognised the facilities that we are having here in Kenya. What we should do is to increase those facilities. Let us improve our facilities in the districts, provinces and other areas that are far away, so that when a doctor is posted to North Eastern, Garissa, Bondo, Muhoroni and Tana River, he does not feel that he is being demoted. We should provide attractive facilities to help us to employ and hold our doctors to serve our country effectively.

Mr. Temporary Deputy Speaker, Sir, I feel that this is a Motion which should not be rejected by the Government. It is well intentioned and I see nothing wrong in it. That is why I am pleased to say that I second it in full.

With those few remarks, I beg to second the Motion.

(Question proposed)

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I rise to support this very timely and important Motion. I thank my colleague, Mrs. Mugo, for bringing it to the House, and for underscoring its importance in her contribution. I would like to speak on one particular aspect of the Motion as my colleagues will handle the others. That is the first part which says: "While appreciating the critical role played by the nurses and doctors in provision of medical services to *wananchi*, aware of the difficult and poor working conditions prevailing in all public health institutions---" Our public health institutions are in appalling condition. For example, if you go to Pumwani Maternity Hospital; a hospital which in the 1950s, 60s and early 70s, was an example of safe motherhood--- Any lady who went to deliver at Pumwani Maternity Hospital expected proper care for herself and the child, at a minimal cost. I know this because my own sister trained and worked at Pumwani Maternity Hospital in the early sixties and I used to visit her there. If you went to Pumwani Maternity Hospital then, it was clean and properly kept, but the "merchant vultures" have descended on it.

If you go there now, the only facilities which were built for the purposes of being used by the hospital are now being rented by some people and they are not being used for the hospital. It is terrible!

If you go to Kenyatta National Hospital, the only respectable wing there is the amenity wing and it has been improved because it was privatised. However, the people who can afford to be admitted to the amenity wing are those with income because you have to pay at least Kshs1,000 every day to be there. We cannot afford to make health a commodity only accessible to the rich.

Mr. Temporary Deputy Speaker, Sir, the basic responsibility of a government is to ensure that there is social security for *wananchi*, as hon. Mrs. Mugo says. Social security for *wananchi* means security in education, health and housing. If there is anything that should be done by this Government to ensure that prevailing conditions in our public health institutions are improved, the National Hospital Insurance Fund (NHIF) and the National Social Security Fund (NSSF) should be merged into one public social security fund, with the aim of providing social security to *wananchi* in terms of education, health and housing. It is only then that we shall respond imaginatively to hon. Mrs. Mugo's concerns.

Mr. Temporary Deputy Speaker, Sir, doctors are flying away from this country not simply because they are not getting good salaries, but because they are ashamed of the conditions under which they work.

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

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

Any self-respecting doctor who has been properly trained in the university and has been told that preventive health care is much more important than curative health care will realise that our public health institutions are a threat to health itself. They are not being good examples of preventive health care. So, our doctors and nurses are leaving not simply because of bad salaries, but because they cannot stomach the conditions under which they work in terms of the health facilities.

Mr. Temporary Deputy Speaker, Sir, since about 10 years ago, the Government of Great Britain has been recruiting nurses from here. These are nurses on whom the Kenyan taxpayer has spent a lot of money training and giving them the ability to serve this nation. After we have invested so much in these nurses, Great Britain, which was our colonial master, is now benefitting from our taxpayers who have trained nurses for them. As I speak, from the report I last heard, there are at least 1,800 Kenyan nurses working in England, and by the way, that is a conservative figure. The Kenya Medical Association (KMA) should be able to provide the Government of Kenya with information regarding how much human resources we have exported to Great Britain. That is to Great Britain alone; what about to South Africa, Botswana, Swaziland and all those other places? We cannot afford, as a developing nation, to put so much money in human resource development and then to export it when we need it. If there was a way in which, when we export these human resources, some money comes back to us in terms of foreign exchange, like Malawi did with South Africa when Malawians worked in the gold mines; then, indeed, it would be advantageous to our development. However, at the moment, let the Government understand that the only imaginative response to improving the public health system is a proper social security system which works, to ensure that every mwananchi and taxpayer has access to basic, efficient, reasonable and respectable health care, education and housing.

Mr. Temporary Deputy Speaker, Sir, if you go to the new Nyanza General Hospital - the word "new" is a misnomer because in that hospital, the roofs are leaking, there is quite often no water and there are no proper dining facilities for patients, who should not be eating at their beds but should be eating in proper dining facilities. These things can be done and ought to be done because as I grew up in the 1960s and 1970s, Kenya did afford and had these facilities. As I speak today, there are many more taxpayers paying much more taxes to this Government in terms of Valued Added Tax (VAT) which was never there in the sixties and seventies. Now, that the Government has access to VAT and other forms of taxation, which the Kenyan wage worker gives to this Government, we are in a position to afford a proper and working public health care system if, indeed, we plan properly for it.

Mr. Temporary Deputy Speaker, Sir, this country is known to have the highest rate of accidents per capita in Sub-Saharan Africa. In response to that, we should also have proper orthopaedic facilities to deal with accident cases which are numerous in this country. Just yesterday, an *Akamba* bus had an accident on the Nakuru-Molo Road and many people were injured and quite a number died. I am quite sure that those people who need orthopaedic surgery will find it very difficult to get proper attention because most of our hospitals do not have proper orthopaedic facilities. It is very important that knowing the stage of development in which we are, and knowing that a lot of our needed human resources are being destroyed in accidents, we should have proper health responses to such people.

Mr. Temporary Deputy Speaker, Sir, I am appealing to the Government to ensure that orthopaedic facilities are properly developed in this country because our people are suffering. Orthopaedic facilities are part and parcel of basic health care in any nation. The only proper orthopaedic facility that I have seen in this country is at Lokichoggio Red Cross Hospital. They have developed an extremely well-resourced orthopaedic facility in response to the war-torn accidents and tragedies in the Sudan. However, Lokichoggio is way up there and although the hospital was developed by the Red Cross, it is providing orthopaedic services to the Kenyan health care system. The Government should respond to the need for orthopaedic facilities in this country by having a look at what is happening at Lokichoggio Red Cross Hospital, and seeing what we need to do in this country as a whole.

Mr. Temporary Deputy Speaker, Sir, finally, in response to hon. Mrs Mugo's concern, we need to emphasise on community health facilities more than anything else and we need to train people in community health. The only institution in this country at the grassroots which is private and providing community health training is the Tropical Institute of Community Health in Kisumu. The Tropical Institute of Community Health is admitting students from all sectors of society. It admits clergymen, co-operative workers, ordinary peasants and schoolteachers and training them in health so that they can go back and work at the grassroots communities. This is so that they can go back and use the facilities that we have at the grassroots to dispense with health care. I would like to urge the Government to take seriously this Motion and respond to the urgent need of training community health workers in this country.

I beg to support.

Mr. Kones: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Motion. First and foremost, I would like to congratulate the Mover of this Motion for bringing it up at the appropriate time.

Mr. Temporary Deputy Speaker, Sir, I think it is high time that the Government set its priorities right. The working conditions of doctors and nurses in our hospitals are appalling and still after that, they go home with very little salary. This has made them live below the poverty line. I think, sometimes, we look at the facilities that serve the general public in this country in a negative way. Today, we are talking about teachers' salaries and the Government is not taking the issue seriously, while this is the institution that deals with the public in a big way. The teachers are struggling to get a few shillings added to their salaries, and it looks like the Government is not taking it very seriously. Now, this one is coming up again where doctors and nurses have deserving cases. They should be getting some salary review to enable them live in better conditions. I have had an experience where I have taken patients, more than once, to Nakuru Provincial General Hospital. The interesting thing is that in the outpatient department, there is no running water in the taps. How do you expect doctors or nurses to perform their duties where there is no running water in the taps? Mr. Temporary Deputy Speaker, Sir, well, if we are really serious about setting our priorities right, who is needed more; several assistant chiefs and chiefs, or more nurses in the village? In most cases, you will find that in every location, there could be one chief, four assistant chiefs and five or so administration policemen (APs) who do nothing except harass and intimidate people. Ironically enough, in the same location, you could find just one nurse who runs day and night to serve the community. When you assess the values and the job description of these people, you will find that chiefs deliver nothing to the people, except getting a few bribes here and there, whereas nurses save lives on a daily basis. So, why are we not able to set our priorities right, and yet when we come up with a Motion like this, the Government will always say there are no funds available to recruit nurses? They will say that despite the fact that they have enough funds to recruit chiefs, assistant chiefs and APs, who harass the public.

Mr. Temporary Deputy Speaker, Sir, I think this Motion has come at a very good time, and it should be taken seriously. There must be a review of the salaries and the living conditions of the nurses. When you hear of people who have moved to other countries to look for greener pastures and we are suffering within the country, it is so appalling. Some of us have been involved in the development of health facilities, like dispensaries in the village level. Like in my case, I have about four dispensaries ready which were put up by members of the public, but the Government has not posted nurses there. Why is that the case? There are no nurses who are willing to work in the public service because the salaries they are paid are so low. So, they have decided to look for jobs outside, and yet our people are suffering in the villages. We have put up health facilities, but there are no nurses there. Sometimes we have one nurse instead of four. Sometimes, those facilities are run by clinical officers instead of doctors.

I have a big hospital in my constituency called Longisa District Hospital, which has got only one doctor instead of five. Why do we not have doctors? There are no doctors in the Government service because the Government cannot pay them well. So, they go out to look for greener pastures. Are we really looking at the interests of our people? Are we looking after our people well? Are we giving them the services they deserve? Have we remunerated our doctors well?

Mr. Temporary Deputy Speaker, Sir, if you look at the number of policemen in this country, they are many. For instance, if you were travelling from one town to another in a distance of about 20 kilometres, you will find that there will be about five roadblocks, each manned by about ten policemen. What do these policemen do? They do nothing except receive bribes. If we could reduce these roadblocks and just have one or none at all, we could save money, and in that case pay our doctors and nurses well. That way, we would be serving the community better than just having these fellows who run around, intimidating people and receiving money from them.

I think it is high time that we set up this Commission. As Dr. Omamo put it, for the first time, if a Commission is set up to review the salaries of these workers, we would like them to submit their report to this House for ratification and implementation. What we are hearing about the teachers' salaries and the intended strike will affect the education of our children. When the Government promised teachers that they would implement the agreement, and even went ahead to sign it, they wanted to get votes. Now, they have turned around to say that they cannot implement that agreement, but it is too late. The damage has already been done. We would like to see that every agreement that is entered into by the Government of this country is implemented to the letter. This is letting down all of us.

Mr. Temporary Deputy Speaker, Sir, we know that there was an agreement between the Government and the teachers, and we are just telling them that there is money. When will this money be made available? What magic are they expecting to perform so that this money becomes available? If all the taxes were properly collected, channelled and put in the right purpose, there would always be enough money for everybody. This is the talk that we have heard over and over again. Sometimes they talk about the IMF and World Bank conditions. These things are not there. We know that the IMF and the World Bank have never at all shifted any goal posts. It is this Government that has been

shifting goal posts all through. They agree on one thing and even set a date, but they never implement it.

So, Mr. Temporary Deputy Speaker, Sir, we are saying that there is enough money in this country. The only thing is that people are not serious about what they are telling wananchi. They only make pledges when they want votes, but when it comes to implementation, they backtrack and say there is no money. We think there is enough money and I support that this Motion should be passed the way it is. A Commission should be established to look into the salaries and the working conditions of doctors and nurses in this country, because this is a situation which must be put right.

With those few remarks, I beg to support.

(Applause)

Mr. Katuku: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this important Motion. The Mover of the Motion made it very clear that the working conditions of the doctors and nurses in most of our health centres are wanting. I entirely agree with her. For example, Pumwani Maternity Hospital has turned out to be like a slaughterhouse. Recently, I also visited Machakos District Hospital and I went to the maternity wards. I found the same scenario there; blood littering everywhere. I spent three days without eating properly because of the conditions there. Then I thought of the workers who are working there daily under those conditions. It is terrible! When we talk about paying these nurses and doctors well, we would also want the Government to take seriously the sentiments expressed here by Members, that the working conditions are terrible and dehumanising. The low pay these nurses and doctors are getting has made them lose morale. They have been forced to work extra hours in other health institutions. For example, you will find a nurse who works at Mbagathi District Hospital or Kenyatta National Hospital, after the normal working hours, has to rush to another private clinic to do some more hours. So within one day, you will find that, that nurse has worked in three or four institutions to make ends meet. This is because he is not earning enough money to feed himself or his family.

Even the house allowance that they are given is not enough. You will find that they live in slums and others far away from the working place because they cannot afford houses near their place of work. The other day we had a case here where such important workers were told to move out of Government houses, to go and stay in areas like Mathare and Kayole. It gets so difficult for these workers to provide essential services. It is high time the Government took this issue seriously. I would be surprised to hear the Government oppose this Motion. It is high time we all, as a House, passed this Motion the way it is.

We should form a commission to review the salaries of these workers so that we can get quality services. This Government has made itself an enemy of its own employees. The kind of salaries that the Government is paying the civil servants who provide essential services like nurses, doctors, teachers and police officers is not commensurate with the work they are doing. That is why they are being forced to engage in corrupt practices. You will find that the administration police officers from the village where I come from are not even bothered to look into issues of security. They are busy moving around, looking for people who are brewing traditional liquor. This has become a routine, such that people who brew traditional liquor have to give a portion of their earnings to the police every month. Some of this money goes to the sub-chiefs, chiefs, administration police and the DOs. These officers are extorting this money because whatever they are earning is too little. It is high time we licensed the sale of local brews so that they can be sold at the market places, but not in homes. Some of these officers are doing some of these things because they are not properly paid. It is high time the Government looked at the whole matter of paying better salaries to all its workers because the cost of living has gone high.

I would also like to touch on the issue of health services in this country in terms of the policy the Government has adopted of cost sharing. The cost sharing policy is terribly injuring our people. I want to appeal to this Government to reconsider that position and revert to the old system where health services were free. It is so expensive that it has become a nightmare for a person or his family to become sick. Just the other day, I attended a football tournament in my constituency and one boy sustained a leg injury. I took that boy to Machakos District Hospital and it cost Kshs2,350 to have him treated. I had to pay Kshs50 for just a card, the X-ray cost Kshs300, and I bought the plaster materials for Kshs1,600. At the end of the day the total cost for that boy's treatment was Kshs2,350. How many Kenyans can afford such services? It is expensive and it is high time the Government made health services affordable to all, whether they are being dictated upon by the IMF or any other financial institution. Health services in this country have become very expensive and the Government must come up with a clear policy on how our people will get them. I would propose that cost sharing is done away with. We had better introduce a special tax to cater for health facilities in this country.

Recruitment of our nurses has become another nightmare. The recruitment of these nurses has now been restricted to very few people. You will find that if you want to join a medical college, you have to give out about

Kshs30,000 to be recruited. I would like to propose that recruitment of these staff be done at district level, divisional level and if possible, at health centre level, similar to what the TSC are doing now. If you must go to teach in a certain school, you must go to where there is that vacancy to be recruited at that level. I would like to see nurses also being recruited at that level. I have three health centres in my constituency which are Kilala, Tonila and Mango, which have no clinical officers or nurses. Patients are being attended to by subordinate staff because after training, most people who are recruited to work there do not want to work in rural areas. Why can we not recruit from that level? We should get people who are interested in that kind of profession to join it at that level so that after training, they will go there and serve for at least a minimum of five years. This will ensure that they serve all parts of the country equally. That will result in a fair distribution of our resources, and we will assist people in the village.

There was somebody who said that you will find one nurse running a health centre single-handedly. Where do you expect him to get the energy to run the health centre alone the whole day and night? It is high time we addressed the issue of staffing and recruitment seriously. Corruption must be addressed from the top. If we do not address corruption, you will find that a person who paid Kshs30,000 to be recruited is posted to a health centre where he will end up selling drugs and other materials there. We must stop this corruption. We must carry out recruitment with fairness and ensure that there is equitable distribution of these officers all over the country.

The issue of remuneration for these officers has been well articulated by the Mover of this Motion.

The Assistant Minister for Transport and Communications (Mr. Keah): Thank you, Mr. Temporary Deputy Speaker Sir, for the opportunity to contribute---

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, he is contributing during my time.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Keah. I can see that Mr. Katuku's time is still on. What happened?

Mr. Katuku: There is still some *unga* there. Could I continue with the *ugali*?

The Temporary Deputy Speaker (Mr. Musila): I think your time is still there. So, continue, Mr. Katuku.

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, I must say that the brain drain in this country is costing this Government a lot of money, and this point was articulated by Mrs. Mugo. I am proposing that the minimum salary which should be paid to a doctor in this country should not be less than Kshs50,000, and Kshs30,000 for a nurse, so that these people can be retained in the service.

With those few remarks, I beg to support.

The Assistant Minister for Transport and Communications (Mr. Keah): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. This is a good Motion. I have great sympathies with this Motion because any contribution or award of salaries and wages to Kenyans uplifts their standards of living. This is an objective that we set out to achieve at Independence, and during the process of developing this country. I support the aim of this Motion which is to improve the standards of living of nurses and doctors in the medical profession. It is the responsibility and duty of the Government to provide medical care to every Kenyan. That is their fundamental right. In doing this you need to pay the nurses and doctors salaries that will assist them to work even better in the provision of medical care and services. Some of my colleagues have talked about community-based health services. I support the suggestion. However, all of us are human beings. If you fall sick, you will need medical attention. We cannot, therefore, ignore the need for medical attention.

Mr. Temporary Deputy Speaker, Sir, church-managed medical institutions provide 40 per cent of medical service in this country. Every Kenyan must access medical care. The church has already made considerable effort in providing health services to our people. So, where religious health institutions have failed to provide adequate medical service, the Government should get into partnership with such institutions and ensure that the people get adequate service.

I specifically have in mind St. Luke's Hospital, Kaloleni, which is in my constituency. The hospital has a 140-bed capacity. It has been providing medical care to the people with the support of non-governmental organisations (NGOs). That support is no longer there. The Government gives the hospital little support. Consequently, the standards of medical care at the hospital have fallen. There is hardly a doctor at the hospital these days. Therefore, I support better remuneration for doctors and nurses, so that they can work with dedication at St. Luke's Hospital. In this case, the Government will have gone into purposeful partnership with the Anglican Church of Kenya.

Mr. Temporary Deputy Speaker, Sir, regarding the issue raised in this Motion, I am aware that the Government, in February, 2002, set up a task force to review the salaries and terms of service for doctors, nurses and other health workers. Since the Government initiative has preceded this Motion, I suggest that the Minister, who will respond to this debate proposes an amendment to this Motion, to urge the Government to expand the task force and ensure that its recommendations are tabled in the House, as has been suggested in this Motion.

The amendment I am advising the Minister to introduce to this Motion will beef up the Government task force, which is already doing what the commission proposed in this Motion is supposed to achieve. I am giving this

suggestion, knowing very well that something is being done in respect of medical personnel remuneration. Even the nurses called off their earlier planned strike because they knew that a task force, to look into their welfare had been set up. However, now that this Motion has come up, let us amend it to urge the Government to beef up or expand the task force, to ensure that the objectives of this Motion are achieved.

This is an honest suggestion I would like both the Mover and the Government respondent to take seriously, so that we can arrive at some kind of mutual understanding. Otherwise, it is important for us to appreciate the fact that the Government is already making a move towards the direction being envisaged by this Motion. If we ignore that fact, we will really not be keeping in line with what the Motion seeks to achieve.

Mr. Temporary Deputy Speaker, Sir, in order to save some time for the Minister, so that he can move the amendment I have proposed, I will not speak for long. However, I would like to point out the fact that too many private hospitals have mushroomed in the countryside. Some of these hospitals really need some kind of supervision in the course of their serving the people. The quality of service at some private hospitals is really appalling. Most of medical clinics that have mushroomed all over the country are more commercial than medical service institutions.

I appreciate the fact that these clinics have reduced the distances that people used to walk between their homes and public hospitals. However, the Ministry should have some supervisory staff to look into the operations of these clinics and ensure that they provide high quality service. If these clinics are not supervised, they may provide substandard services, which may end up being disastrous to unsuspecting patients. So, my honest suggestion in supporting this Motion is to amend it and beef up the existing task force, so that it can take on board what this Motion seeks to achieve.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether the Assistant Minister is in order to anticipate debate on an amendment which is not before the House. We are still debating the Motion as it is.

The Temporary Deputy Speaker (Mr. Musila): Mr. Mwenje, I agree with you entirely. Mr. Keah, initially, you suggested an amendment to the Minister. However, you now say that you are bringing the amendment. I am not even aware of any amendment to this Motion.

The Assistant Minister for Transport and Communication (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, mine is merely a friendly suggestion, which the Minister and the Mover of the Motion are at liberty to take or reject. I do not know whether they will take it, but that is my suggestion.

With those remarks, I beg to support.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Musila): I will try to have hon. Members from as many parties as possible to contribute to this Motion. So far, no hon. Member from the SAFINA Party has spoken. So, I will give the Floor to Mr. Muite.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I will be very brief in my contribution to this Motion.

I support this Motion, but I have some advice to nurses and doctors: The nurses and doctors should set a time frame within which the Government should fulfil the promise it has made to them, because history shows that this Government is immune to words and negotiations. The Government has adopted the creed that actions speak louder than words. So, if you try to communicate to it through talking, you do not communicate to it, because it does not understand you; it will not hear you. So, it will not do what you tell it to do. But if you act, then, the Government would hear what you are saying. Then, you would be able to communicate with them. So, if these task forces are not able to deliver in terms of increasing the salaries within a given timeframe, I want to advise the nurses and doctors that the strike weapon in this country should be used. It is always a weapon of last resort; the employers, the consumers of the services or the employees do not resort to strike action as a first option; it is always a weapon of the last resort. But when workers resort to that weapon, it is their constitutional right. When they go on strike - on peaceful demonstration - the Government has no business of any kind to go and bring in the GSU and the regular police officers to beat up workers who are demonstrating peacefully. Peaceful demonstrations are just an extension of the freedom of speech. When they demonstrate, they are trying to speak to the Government through actions. It is primitive, illegal and abuse of power and authority for the Government to disperse peaceful striking or demonstrating workers as we recently noticed in Uhuru Park, when the air traffic controllers were peacefully demonstrating when they were on strike.

Mr. Temporary Deputy Speaker, Sir, let this Government understand that as long as striking workers are doing so peacefully, they have got the right to do so, and they should not be teargassed and beaten. This is important when this Government is being faced by a strike by the teachers. If the teachers want to go on street demonstrations, as long as they are peaceful, that is their right. The Government should not bring in the GSU officers to teargas them and use rungs in beating innocent Kenyans when they are exercising their constitutional right of freedom of expression.

Demonstrations are just an extension of the freedom of speech.

The other advice that I would like to give to the nurses - who I think perhaps are more poorly paid in comparative terms than the doctors - doctors, and all the workers in this country, is to learn to network. Workers in this country allow a particular sector which has been unable to negotiate with the Government and, therefore, they resort to the strike action, to be isolated and hammered, and for their strike to be dismantled through the use of police force, or every means by the Government. That is not right. The workers must know that their common denominator is the destruction of the economy by this Government. So, they must learn to network if they want to negotiate effectively and not to be dismantled or to have their strike being defeated. They must learn to network and to go on strike at the same time. The air traffic controllers should not have gone on strike when they did. They should have waited for the teachers and nurses to go on strike; that is, when the other sectors are on strike. Even if the other sectors are not going to go on strike, they must learn to show sympathy by demonstrating in support of the sector which is demonstrating.

So, with those few words, I do support this Motion so that the Official Shadow Minister for Health, soon to be the actual Minister for Health, can have the opportunity to address the House.

The Temporary Deputy Speaker (Mr. Musila): Yes, "Mr. Chief!"

Mr. Katuku: Who is this "chief?"

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Katuku! The gentleman I have asked to speak knows himself.

The Assistant Minister for Energy (Mr. Sasura): Thank you, Mr. Temporary Deputy Speaker, Sir---

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I know that you have the discretion to choose who to speak, but interestingly enough, DP today, the Official Opposition party has not spoken on this Motion as yet.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Mwenje! The Chair is very conversant with what you are saying.

The Assistant Minister for Energy (Mr. Sasura): Thank you, Mr. Temporary Deputy Speaker, Sir. This is a very important Motion and it is worth supporting. The Ministry of Health and health services is one of the institutions considered to be essential. I remember that when we had an energy crisis, the first institution that we had to take care of are our hospitals so that they do not stay without power; so that our operations do not grind to a standstill. That is because they are essential services. It takes about five years to train a doctor in this country. It takes another three years to train a clinical officer and another three years to train a nurse in this country. But after all this training, these men and women in white overalls - when they go into the Public Service - get a raw deal in as far as their salary package is concerned.

I used to think that nurses were trained to be arrogant, but I have come to realise that it is not true because you will find that nurses who serve in the Government hospitals tend to be a bit rough with patients. But nurses who are in private hospitals are very hospitable and very caring towards their patients. I think it has something to do with their package and comfort in as far as their earnings are concerned.

When we talk about doctors and nurses, or other officers in the Ministry of Health, we are talking about people who save our lives. We cannot expect these people to save lives when they are hungry. You will find that in every district, every Medical Officer of Health (MOH) runs a private clinic. This is purely because his or her salary is not enough. You will find that every clinical officer runs a private clinic. This is because the salary that he or she gets at the end of the month is not enough. Our nurses work in the hospitals during the day or night, and work in private clinics during the night so that at the end of the month, they can go home with something significant, so that they can feed and educate their children. This is a very important Motion, and we all need to support it.

We have heard about drugs shortages in our hospitals. Despite other causes of drugs shortages, one of the causes in this country is the siphoning of drugs by staff from the hospitals. The staff in the Ministry would not steal drugs from the hospitals if they had enough money. It is because they are not paid well, and that is why they have to steal these drugs and take them to the private clinics. So, we should talk about their salaries and allowances, and we should not take it lightly. I would not suggest that nurses or doctors go on strike because even one hour of strike would cause a lot of deaths in this country.

We have discussed the issue of abortions several times in this House. It has become an issue of public debate. Most of the illegal abortions take place in the slums or clinics that are hidden elsewhere. Abortions cost about Kshs4,000. These abortions are done by professionals, nurses and doctors, so that they can cover up the gap in their salaries. By reviewing the salaries of these officers, we are saving ourselves of a lot of trouble; we would have enough drugs in hospitals, saving many lives which would have been caused by abortions.

When we talk about nurses and doctors, we should not forget about the other paramedics. A week ago, I had a very nasty experience in one of our district hospitals. I realised that a mortuary attendant had more powers than the Medical Officer of Health (MOH) when it came to his office - the mortuary. To give a death notification, the mortuary attendant had to demand Kshs6,000 while the MOH could not order otherwise. The Doctor, in his postmortem, had to

split an organ from the dead body into five parts and charged Kshs1,000 for every piece to be taken to the Government Chemist. This is just a way of making money because this officer knows that he expects something meagre at the end of the month. That is why I would like to see that commission set up, so that it comes to this House for ratification.

Mr. Temporary Deputy Speaker, Sir, the importance of the services rendered by the nurses and medical officers cannot be gainsaid. I remember that during the bomb blast on 7th August, 1998, the activities that took place at Kenyatta National Hospital were very touching. All nurses and doctors who were on leave were recalled. If it was not for their speedy move, we would have lost many lives. If need be, we have to increase the salaries of those people and even slash the salaries of other departments, so that we can pay nurses and doctors who offer essential services to this country. Even if it means reducing salaries of Members of Parliament and the Permanent Secretaries, we should be prepared to do so. We should be serious and take action. We cannot afford to lose medical staff and other professionals in the Ministry of Health, just because their salary packages are meagre.

Mr. Temporary Deputy Speaker, Sir, of late, only doctors are assured of employment by the Ministry of Health. Last year, for example, only 400 nurses were employed. All the other nurses are just floating in the market. They are just operating in the private clinics. We should also think about who we should train before training physiotherapists or occupational therapists who are less important than the other departments in this Ministry.

Mr. Temporary Deputy Speaker, Sir, I will not agree to any amendments to this Motion. It should be passed as it is, and we should review the salaries of our medical staff for the benefit of this country.

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, we only have two minutes before the Government Responder replies. So, I will give the two minutes to Mr. Wamae.

Mr. Wamae: Thank you very much, Mr. Temporary Deputy, Sir, for recognising Members of the Democratic Party finally.

First of all, I would like to thank the Mover of this Motion. This Motion is very timely and we support it strongly. The question of proper remuneration for our medical personnel, doctors and nurses is of considerable importance. We have been losing many of our professionals to Southern African countries and Britain. This is not something which we can stop by appealing to the doctors. We cannot just ask them not to go. The only way to stop them from going away is to give them proper remuneration which takes into account what is paid elsewhere. I think it is important that a commission, as recommended here, should be appointed so that it can make its recommendations within three months, on how we can remunerate our nurses and doctors.

Mr. Temporary Deputy Speaker, Sir, one of the worrying things is about the recruitment of paramedics. We know that the Kenya Medical Training College (KMTC) at Kenyatta National Hospital has been recruiting people in a very unfair manner. There has been corruption in the process of recruitment of students to the college. We would like to have students recruited on merit and not on any other consideration. In fact, an investigation needs to be done on KMTC to find out why this discrimination is going on, as far as the recruitment of students is concerned. This is an area which needs proper investigation.

There is a director at the KMTC who seems to be a dictator. He listens to nobody, and I do not think he even listens to the Permanent Secretary (PS) in the Ministry of Health. He is a law unto himself. This man needs to be disciplined and put in his proper place because there are too many complaints, even by the workers and the lecturers at the college. I hear that this man is guarded by security personnel full-time and goes to his office armed.

With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Mr. Musila): I now ask the Government Responder to respond to the Motion.

The Assistant Minister for Health (Dr. G.B. Galgalo): Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to thank the hon. Members for having shown so much interest in this Motion, which is of so much importance to all of us, because it affects the lives of people.

The Ministry of Health, in principle, has no problem with this Motion, but because we are already doing more or less the same thing that the hon. Member has proposed, I want to move the following amendment to the Motion, so as to marry what we are doing with what the hon. Member has suggested.

I would like to move the following amendment. First---

The Temporary Deputy Speaker (Mr. Musila): Dr. G.B. Galgalo, you are just proposing an amendment which the Chair does not have. I have no document to show that an amendment is being proposed. So, could you, please, let me have a copy of the amendment you intend to propose? You intend to propose something that I do not have, and I am supposed to see whether it negates the original Motion.

(Dr. G.B. Galgalo passed a document to the Chair)

Dr. G. B. Galgalo, this document is not signed! It has to be signed.

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that this notice did not come to the Chair before, could it be rejected?

The Temporary Deputy Speaker (Mr. Musila): It is not necessary for a notice to be given, but all I need is to have a copy of the proposed amendment.

Dr. G.B. Galgalo, there will be a difficulty; where will you read out the amendment from? It appears that you have only one copy of the document. Do you have another copy anywhere? If you do not have another copy, you are then out of order!

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir. Obviously, the Chair is being put in a rather awkward situation. Where is the Leader of Government Business, the Deputy Leader of Government Business or any of the four KANU Vice-Chairmen, so that they can guide some of these Assistant Ministers and make the work of the Chair easier? Or, can we take over because the Leader of the Official Opposition is here?

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Muite! I think we should give the Government Responder time, but, certainly, I am not accepting any amendment because I do not have it. Dr. G.B. Galgalo, if you want to give me your copy, that is up to you.

Proceed, Mr. Assistant Minister, but without moving an amendment.

The Assistant Minister for Health (Dr. G.B. Galgalo): Mr. Temporary Deputy Speaker, Sir, I would like to give you this copy of the amendment which I intend to propose, and then I continue moving it.

I would like to take this opportunity to thank---

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you see that Mr. Ojode just walked between the Chair and the Assistant Minister, who is giving the Government response to the Motion, without bowing to the Chair as our rules provide, just because he is in the Government? Was he in order?

The Temporary Deputy Speaker (Mr. Musila): Hon. Ojode, what did you do?

The Assistant Minister for Education, Science and Technology (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I did not do anything wrong. I know the procedure of the House, as a Minister; I have to come and bow to the Chair before I can sit down.

(Laughter)

The Temporary Deputy Speaker (Mr. Musila): Proceed, Mr. Assistant Minister!

The Assistant Minister for Health (Dr. G. B. Galgalo): Mr. Temporary Deputy Speaker, Sir, I would like to amend the Motion so as to read as follows:-

THAT, while appreciating the critical role played by the nurses and doctors in the provision of health services to *wananchi*;

aware of the difficult and poor working conditions prevailing in all public health institutions; noting with concern that the salaries of these health workers have not been reviewed for the last 10 years, and cognizant of the fact these officers are almost living below the poverty line; this House urges the Government to re-constitute the task force already appointed by the Government so as to include representatives of Kenya Medical Association, Nurses Association and the Kenya Medical Laboratories Workers Association, and that the findings and report thereon be tabled before this House within four months of the completion of its work.

The Temporary Deputy Speaker (Mr. Musila): Very well. I need as a Seconder for the Motion.

(Mr. Kimeto stood up in his place)

Mr. Kimeto, are you seconding what the Assistant Minister has proposed?

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, I second the Motion.

The Temporary Deputy Speaker (Mr. Musila): Very well.

Mr. Kimeto: Mr Temporary Deputy Speaker, Sir, I propose that this Motion---

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Kimeto! You have seconded the amendment, is that not so?

Mr. Kimeto: Are you asking about the amendment?

The Temporary Deputy Speaker (Mr. Musila): Yes.

Mr. Kimeto: No, Mr. Temporary Deputy Speaker, Sir. I want the Motion to continue as it was!

The Temporary Deputy Speaker (Mr. Musila): Order, hon. Members! I ask hon. Members to be conversant with the rules of the House. The Assistant Minister has proposed an amendment and I need a Seconder!

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

*(Question of the first part of the amendment,
that the words to be left out be left out, proposed)*

Mr. Maitha: Mr. Temporary Deputy Speaker, Sir, I stand to oppose the amendment. I am opposing this amendment because the Government has not been very serious on salaries for nurses and doctors. Doctors should, at least, earn Kshs100,000, as a minimum wage or starting salary, and nurses should earn, at least, about Kshs50,000 as a minimum salary.

The Government of Kenya is very busy giving a lot of money to defectors! A defector earns about Kshs1 million to defect to KANU, and the Government cannot sit down to think about workers. It was very bad the other day in Likoni, when people were being given Kshs5,000 to accompany a defector to Nairobi, while nurses and doctors have been suffering! The Electoral Commission of Kenya has always been making us suffer because of this Government.

With those few remarks, I oppose the amendment.

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, I oppose the amendment because Mrs. Mugo is very correct. We would like these doctors and nurses to earn as much money as other people in other departments. Our doctors have been leaving this country to other countries because they are underpaid. We would like them to be paid high salaries just like other people. The Government is not serious because it waits until a Motion like this one has been brought before this House before it acts. If the amendment will sail through, we will not be in a position to assist these doctors and nurses.

Thank you very much, Mr. Temporary Deputy Speaker, Sir.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, there are two critical statements I would like to make. First, the task force the Assistant Minister has talked about which was established in November, last year, had a very limited mandate. A commission has a longer-term comprehensive task which cannot be put into that task force. Secondly, the task force has completed its job; among other things it doubled the benefits of the Director of Medical Services. Thirdly, although the Government lied that the task force had increased the benefits to an instant Kshs50,000 a month, the first time they got these benefits is the pay slip of April, 2002. With the benefits of January, February, March, April and April salary, the intern doctor earned Kshs80,000. That cannot be the same as the Kshs50,000 the Ministry knows. Therefore, I totally object to the proposed amendment and say that the Government should accept the commission as proposed by the Motion.

The Assistant Minister for Health (Dr. G.B. Galgalo): Mr. Temporary Deputy Speaker, Sir, I think this is something which is dear to all of us, both on this side and that side of the House. It is in that spirit that I would like to ask these hon. Members to agree to this amendment because our interest is the welfare of the health workers.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to speak twice on the same Motion? This is because he had time to propose, and he should have explained this, but he did not. This is tantamount to speaking twice on the same Motion, and it is not allowed.

The Temporary Deputy Speaker (Mr. Musila): No, it was within his time! His response was for 20 minutes! He will reply and then I put the matter to vote!

The Assistant Minister for Health (Dr. G.B. Galgalo): Mr. Temporary Deputy Speaker, Sir, I was saying that we all agree that the terms of service of our health workers are not enough, and we should do something about that. We would like to appeal to the hon. Members because we are already doing something--- As I said earlier on, we have established a task force which has been working on this issue, and not from November, as Dr. Kituyi has said, but from February, this year. We are willing to include the health workers or their representatives through their associations. That is the reason why we have proposed that we include a representative from the Kenya Medical Association (KMA), which represents doctors, a representative from the nurses and the other major group of health workers, such as the medical laboratory technicians and technologists. So, the idea is to speed up what we have already started doing. It is in that spirit that we have agreed to include these other members. We know that already, the Government has done a lot to improve the terms of service of the doctors, contrary to what Dr. Kituyi has said. The lowest paid doctor, who is the intern doctor earns more than Kshs50,000. This salary was backdated to January, this year.

Secondly, we allow our senior doctors or specialists to engage in private practice as an incentive to them. We have improved our facilities; we have rehabilitated many of our health facilities. We are aware of the ambulances which have been purchased for all of our hospitals as a way of improving the working conditions of our health workers.

Mr. Temporary Deputy Speaker, Sir, the allowances which were awarded to the doctors recently include risk,

house, non-practising and transport allowances. I do not know what else our doctors will ask for. We have already done this and it is only in good faith that this House---

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to move that the Mover of this Motion be now called upon to reply?

The Temporary Deputy Speaker (Mr. Musila): Mr. Mwenje, you are completely out of order because the Assistant Minister is replying to the amendment to the Motion which he moved. Therefore, he is quite in order.

Continue, Dr. Galgalo. As a matter of fact, you can talk up to 12.25 p.m., if you so wish.

The Assistant Minister for Health (Dr. G.B. Galgalo): Mr. Temporary Deputy Speaker, Sir, we want to work together. We want to accommodate the views of this House into what we are already doing. After all, this idea is not from the Opposition side or the Government side; it is from us, as a House. The Ministry is moving towards improving the terms and conditions of service of all civil servants, including the health officers. I would like to appeal to hon. Members not to oppose this amendment just for the sake of it. The idea captured in this Motion is with us; we have accepted it and we are already implementing it. We do not want hon. Members to oppose it for the sake of it.

Mr. Temporary Deputy Speaker, Sir, if we establish a new commission to look into terms and conditions of service of the medical personnel, it will be a setback because we have already established a task force. Therefore, if we implement this Motion, we will be forced to set up a commission which might bring a dispute on its composition. We might not agree on who will be the members of that commission. This Motion is not clear on the appointment of members to this commission. The Motion says the Government should appoint a salaries review commission. After all, the Government has already put in place a task force. Do you want us to rename it "a commission" or what? What is the interest? We must all agree on these amendments. We, as a Government, have conceded because we have already set up a task force.

The other problem with this Motion is that other civil servants will also ask for the establishment of their own commissions to review their salaries. That will not have any effect because the Government is already looking into the terms and conditions of service of all civil servants. The Government has already, through DPM and the Public Service Commission, set up a task force to improve on the terms and conditions of service of all civil servants. Therefore, it will not make any sense for us to review salaries for a certain cadre of officers within the Civil Service. It will have no meaning whatsoever. I believe our colleagues on the other side should understand the seriousness of this amendment and support it because we want to work together. Nobody wants to take credit for this. Nobody should say it is our side, or we forced the Government to do this and that. That does not help. The Motion, as it is, will only be a setback to us as a Ministry, because we are already working very hard to improve the terms and conditions of doctors, nurses and other medical health workers.

Secondly, we do not only provide medical services. We do provide other services. Health workers are not just nurses and doctors. If we allow this Motion to pass as it is, we will be talking about nurses and doctors, and yet there are so many other officers. There are those who work in laboratories. We have subordinate workers and clinical officers, among others. If this Motion is passed as it is, it will lock out many other health workers. After all, as I said, without repeating myself, the Government has already committed itself to improving the salaries and conditions and terms of service for all civil servants.

On 26th February, 2002, the DPM wrote to us and instructed us to establish the task force and give a comprehensive report on the matter. The task force is composed of people who know their job and who have the welfare of our health workers at heart.

Mr. Temporary Deputy Speaker, Sir, with these few remarks, I want to request hon. Members to support this amendment so that we will be seen to be working together.

Thank you very much.

*(Question of the first part of the amendment,
that the words to be left out,
be left out put and negated)*

(Debate on the original Motion resumed)

The Temporary Deputy Speaker (Mr. Musila): We will revert to the original Motion, and I will now call upon the Mover to reply.

The Assistant Minister for Health (Dr. G.B. Galgalo): On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very important Motion, and yet there is no quorum.

The Temporary Deputy Speaker (Mr. Musila): Order! Order! I think you are completely out of order. If you had any reason to raise the issue of lack of quorum, you should have raised it before. I think you should

understand the rules.

Proceed, Mrs. Mugo!

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, I would like to thank all those hon. Members who have supported this Motion, for their sentiments and commitment to the service of doctors, nurses and other health workers.

I beg to move.

The Assistant Minister for Health (Dr. G.B. Galgalo): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think there is no quorum in the House.

The Temporary Deputy Speaker (Mr. Musila): Order! There is quorum! I take a very serious view of this unnecessary interruption of parliamentary business. I think, Dr. Galgalo, you owe this House an apology. Could you apologise to the House?

The Assistant Minister for Health (Dr. G.B. Galgalo): Mr. Temporary Deputy Speaker, Sir, I have no problem apologising to the House, but hon. Members walked in as I was raising that issue.

The Temporary Deputy Speaker (Mr. Musila): Order! It is very clear to the Chair that there is a quorum and there has been a quorum. I do not understand why you want to interrupt the business of the House. Anyway, you have apologised and we have taken the apology.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Musila): Hon. Members it is now time for the interruption of business of the House this morning. The House stands adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.