

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

**Tuesday, 9th May, 2000**

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

## PRAYERS

## PAPERS LAID

The following Papers were laid on the Table:-

Treaty for the Establishment of the East African Community

*(By the Minister for Tourism,  
Trade and Industry)*

Report on the Commission of Inquiry into the Education System in Kenya

*(By the Assistant Minister for Education, Science  
and Technology (Mr. Karauri) on behalf of the  
Minister for Education)*

Report of the Parliamentary Anti-Corruption Select Committee

*(By hon. Kombo)*

## NOTICE OF MOTION

### INTRODUCTION OF THE CORRUPTION AND ECONOMIC CRIMES BILL

**Mr. Kombo:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, this House adopts the Report of the Parliamentary Anti-Corruption Select Committee laid on the Table of the House on Tuesday, 9th May, 2000 and further recommends that the Attorney-General introduces the Bill entitled; "The Anti-Corruption and Economic Crimes Bill, 2000" contained in the Report.

*(Applause)*

## ORAL ANSWERS TO QUESTIONS

*Question No.075*

### IMPLEMENTATION OF *EL NINO* EMERGENCY FUND

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

- (a) the amount of money that was allocated for repairs and maintenance of roads in Laikipia District from the *El Nino* Emergency Fund; and,  
 (b) the roads which benefited from the Project in the district.

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

(a) Laikipia District was not among the districts that were gazetted as disaster districts because the effects of the *El Nino* rains were not as devastating as in other districts. It is only those districts which were gazetted that will benefit from the *El Nino* Emergency Project.

(b) Consequently, no road has benefited from *El Nino* Emergency Fund in the district.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, first of all, I would like to complain to the Chair that I have not received a copy of the written answer. I do not know how many times the Chair will rule on the question of hon. Members failing to receive copies of written answers.

However, how did the Assistant Minister determine the districts to be gazetted? Further, how did they investigate the effects of *El Nino* rains in other districts?

**Mr. Kochale:** Mr. Deputy Speaker, Sir, for those districts which were gazetted as disaster districts to benefit from *El Nino* Emergency Fund, the District Disaster Committees were asked to submit their list of priorities in the sectors covered

by *El Nino* Emergency Programme, for example, water, roads and health facilities. Depending on the budgetary ceiling available to each sector, subject projects have been picked and the designed project is on-going for most of the sub-projects in the rural areas, particularly rural roads and bridges.

**Mr. Deputy Speaker:** Order! The question which was asked by the hon. Member has not been answered. The hon. Member asked you to tell him the criteria you used to select the projects that you funded?

**Mr. Kochale:** Mr. Deputy Speaker, Sir, when the *El Nino* rains started, the Government looked at the districts which were most affected.

**Mr. Maore:** Mr. Deputy Speaker, Sir, it is on record that every corner of the country did have a lot of infrastructure destroyed by the *El Nino* rains.

Mr. Deputy Speaker, Sir, could the Assistant Minister clarify whether in the Government record, there was no *El Nino* rain in Central Province, many parts of Eastern Province and Western Province?

Mr. Deputy Speaker, Sir, could he clarify whether there was no *El Nino* rain which destroyed roads and other infrastructure, such that he had to pick a few districts and leave out others? What criteria did he use to declare some districts disaster districts?

**Mr. Kochale:** Mr. Deputy Speaker, Sir, it is true that it had rained heavily and so many districts were affected by the *El Nino* rains, but the District Development Committees (DDCs) are charged with the responsibility of making reports about their districts so that the Government can look into the matter.

**Eng. Toro:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead the House by saying that the DDCs sat down and made reports about their districts when the *El Nino* money has already been disbursed and none is remaining? Is he in order to mislead the House?

**Mr. Kochale:** Mr. Deputy Speaker, Sir, they sat at that time when the *El Nino* rains started and when the funds had not yet been disbursed.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I think we should simplify the question for the Assistant Minister. It is true that there was *El Nino* rain everywhere in the country.

Mr Deputy Speaker, Sir, could he now tell us the districts which have been earmarked for the *El Nino* funds and the ones which have not and why?

**Mr. Kochale:** Mr. Deputy Speaker, Sir, there are so many districts which have benefited from the *El Nino* funds. These districts are---

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. I asked for specific information. Which ones benefited? Which ones did not, and why? You cannot say "so many". That is why we are trying to simplify it for you.

**Mr. Kochale:** Mr. Deputy Speaker, the question which the hon. Member has asked is a different one. If he wants me to---

**Mr. Deputy Speaker:** Order, Mr. Assistant Minister. You should really anticipate that when you answer a Question on a subject like the *El Nino*, hon. Members from other constituencies will want to know what is happening in their areas.

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

**Mr. Deputy Speaker:** I am addressing another point of order, hon. Angwenyi. When one point of order is being addressed, you do not stand on another one.

**Mr. Kochale:** Mr. Deputy Speaker, Sir, the programme covers the following districts: Lamu, Mombasa,

Wajir, Meru North, Keiyo, Bungoma, Kisumu, Nairobi, Malindi, Makeni, Moyale, Meru South, Marakwet, Busia, Migori, Tana River, Mwingi, Marsabit, Baringo, Vihiga, Rachuonyo, Kilifi, Garissa, Isiolo, Embu, Samburu, Teso, Homa Bay, Taita Taveta, Mandera, Meru Central, Mbeere, Mt. Elgon and Suba Districts.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, there is no Ministry more unfortunate than this one. When the Ministers are challenged with questions, we do not get satisfactory answers. When the Assistant Ministers come here, we are in the same situation. However, for the second time, can the Assistant Minister tell us how much money is in the *El Nino* Emergency Project kitty? How much of it has been spent, and how much is left?

**Mr. Angwenyi:** On a point of order, Mr. Deputy Speaker. Hon. Anyona asked a specific question: Which districts received the *El Nino* funding, which ones did not, and why? He has not replied to the two last parts of the question.

**Mr. Deputy Speaker:** You are quite right. Mr. Assistant Minister, the Questioner asked you which districts received the funding, which ones did not, and why?

**Mr. Kochale:** Mr. Deputy Speaker, Sir, somebody here is telling me the answer as if I do not know, but I know it. The Government secured further funding and it covers Murang'a, Maragua, Nyeri, Nyandarua, Koibatek, Buret, Kericho, Kisii and Nyamira.

**Mr. Keriri:** On a point of order, Mr. Deputy Speaker, Sir. I do not think the Assistant Minister is giving us answers to the questions we are asking. He was asked which districts did not receive the *El Nino* money and why? When he read a list of districts, there are more than six districts he did not read in the other list. What about those others? The question is "why"?

**Mr. Kochale:** Mr. Deputy Speaker, Sir, unfortunately, I do not have the names of the districts which have not received the *El Nino* funds. If they are asking for that information, I will bring it later.

**Mr. Oloo-Aringo:** On a point of order, Mr. Deputy Speaker, Sir. When we forward Questions to Ministers, we expect them to give us full answers and to anticipate supplementary questions. Is it proper for the Assistant Minister to tell us that he did not anticipate supplementary questions on a Question which is of a fundamental importance to the people of this country?

**Mr. Kochale:** Mr. Deputy Speaker, Sir, I have just answered the Question the way it was asked. If they want more information, then I will bring it later.

**Mr. Deputy Speaker:** Order! To be fair to everybody, I think, I will have to defer this Question to tomorrow afternoon. Next Question!

*(Question deferred)*

*Question No.196*

#### PAYMENT OF DUES TO MR. MUSILI MUTISYA

Mr. Munyao is not there. We will come back to that Question later.  
Next Question!

*Question No.166*

#### CONSTRUCTION OF WERU/KIONYO TEA FACTORIES

**Mr. Murungi** asked the Minister for Agriculture:-

- (a) how much money the tea farmers in Meru have contributed towards the construction of Weru and Kionyo Tea factories; and,
- (b) when the construction of these factories will begin.

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

(a) The amount of money contributed for the construction of each of the two factories in the larger Meru is as follows: For Weru Tea Factory, the farmers have contributed a total of Kshs101,350,864.60. In the case of Kionyo Tea Factory, the farmers have contributed a total of Kshs103,839,888.45. These amounts constitute 30 per cent of the estimated cost of each of the tea factories. The balance will be financed through loans sourced by Kenya Tea Development Authority.

Each of the two factories is estimated to cost a total of Kshs350 million. Out of that figure, the farmers are expected to raise 30 per cent of it. In the case of the two factories, the farmers in the two areas have contributed virtually what they are required to contribute.

(b) Construction on Weru Tea Factory has already commenced. Tenders in respect of Kionyo Tea Factory will be opened on 18th May, 2000, in the course of the next week or so. This is in line with the current existing arrangements between KTDA and the proposed financiers. In the case of Weru, 70 per cent of the money will come from the European Investment Bank. This is recoverable over a period of eight years, at an interest rate of eight per cent, with a grace period of two years.

**Mr. Murungi:** Mr. Deputy Speaker, Sir, I would like to thank the Minister for this written answer because these days Ministers are not even giving us written answers. The Minister has given us good information regarding Weru Tea Factory. From whom will the balance of 70 per cent be sought with regard to Kionyo Tea Factory? What are the interest rates? Are the terms similar; eight percent for eight years or will it be different? The Minister said that the tender for Kionyo Tea Factory will be opened on 18th May, this year, which is about one week from now. After the tenders are opened, when is the construction of the factory actually expected to begin? Once began, how long is it expected to take to be completed?

**Mr. Obure:** First of all, I would like to say that I confirmed that Weru Tea Factory is already under construction. In the case of Kionyo, negotiations are currently taking place between KTDA and prospective financiers. I do not feel that KTDA will negotiate terms any worse than they already are in respect of Weru Tea Factory. The very worst possible you can expect is a situation where even Kionyo will get the 70 per cent loan at 8 per cent, repayable over eight years with a grace period of two years. Once the tenders are opened, I expect that the terms for construction will be stipulated. This is really the essence of the tenders. It is not possible at this stage to say precisely when construction will start, but KTDA are under strict instructions to commence construction as soon as possible within the next financial year.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, considering that tea is the largest foreign exchange earner in this country and these are smallholder tea factories and that small holder farmers do not have that money to pay back to the Government; and they are earning so much money for this Government in form of foreign exchange; could the Government consider subsidising the construction of factories the same way it gave money to KCC which hardly earns foreign exchange for this country?

**Mr. Obure:** Mr. Deputy Speaker, Sir, tea farmers have done very well. We expect them to do even better, under the environment we are all trying to create. Under the current Government programme and policy, it is not the intention of the Government to subsidise the tea sector.

Mr. Deputy Speaker, Sir, on the contrary, farmers are expected, under a liberalised system, to increase productivity, so that they can enhance their earnings from tea sector.

**Mr. Kathangu:** Bw. Naibu Spika, wiki mbili zilizopita, mhe. Waziri aliahidi kuleta mbele ya Bunge hili ushuhuda kuwa ujenzi wa kiwanda cha chai cha Buret utagarimu Kshs125 milioni na cha Kisii utagarimu Kshs450 milioni. Kwa nini ujenzi wa viwanda vingine saba utagarimu Kshs350 milioni? Kutokana na matamshi ya mhe. Waziri, ujenzi wa viwanda fulani tayari umeanza. Hata hivyo, mhe. Waziri haambii Bunge hili ni sababu gani zinafanya KTDA kusimamia ujenzi huo wa viwanda hivyo na halmashauri hiyo ya KTDA inamaliza muda wake mwisho wa Juni mwaka huu? Kwa hivyo, Bunge hili lingetaka kujua ni kwa nini mhe. Waziri hajaleta ushuhuda huo na sababu ya KTDA kuendelea kusimamia ujenzi wa viwanda vya chai hapa nchini.

**Mr. Obure:** Mr. Deputy Speaker, Sir, the differences in the cost of construction of tea factories depends on many factors.

For example, the area and the zone where the factory will be constructed, whether it is rocky or not; the availability of electricity and access roads among other factors. All those factors will determine the ultimate cost of construction of a tea factory. I had promised to bring documentary proof to show the various differences in cost of construction of those factories. I still intend to do so by next week.

**Mr. Wamae:** Mr. Deputy Speaker, Sir, could the Minister explain to this House what the Government is doing for the small-scale tea growers in this country? What services does the Government provide except collecting money from them? Do they build roads? Could he explain?

**Mr. Obure:** Mr. Deputy Speaker, Sir, tea farmers are citizens of this country. Hon. Wamae wants to know what services tea farmers get. I would like to state that tea farmers expect as much service from the Government as any other citizens of this nation. But I would like to say that the Government maintains certain roads in areas which serve tea farmers. This is clearly regulated under an arrangement which exists under the laws, where the Government takes responsibility for certain classes of roads, while tea farmers take responsibility of other roads.

Mr. Deputy Speaker, Sir, in respect to other services, I would like to say that the Government has provided and it will continue to provide an enabling climate within which tea farmers will prosper.

**Mr. Murathe:** Mr. Deputy Speaker, Sir, the Minister vilified through their own audit report the current Board of KTDA. The same Board will be out of office come 30th June, 2000. The Minister is on record saying that these factories should not be constructed until the new agency is in place. Why is it then that the Board and the management of KTDA is in a hurry to award tenders for the construction of tea factories when next month, we shall hold elections for the new agency?

Further, who will guarantee these loans once the KTDA is no more? Finally, he has promised to bring the answer next week---

**Mr. Deputy Speaker:** Order! Mr. Murathe, one question at a time.

**Mr. Murathe:** Mr. Deputy Speaker, Sir, is it in order for the Minister---

**Mr. Deputy Speaker:** Order! Mr. Murathe, you have asked three questions. Now, you have gone to a point of order!

Proceed, Mr. Minister.

**Mr. Obure:** Mr. Deputy Speaker, Sir, he has asked so many questions. I do not know which one to answer. But let me make an attempt. I have not been on record anywhere saying that I would stop the operations of KTDA until elections are held. I am aware of what is happening in KTDA and the fact that there will be a change very soon; A change which will be effected through elections.

But it is also important that we allow the normal operations of KTDA to proceed smoothly, because they are already under directions of the directors who were elected by farmers themselves and their term does not end until end of June. So, during this interim period, they have the full mandate to conduct the normal business of KTDA.

*(Applause as Mr. Mokku walked in)*

**Mr. Murungi:** Mr. Deputy Speaker, Sir, let me join my colleagues in congratulating hon. Mokku for being "taken to the Back Bench".

We as members of COTEPa are aware that there is Kshs1.9 billion held in KTDA accounts in cash. That is farmers' money. It is money which KTDA has deducted from farmers over the years. Instead of us borrowing money from European Development Bank, could the Minister consider lending farmers that Kshs1.9 billion for, construction the of tea factories on better terms than they are getting from the European Development Bank?

**Mr. Obure:** Mr. Deputy Speaker, Sir, I am aware that KTDA holds slightly over Kshs1.4 billion and not Kshs1.9 billion, as a result of the savings made over the years. That is farmers' money; it belongs to farmers themselves. It is deposited in various accounts where it is earning interest. I do not think that I have the mandate to adjudicate on a matter which purely belongs to tea farmers.

Mr. Deputy Speaker, Sir, we are saying, now that farmers are taking over their institution in July, I think, they will be better placed to take decision on how to apply the proceeds of those savings.

**Mr. Deputy Speaker:** Next Question, Mr. Oloo-Aringo.

*Question No.416*

CONSTRUCTION OF WEIR ACROSS  
YALA RIVER

**Mr. Oloo-Aringo** asked the Minister for Rural Development:

(a) why the construction work on the bridge across Yala River in Yala Swamp Farm stop after the Minister had officially launched the project at Kadenge in South Central Alego where he also addressed a public baraza; and,

(b) what steps the Government will take to ensure that the rain-fed rice development project for Nyanza and Western Provinces will succeed, in view of his assurance to Parliament on 8th July, 1998.

Mr. Deputy Speaker, Sir, with your permission, there is a correction I want to make on part "a", line one of the Question. It is not the "bridge", it is weir.

Mr. Deputy Speaker, Sir, with that correction, I beg to ask Question No.146. Delete the word "bridge" and insert the word "weir."

**The Minister for Rural Development** (Mr. Mohamed): Mr. Deputy Speaker, Sir, I would like to clarify that the project does not comprise the construction of a bridge, but rather comprises of construction of an irrigation weir across the Yala River. Its construction temporarily stopped as a result of the following reasons:-

(a) (i) The contractor, M/S Strabag East Africa Limited, requested for additional funds for the completion of the weir because when they started the construction work, they realised that some necessary work had been omitted from the original contract. The consultant for the project evaluated the omitted works as---

*(Loud consultations)*

**Mr. Deputy Speaker:** Order, hon. Members! We can hardly hear what the Minister is saying, and I am sure you are interested in hearing so that you can raise supplementary questions. Mr. Minister, speak a bit louder.

**The Minister for Rural Development** (Mr. Mohamed): Thank you, Mr. Deputy Speaker, Sir.

The additional funds required amount to Kshs68,445,235, or 49 per cent of the original cost of the project. This exceeded the 10 per cent and 15 per cent allowed as variation of the contract. The Government rejected this request and appointed a team of structural and irrigation engineers to conduct a technical audit of the project.

The team is yet to submit the final report, which is expected to contain recommendations on the way forward.

(ii) With regard to the delay in honouring the payment of certificates for work done by the contractor, the project was funded under the Western Kenya Rain-fed Rice Project with a loan fund from the African Development Bank (ADB) and the Organisation of Petroleum Exporting Countries (OPEC). The ADB was to contribute 83 per cent and the OPEC 17 per cent of the total cost of the project. When it was approved by the Government, the disbursement period of the loan was about to expire and, therefore, there was need to seek an extension on funding from the financiers.

However, extension was only sought from the ADB which accepted, but due to an oversight by the Lake Basin Development Authority (LBDA), which is the implementing agency, no extension was sought from OPEC until payment became due. It took time before negotiations could be made between the Government and OPEC in order to accept to extend the completion period, which led to delay in settlement of certificates.

(b) Although the project absorbed all the budgeted donor funds in terms of disbursement, the Ministry through the LBDA, is undertaking the following activities to ensure that the project's objectives are sustained:-

(i) Development of quality seed for rain-fed rice in collaboration with KARI.

(ii) Assistance to local rice farmers by availing machinery for hire at reasonable rates.

(iii) Providing market for paddy rice by purchasing it from farmers and milling it at the 24,000 tonne capacity rice mill established under the Western Kenya Rain-fed Rice Development Project.

**Mr. Deputy Speaker:** Order, Mr. Minister! Are you answering Question No.146, or are you answering another one?

**Mr. Mohamed:** Mr. Deputy Speaker, Sir, I was answering Question No.146.

**Mr. Oloo-Aringo:** Mr. Deputy Speaker, Sir, again, I want to thank the Minister for his answer and also for taking personal interest and launching the project himself.

Mr. Deputy Speaker, Sir, that project is extremely important to the people of Siaya and Nyanza Province as a whole, as well as Western Province, as it is intended to produce seed rice and rain-fed rice for the farmers.

Mr. Deputy Speaker, Sir, could he assure us that he will make that money available in order to complete the construction of the weir so that we can go on with implementing the rest of the project?

**Mr. Mohamed:** Mr. Deputy Speaker, Sir, I am happy to note that the hon. Member appreciates the efforts being made by the Ministry. As he said, I have taken personal interest in the project and I wanted to go and commission it when it is ready, but unfortunately, as I explained earlier on, there were some problems. However, the Government is doing everything possible to make sure that, that project is completed.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, I also wish to thank the Minister for the answer he has given us, but Yala Swamp is causing a lot of problems, because mosquitoes inhabit in it and they cause malaria to people of Western and Nyanza provinces. You will find that even the Swamp has claimed most of the land of the people of that area, and has rendered them landless.

Mr. Deputy Speaker, Sir, how quick can the Minister assure this House that the project will be implemented? This is because studies have been carried out since Independence and today we are being told that they are again sending a Government team there.

**Mr. Mohamed:** Mr. Deputy Speaker, Sir, as soon as this technical team reports back to me, I will make sure that, that project is completed.

*Question No.128*

RECONSTRUCTION OF DANDORA SPINE ROAD

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

- (a) how much money will be spent on the on-going reconstruction of Dandora Spine Road; and,
- (b) how many kilometres the contract is covering and what is the completion date.

Mr. Deputy Speaker, Sir, as the Chair ruled several times in the past that we should be given written replies, and it has been over-emphasised, I would want the Minister for Local Government to tell us why I have not received the written reply up to now?

**Mr. Deputy Speaker:** Is there anyone from the Ministry of Local Government? We will come to that Question later. Mr. Achola's Question!

*Question No.129*

MAINTENANCE OF ROADS IN MIGORI

**Mr. Achola** asked the Minister for Roads and Public Works:-

- (a) whether he could table a schedule of all the roads in Migori District that were supposed to be maintained using funds from the Fuel Levy Fund during 1998/1999 and 1999/2000; and,
- (b) which of the above roads have been actually maintained and at what cost.

Mr. Deputy Speaker, Sir, first of all, I would like to welcome you back, hoping that you have not come from Siera Leone!

*(Laughter)*

**Mr. Deputy Speaker:** Sorry! I did not get that!

**Mr. Achola:** Thank you, Mr. Deputy Speaker, Sir. I had just asked my Question, but additionally, I wish to welcome you back home, hoping that you have not come from Siera Leone.

**Mr. Deputy Speaker:** Is there any one from the Ministry of Roads and Public Works to respond to the Question?

*(Mr. Mwakalu moved to the Despatch Box  
from the Back Bench)*

**Mr. Deputy Speaker:** Mr. Mwakalu, are you from the Ministry of Roads and Public Works?

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

There is a total of 707 kilometres of roads in Migori district classified as "C" "D" and "E" on the roads network.

Of that network from 1998/99 to 1999/2000 financial year, a total of Kshs12,900,000 has been spent, and will be spent on 11 separate roads in the district.

*(Loud Consultations)*

**Mr. Achola:** Mr. Deputy Speaker, Sir, there are very loud consultations in the House.

**Mr. Deputy Speaker:** Order! Order! Hon. Members, I can hardly hear what you are saying, because you are consulting very loudly. Kindly consult in low tones so that hon. Members can ask their questions. Let us give one another the opportunity to be heard.

**Mr. Achola:** Mr. Deputy Speaker, Sir, the answer given by the Assistant Minister is a mere wish list. The 11 roads which he has listed down here, only one was actually maintained using cess money. However, if the Assistant Minister insists that these roads were fixed, could he tell us which particular contractor was paid?

**Mr. Mwakalu:** Mr. Deputy Speaker, Sir, the hon. Achola wanted to know how much money has been spent on the maintenance of those roads for the period 1998/99 and 1999/2000 financial years.

The following roads have actually been maintained at a cost of over Kshs12 million over the two year period.

**Mr. Achola:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is simply repeating what he had read. I do not know why he is going over it again.

Mr. Deputy Speaker, Sir, the fact of the matter is that the engineers on the ground are misleading him. There is no single road that has been maintained, despite the fact he claims Kshs12 million has been spent. If the Kshs12 million was spent, could he mention one contractor who was paid money?

**Mr. Mwakalu:** Mr. Deputy Speaker, Sir, hon. Achola has made a very serious allegation that the engineers are lying in the kind of answers they have given me. Hon. Achola may have to ask the Chair to defer this Question so that I can confirm, if indeed, the information he has and mine do contradict to such an extent, that a civil officer is lying to the Minister, so that appropriate, immediate and effective action can be taken.

**Mr. Deputy Speaker:** Dr. Ochuodho!

**Mr. Achola:** Mr. Deputy Speaker, Sir, he has not answered my Question. Now, what the hell is this?

**Mr. Deputy Speaker:** Order! What is the matter with you hon. Members? Proceed, Dr. Ochuodho!

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, there is, only one Dr. Ochuodho in the House. I thought Mr. Achola should have been in Kisumu!

Mr. Deputy Speaker, Sir, I sympathise with the hon. Assistant Minister. There is no better "corridor of corruption" than the Fuel Maintenance Fund. Could the Assistant Minister tell us the total amount of money that was available this year from the Fuel Maintenance Levy and how much of it has been spent, preferably per province?

**Mr. Mwakalu:** Mr. Deputy Speaker, Sir, I do not have up-to-date statistics on the funds available in the Fuel Levy kitty. But this money continues to be received virtually every month. If the Question is deferred, I will come back with that answer.

**Mr. Michuki:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order that the Assistant Minister responsible for accounting for that money should stand up in this House, rather than stay outside, and tell us that he does not know what monies are there for him to carry out his responsibilities?

**Mr. Mwakalu:** Mr. Deputy Speaker, Sir, to be honest and frank, I think it is in order to state that the statistics required as of now are not available, and that I will go back, look for it and bring it to the House, so that I can satisfy hon. Members.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. While you were away Mr. Speaker made a categorical ruling that this Parliament will not tolerate civil servants who sabotage the work of Parliament by either supplying wrong answers to the Ministers or not supplying them at all.

In all honesty, the Assistant Minister has indicated that he cannot vouch for the information that he has been given in view of what hon. Achola has said. Would it not be in order that the Assistant Minister is given more time to find out and in the same breath, when he discovers that the officers responsible were misleading him and the House, appropriate action should be taken?

**Mr. Deputy Speaker:** Hon. Members, of course, the House presumes that Ministers are fully in charge of their portfolios and that information sought of them is within their knowledge. Now, if they do not have that information, they must find another way of avoiding to confess in the House that they do not know. There are many ways of indicating that the information sought is not available as of now, but I think it is not acceptable in the House for a Minister to confess total ignorance of what is within his portfolio.

Our Standing Orders only require Ministers to give us factual information upon Questions being asked of them. If there are civil servants providing the information, that is behind the answer and the House is not interested in that, we shall hold the Ministers accountable. If they want to enjoin civil servants, then they will have to bring them to Committees, but not here. In the Chamber, Ministers shall be held responsible. So, if the Assistant Minister feels that he is not adequately equipped to answer the Question, I will be quite happy to defer it so that he can answer it on Thursday.

**Mr. Mwakalu:** Mr. Deputy Speaker, Sir, I concur, and will answer the Question on Thursday.

*(Question deferred)*

**Mr. Achola:** On a point of order, Mr. Deputy Speaker, Sir. I will not be here on Thursday to listen to the reply. I would like to request the Assistant Minister to keep his information intact, so that he can give me a proper answer after the recess.

**Mr. Deputy Speaker:** Order! Hon. Members, there is no recess until the House decides upon it. So, we do not know whether there will be a recess on Thursday, this week or next week. Thursday will be in order. If there will be a recess, then we shall give the Assistant Minister another date to answer the Question. Next Question!



*(Question deferred)*

**Mr. Omamba:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has told lies. Could he, therefore---

**Mr. Deputy Speaker:** Hon. Omamba, there are two things that I want to tell you. The Question the Assistant Minister was responding to has already been deferred. So, it is no longer a Question before the House. Secondly, hon. Members of Parliament do not lie. They may play around with the truth, but they do not lie. Proceed!

*(Laughter)*

*Question No.064*

#### REHABILITATION OF MOI-KAGWE ROAD

**Mr. Gitonga** asked the Minister for Roads and Public Works:—

- (a) whether he is aware that Moi-Kagwe Road in Lari has become very dangerous to motorists due to huge potholes; and,
- (b) when the Ministry will carry out the necessary repairs to make the road safe to motorists.

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

Work on the Kagwe Road, which is also referred to as "Moi Road", had been incorporated into the "Roads 2000 Programme" to commence during the financial year 2000/2001.

**Mr. Gitonga:** Mr. Deputy Speaker, the road that I am talking about stretches from Kimende through Kagwe to Githunguri and it is popularly known as "Moi-Kagwe Road". While thanking the Assistant Minister for his answer, is it not a disgrace for a road that is associated with the name of the President to be left to deteriorate to such an extent that it becomes impassable?

In October, 1998, I was promised by the then Assistant Minister, hon. Khaniri, that there was money set aside which was a little over Kshs525,000 to facilitate the patching work while waiting for the complete resealing of this road. What happened to this money?

**Mr. Mwakalu:** Mr. Deputy Speaker, Sir, any road, let alone one that is associated with the name of the President, that falls into disrepair, falls within our responsibility to repair it. The Government is determined to see that roads that have been destroyed will eventually get repaired.

I have a list of roads here and unfortunately, not having been on the ground, I cannot identify specifically which one the hon. Member means. But there is a Kagwe-Gachuri Road, which is four kilometres long, Kamahundu-Kiriita Road, which is 7.7 kilometres long, Kagwe-Nyanduma Road, which is seven kilometres long, Kagwe-Kaaga Road, which is 7.2 kilometres long, and the Kagwe-Nyaga Road, which is a 5.1 kilometres long. The information that I have is that Kshs4.4 million has been set aside for routine maintenance of the roads network that I have mentioned, this financial year.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, you have heard the Assistant Minister talk about the "Roads 2000 Programme". We have been told about so many things by this Government, that will happen by the year 2000, including supplying clean water to every household. We are already in the year 2000 and nothing has happened.

Mr. Deputy Speaker, Sir, it was in 1996 that the Government came up with a project called "Roads 2000 Programme." This project stated that by the year 2000, all the roads would have been repaired. Now, we are half-way the year 2000 and we are almost getting out of it.

Is the Assistant Minister telling us that this will be another "white elephant" whereby the year 2001/2002 will come when this project will not have been done?

Could the Assistant Minister tell us how much money has been set aside for the "Roads 2000 Programme" for the Kimende-Kagwe-Githunguri Road?

**Mr. Gitonga:** Mr. Deputy Speaker, Sir, I want to tell the Assistant Minister that the road that we are referring to is Kirenga-Kagwe Road.

**Mr. Mwakalu:** Mr. Deputy Speaker, Sir, the *El Nino* calamity in this country was more or less equivalent to war. It left no area untouched and repairing that destruction, we had to earmark, disarrange and re-arranged finances, so that in the process, we prioritised the roads and bridges that had to be repaired before others, which had to wait for the availability of funds. I do not think, in all honesty, that I would become hard in blaming the Government for having

had such good intentions for the year 2000, only to be derailed by the *El Nino* rains.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, is the Assistant Minister aware that this is the only facility in the entire region of Githunguri and Lari in Kiambu District that bears the name "Moi"? If he is, is he not ashamed that the only facility in this major region that bears the name "Moi" is in such state of disrepair?

**Mr. Gitonga:** On a point of order, Mr. Deputy Speaker, Sir. Since the Assistant Minister has refused to answer my question as to what happened to the Kshs525,000 which was set aside to patch up that road, how much money now has been set aside for the year 2000/2001 for resealing of Kirenga-Kagwe Road up to Githunguri?

**Mr. Mwakalu:** Mr. Deputy Speaker, Sir, I have a rather long answer to that question. In all fairness, Kshs4.4 million has been set aside this year for the maintenance of the roads network comprised in the roads I have already mentioned. There is 25.6 kilometres of the Kagwe-Githunguri Road, which is also earmarked for repair. Fortunately, or unfortunately, several roads in Kiambu District are maintained using the tea cess funds which I cannot here stipulate. But in terms of priorities, it has been earmarked to do some 7.6 kilometres of earth surface work at a cost of Kshs182,400, during the year 1999/2000.

Mr. Deputy Speaker, Sir, there are other roads, for example, road D402, which has developed potholes and requires drainage and maintenance. This road is also under repair this financial year.

The road D402, which is referred by the locals as "Moi Road", and which is probably the subject of the hon. Member's Question, is also undergoing repair.

**Mr. Deputy Speaker:** Question No.196! For the Second Time, Mr. Munyao.

**Mr. Munyao:** Mr. Deputy Speaker, Sir, I beg to ask Question No.196.

**Mr. Deputy Speaker:** Order! First of all, go back to that microphone and apologise for coming late.

**Mr. Munyao:** Mr. Deputy Speaker, Sir, first of all, I would like to thank you for your successful tour.

*(Laughter)*

**Mr. Deputy Speaker:** That may be so, but first things first!

**Mr. Munyao:** And I apologise that, for the first time you sat on the Chair, I was not there to ask this Question. I now ask Question No.196.

*(Question No.196)*

PAYMENT OF DUES TO  
MR. MUSILI MUTISYA

**Mr. Munyao** asked the Minister for Education, Science and Technology:-

(a) whether he is aware that Mr. Peter Musili Mutisya, TSC No.21157, retired on 30th April, 1996 and has not been paid his dues to date; and,

(b) why there is laxity in payment of teachers' final dues in Makeni District.

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

(a) Mr. Peter Musili Mutisya, TSC No.21157, was paid his dues as far back as 1998.

(b) Any delay in payment of final dues to a retiring teacher is caused mainly by the affected teacher's particular circumstances, irrespective of his or her district of origin. There has been no laxity in the payment of teachers' final dues in Makeni or anywhere else.

**Mr. Munyao:** Mr. Deputy Speaker, Sir, I thank the Assistant Minister for his reply to part "a" of my Question. However, I have got evidence that this teacher was paid after this Question was brought into this august House. Why did the Assistant Minister have to wait until a Question concerning dues of a retired teacher is brought to this House before he pays him?

**Mr. Awori:** Mr. Deputy Speaker, Sir, in the first place, it is not the Ministry of Education, Science and Technology, that pays pension dues but the Ministry of Finance, through the Pensions Department. Secondly, the delay in the payment of this teacher was occasioned by missing documents in his file. This teacher had served a suspension. He never indicated that he had been suspended when he applied for his pension. He never indicated that, that suspension had been lifted. It therefore took a long time before our Ministry received the documents indicating that the suspension had been lifted. After receiving that information, we then sent his file to the Pensions Department.

**Mr. Ndilinge:** Mr. Deputy Speaker, Sir, can the Assistant Minister agree or deny that this case does not only apply to this particular teacher? Most of the retired teachers from Makeni District are yet to be paid their retirement

benefits.

Mr. Deputy Speaker, Sir, now that he has accepted that the problem is between his Ministry and the Ministry of Finance, can he assure the House that something is going to be done? This is because most of the retirees spend half of what they are supposed to get as retirement benefits from the Ministry on transportation and boarding fees here in Nairobi.

Can he assure the House that he will do something about this problem?

**Mr. Awori:** Mr. Deputy Speaker, Sir, provided all documents that are relevant to the situation are in the file, I can give this assurance that so far as our Ministry is concerned, we will forward the application for payment of pensions to the Ministry of Finance.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, this Assistant Minister always blames the delay in paying teachers' benefits on lack of this or that document. What plans does the Ministry have to computerise documents at the TSC and also to decentralise TSC?

**Mr. Awori:** Mr. Deputy Speaker, Sir, it all boils down to the availability of funds.

As we all know---

**Mr. Michuki:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to refer to the availability of funds when he knows that the pensions money is not even voted by this House? That money is voted by the Constitution straight from the Consolidated Fund and, therefore, pensions have the first priority in any money that comes to the Government? Is he in order to subordinate payment of pensions to availability of funds?

**Mr. Awori:** Mr. Deputy Speaker, Sir, I do not think the hon. Member understood the question by Dr. Kulundu. The question was: When will we computerise? We do not utilise the pension funds for computerisation.

**Dr. Ochuodho:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that they have not computerised because of lack of funds when the Ministry does not even know how much they require to computerise? If he does, can he tell us?

Mr. Deputy Speaker, Sir, furthermore, is he in order to mislead the House that they have not decentralised TSC due to lack of funds when he has not done an analysis to find out whether it would be more expensive to run TSC when decentralised than when not decentralised?

**Mr. Deputy Speaker:** Order! That is a question, not a point of order. Next Question!

**Mr. Wamae:** Mr. Deputy Speaker, Sir, can I ask the Assistant Minister a question?

*(Laughter)*

**Mr. Deputy Speaker:** Go ahead!

**Mr. Wamae:** Mr. Deputy Speaker, Sir, could the Assistant Minister tell us why so many teachers since 1998 have not been paid their dues after they were required to provide certain documents? Even after providing these documents, they have not been paid their salaries yet?

**Mr. Awori:** Mr. Deputy Speaker, Sir, I do not know of any teacher who has not been paid his or her salary. So far as pension is concerned, if there is any teacher whose documents are in order and has not been paid his or her pension since 1998, and if it is shown that the file remains with the Ministry of Education, Science and Technology, I would like to be appraised of that.

**Mr. Sambu:** Mr. Deputy Speaker, Sir, the Pensions Department is just situated across here in Marshalls House. I would ask the Assistant Minister to liaise with his colleague in the Ministry of Finance and visit that place and see the deplorable state of the files. That is why it takes so long for any retiree to be paid. The files are strewn all over the floor and unless one produces "TKK" (Toa Kitu Kidogo), his/her file will not be available. Will he assure the House that together with the Ministry of Finance, they will streamline this mess in Marshalls House?

**Mr. Awori:** Mr. Deputy Speaker, Sir, as far as I know, with "TKK", there are two people involved and both of them are committing a crime. If a third person is aware of the situation, he too---

**Mr. Deputy Speaker:** Mr. Assistant Minister, they are merely asking you to take care of your staff. For those outside, somebody else can take care of them. Just think and concentrate on your staff at Marshalls House and in Jogoo House.

**Mr. Awori:** Yes, Mr. Deputy Speaker, Sir. As far as I am concerned, once the documents in the teacher's file are in order, we forward that file to the Pensions Department.

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, one of the good things that the Government has done is to indicate on every civil servant's payslip his or her age at any one time. Why is it that it is not easy for the Government to follow this system and by the time somebody is retiring, he gets his cheque before he leaves office?

**Mr. Awori:** Mr. Deputy Speaker, Sir, this happens from time to time. I can only repeat myself! There is no

reason at all why teachers should not get their dues, if their files are in order.

**Mr. Ndilinge:** On a point of order, Mr. Deputy Speaker, Sir. If you heard hon. Sambu right, he asked about the "Toa Kila Kitu" (TKK)! We do not know whether the Assistant Minister has accepted that, his officers take "TKK" or not! Could he tell us whether his officers take "TKK?"

**Mr. Munyao:** Mr. Deputy Speaker, Sir, since the Question required the Assistant Minister to tell us why there has been laxity in paying teachers

**[Mr. Munyao]**

their dues in Makueni, could he also tell us precisely, how many teachers have left in the last five years, and who have not been paid their pensions?

**Mr. Awori:** Mr. Deputy Speaker, Sir, I have no answer to that. I do not know!

**Mr. M.M. Galgalo:** On a point of order, Mr. Deputy Speaker, Sir. You have heard the Assistant Minister saying that, if the files are in order, the dues are paid. Why does the question of the files arise? Is the Assistant Minister in order to mislead the House that, somebody can get a letter for retirement while his file is not in order?

**Mr. Deputy Speaker:** Order! You do not improve the situation by disguising your question by, "is it in order---" That is not a point of order. Let us move on to Question No.128 for the second time!

**Mr. Mwenje:** Mr. Deputy Speaker, Sir, I have not received a written reply!

#### *Question No.128*

#### RECONSTRUCTION OF DANDORA SPINE ROAD

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

(a) how much money will be spent on the on-going reconstruction of Dandora Spine Road; and,

(b) how many kilometres the current contract covers, and what the completion date is.

**The Assistant Minister for Local Government (Mr. Kiangoi):** Mr. Deputy Speaker, Sir, I am sorry for not being here earlier. I was caught up somewhere in the office. However, I beg to reply.

(a) A total sum of Kshs487,481,650 will be spent on the on-going construction of the Dandora Spine Road.

(b) The contract covers a total of 36 kilometres of roads, which will have been completed by 30th of July, 2001. This is the expected completion date for the reconstruction of the roads.

**Mr. Mwenje:** Mr. Deputy Speaker, Sir, the Assistant Minister has not answered my actual Question. He has only talked about roads in Dandora Estate. But I asked him about the Dandora Spine Road, which goes round the whole of Dandora Estate. He has given an answer which includes Umoja, Kayole and Dandora. I asked him how much money will be spent on the Dandora Spine Road.

Mr. Deputy Speaker, Sir, I would like him to tell us who is providing the funds. Does the contract include the small roads in the estate?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, the small roads in the estate, and the road that goes round it, is what is referred to and in the contract as the "Dandora Spine Road".

Mr. Deputy Speaker, Sir, the total works were contracted under one contractual document, and the funds are provided by the Government of Kenya, through the Fuel Levy Fund.

**Mr. Mwenje:** Mr. Deputy Speaker, Sir, the Assistant Minister is now misleading us! He has just told us that the roads are 36 kilometres. They cannot be that much! On the contrary, I have read his answer which also refers to the roads in Umoja and Kayole estates. How much, of the Kshs487,481,650, will be spent on the Dandora Spine Road?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, as I said earlier, there was one contract for all the roads. All those roads are what is referred to as the "Dandora Spine Road".

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, some money was allocated for repairing roads in Nairobi. Dagoretti has not had any repair of roads since then.

Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House whether any money was allocated to repair roads in Dagoretti? When will they be repaired because they are completely impassable? Dagoretti happens to be in Nairobi, whereas the last repairs were done in Westlands, Langata and elsewhere!

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, I seek your indulgence to get clarification from the hon. Member. Has she asked about the funds allocated in the Budget, or from other sources?

**Mr. Muchiri:** Mr. Deputy Speaker, Sir, in

the whole of Nairobi, roads are not being repaired, except in Langata and Westlands. They are full of potholes. The people in Embakasi, Ruai, Kasarani and Dagoretti pay the rates to the Nairobi City Council, which does not provide them with any services. Could the Assistant Minister send circulars right now, instructing the Nairobi City Council not to collect any revenue from the people who pay the rates, since they are not provided with any services?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, it is not true that no roads are being constructed in Nairobi, except in Langata and Westlands. It is common knowledge that, Kirinyaga, Desai and Forest Roads have been completed.

*(Several hon. Members interjected)*

**Mr. Deputy Speaker:** Order, hon. Members! Most of you are standing up on points of order, merely to ask questions! You are better off standing up to ask a question directly, and then have a chance to pursue it, rather than pretending to stand on a point of order when, in fact, you mean to ask a question!

**Mr. Kariuki:** Mr. Deputy Speaker, Sir, there is a tendency of serving areas which are high-class, leaving out, for instance---

**Mr. Deputy Speaker:** Order! What did you just say?

**Mr. Kariuki:** I have said high-class areas!

**Mr. Deputy Speaker:** I thought you said hecklers! Proceed!

**Mr. Kariuki:** Mr. Deputy Speaker, Sir, I would like to ask the Assistant Minister: Why is it that he has left out slum areas within Embakasi, Soweto, Maili Saba, KCC and Gitari Marigu, and addressed only Umoja and Dandora? Why is it that he always forgets the less privileged members of the society?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, if you allow me, the question is self-defeating because a place like Umoja Estate is not high-class.

In any case, we have said that those roads, including those in Embakasi area, are what is referred to as the Dandora Spine Road.

**Mrs. Mugo:** On a point of order, Mr. Deputy Speaker, Sir. I asked a question, and the Assistant Minister asked which money I referred to. You did not give me a chance to tell him about the money. The World Bank gave some money to repair the roads in the City. What happened to Dagoretti?

**Mr. Deputy Speaker:** Order, Mrs. Mugo! You know, when you stand up to ask a supplementary question, you do not have a leeway to make a speech! So, I will allow you to ask your question properly!

**Mrs. Mugo:** Thank you, Mr. Deputy Speaker, Sir. Was any World Bank money allocated to repair the roads in Dagoretti area after the rains? Was there money from other sources? No roads have been repaired in Dagoretti! Could he tell this House whether Dagoretti is not part of this Republic?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, Dagoretti Constituency is part of this Republic and the allocation of funds could, perhaps, be addressed to the Ministry of Roads and Public Works. But, as far as we are concerned, all roads covered within our docket are under construction and will be completed soon.

**Mr. Katuku:** Mr. Deputy Speaker, Sir, Kenyans are concerned about the repair of roads in Nairobi. The roads which are being constructed, like Kirinyaga Road and Langata Road, have taken years to be completed. Could the Assistant Minister tell this House what the problem is because people have closed down businesses in some of these areas because of lack of communication? Why are these roads not completed in time?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, the roads the hon. Member is referring to, like Kirinyaga Road, are being constructed under *the El Nino* Emergency Fund which is being managed by a different Ministry. I am not in a position to answer the question adequately.

**Mr. Mwenje:** Mr. Deputy Speaker, Sir, before this contract was entered into, there were some other people who were given the job of gravelling the same roads and they were paid by the Nairobi City Council before the current contractors started to construct the roads. Could the Assistant Minister tell this House who were these people and how much they were paid? These people never did any job! Why did this happen? I consider this to be theft of money from the City Council?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, I am not aware of that kind of a situation. So, I will not be in a position to help the hon. Member.

**Mr. Mwenje:** Mr. Deputy Speaker, Sir, I am making the Minister aware! Let him not say that he is not aware! I am making him aware that there were some people who were given the contract and they were paid a colossal sum of money from City Hall.

Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House, what happened and if he does not, could he find out who these people were and report back and tell us how much money they were paid? This was fraud!

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, again I am not aware of that kind of a situation. I am restricting

myself to what I know was contained in the contract for the repair of those roads. It is not within my knowledge; it may not have happened or if it happened, then it is a different question all together and it needs a substantive answer.

**Mr. Munyao:** On a point of order, Mr. Deputy Speaker, Sir. I am sure you heard what the Assistant Minister said. There is irrelevance in what the Member asked because the information which the hon. Member has is what the Assistant Minister should have started with.

Does the Chair take this Question to have been answered when it leaves out such important information?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, I did not say it was irrelevant, but I said that, I am not aware.

**Mr. Deputy Speaker:** Order! Order, Mr. Assistant Minister! The hon. Member has made certain allegations and he asked you to investigate. Are you going to investigate and find out the truth about the allegation or not?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, I would seek your indulgence again because if an hon. Member alleges something which is not known to me, perhaps, it would have been of help if he had tabled any document to show that, indeed, besides this contract, there was---

**Mr. Deputy Speaker:** Order, Mr. Assistant Minister! An allegation does not have to be written! A Member can stand in his place and make an allegation and request you to investigate the allegation as he has just done! Are you prepared to investigate it or you are not? This is because, if you are not, then the next consequence will follow.

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, I am not refusing to investigate.

**Mr. Deputy Speaker:** All right. Mr. Mwenje, will give you the details of that allegation so that you can investigate.

Next Question!

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

**Mr. Deputy Speaker:** Order! Look at the time! Questions by Private Notice!

Mr. Ojode!

## QUESTIONS BY PRIVATE NOTICE

### IMPLEMENTATION OF CIVIL SERVICE

#### CODE OF REGULATIONS

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

(a) Could the Minister confirm that the Civil Service Code of Regulations requiring civil servants and parastatal employees to retire at the age of 55 years has not been breached?

(b) If the answer to part "a" above is in the affirmative, could the Minister table the names of those who are still in the service specifying special qualifications and any other reasons which could justify their being retained in employment beyond the mandatory retirement age of 55 years?

**The Minister of State, Office of the President (Mr. ole Ntimama):** Mr. Deputy Speaker, Sir, I beg to reply:-

(a) I do confirm that the Civil Service Code of Regulations requiring civil servants and parastatal employees to retire at the age of 55 years has not been breached.

(b) Mr. Deputy Speaker, Sir, the answer to part "a" of the Question is not in the affirmative. Some officers have been retained in accordance with the provision of Regulation G 43(1) of the Civil Service Code of Regulations, which stipulates the following:-

"Permanent Secretaries and Heads of Department will review the case of every officer who is about to reach the age of 55 years, at least, 12 months in advance of his 55th birthday and where in the public interest, it is desired to retain an officer beyond the age of 55 years, his Permanent Secretary or Head of Department will, at least, six months in advance of the officer's 55th birthday, report the case to the Permanent Secretary, Director of Personnel Management stating the full reason why he should be retained. In addition, it must be stated categorically whether or not his retention beyond the age of 55 years will block the advancement of serving junior officers and whether or not, his energy or efficiency has in any way deteriorated due to the age or any other reason. Before reporting to the Permanent Secretary, Directorate of Personnel Management, the head of department should consult the officer and ascertain from him, whether or not he would wish to remain in the service beyond the age of 55 years should the Government so require.

The list of officers retained in accordance with the above quoted G43(1) of the regulations are

as follows:-

NAME	POSITION	MINISTRY/DEPARTMENT	PERIOD
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Mr. Emmanuel Okoth	Chief Film Officer		Information, Transport and Communications	1 year
Mr. Morris Mutsonga	S/Personnel Officer		Public Service Commission	1 year
Mrs. Priscilla Komora	Deputy Controller and Controller		Auditor-General	2 years
Mr. Harris Muchemi	Assistant Director of Audit	"	"	1 year
Ms. Scolastica S. Mutisya	Director of Audit	"	"	2½ years
Mr. James P. Lago	Deputy Director of Audit	"	"	2 years
Mr. Benjamin M. Mukula	Principal Auditor	"	"	11 months
D. W. Mwanyumba	Principal Auditor	"	"	2 years
Mr. Samson ole Surtan	Under Secretary		Office of Vice-President and Ministry of Home Affairs, Heritage & Sports	2 years
Miss Manduu	Senior Executive Secretary	"	"	6 months
Mr. Joel Bore	Driver		Ministry of Education, Science and Technology Science and Technology	1 year
Mr. J.J. Gichuki	Director of Agriculture		Ministry of Agriculture and Rural Development	1 year

Under the Office of the President, the following officers have been retained on contract:-

Office of the President - Provincial Administration

NAME	POSITION	PERIOD OF CONTRACT
Rukaria R. Gitonga	Assistant Principal Immigration Officer	2 years
Maj.(Rtd) M.K. Langat	Director, National Youth Service	2 years
Philip K. Soi	Principal Baringo DDI	1 year
Stephen ole Mpesha Mpesha	Assistant Commiccioner of Police	2 years

Wilson M. Mucharia	Subordinate Staff (San. Cleaner)	2 years
B.S.K. Kimeto	Accountant I	1 year
Charles W. Njuguna	Chief, Laikipia	3 years
Ernest Suter	Chief Keiyo	1 year
Charles Kimalel Kotur	Chief, Keiyo	2 years

**Mr. Deputy Speaker:** Mr. Minister, how long is that list?

**The Minister of State, Office of the President** (Mr. ole Ntimama): Mr. Deputy Speaker, Sir, the Questioner had demanded that he be given the list of names!

**Mr. Deputy Speaker:** But what I am asking you is: How long is that list?

**The Minister of State, Office of the President** (Mr. ole Ntimama): Mr. Deputy Speaker, Sir, we have got at least 57 names to go.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, could I kindly request the Minister - the remaining names under the Office of the President belong to paramount chiefs - to go straight to the names of those officers serving in the parastatals?

**The Minister of State, Office of the President** (Mr. ole Ntimama): Mr. Deputy Speaker, Sir, under the Ministry of Finance and Planning, we have got the following officers who have been retained beyond their mandatory retirement age:

#### Ministry of Finance and Planning

NAME	POSITION	PERIOD
A.O. Mallowah	Director, Internal Audit	9 months
H.S. Mohammed	Chief Estimates Officer	5 months

#### Ministry of Environment/Natural Resources

NAME	POSITION	PERIOD
W.S. Siambi	Commissioner of Mines	2 yeears

Mr. Deputy Speaker, Sir, as for the State Corporations, I would like to state from the onset that most of these people have definitely gone beyond the required age of 55 years. The reason is that we are now in the process of privatizing most of the State Corporations and retiring these people at this stage would be injurious to the public interest. The list of the officers is as follows:-

STATE CORPORATION	NAME AND DESIGNATION	AGE
Kenya Airports Authority	Mr. Stephen M. Muriithi Managing Director	63
Consolidated Bank of Kenya	Mr. Eliud K. Mathiu Managing Director	59
Post Bank	Isaiah F. Kiplagat Managing Director	56
Kenya Literature Bureau	S.C. Langat Managing Director	57



Kenya Power and Lighting Company	S.K. Gichuru Managing Director	58
Ken Gen	Edwin D. Wasuna Managing Director	62
Kenya Bureau of Standards	Eng. Philip Okundi Managing Director	59
Horticultural Crops Development Authority	Martin A.S. Mulandi Managing Director	56
Agricultural Finance Corporation	Gideon K. Toroitich Managing Director	56
Cotton Board of Kenya Cotton Board of Kenya	Ernest M. Mungai Ernest M. Mungai Managing Director	58
Agro-Chemicals and Food Company Limited	Om Parkash Narang Managing Director	61
Kerio Valley Development Authority	S.K. Cherop Deputy Managing Director	66
Tana and Athi Rivers Development Authority	Martin Miyesa Managing Director	59
Commission for Higher Education	Prof. Justin Irina Managing Director	59
Coast Development Authority	Prof. Juma Lugogo Managing Director	59
Export Promotion Council	P.W. Muthoka Managing Director	57

**Mr. Ojode:** Mr. Deputy Speaker, Sir, you heard the names which have been given by the Minister. I would like to alert the Minister that they have contravened the Civil Service Code of Regulations, Clause G43 which says in part:-

"An officer will be required to retire automatically on attaining the age of 55 years unless the Government considers that it is in the public interest to retain his services for a period beyond that age and the officer himself is agreeable to continue in the service."

Having said that, I would like to say that it is quite unique and absurd for a long serving Minister like hon. ole Ntimama to come and tell the House that even a cleaner has been given two more years on attaining the age of 55 years to continue serving in public interest.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to imply that there should be some discrimination between categories of employment and that a cleaner has no right to have his services extended? Is that being fair?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, the Minister will agree with me that even some of the names---In fact, the person who gave him this reply is biased and a tribalist because he has listed paramount chiefs, especially in the Rift Valley Province and North Eastern Province. Within the Rift Valley, this person has only given the names of Kalenjins. Further than that, this person has given---

**Mr. Deputy Speaker:** Order, hon. Ojode! The Standing Orders forbid you from using Question Time to make a speech. Will you now ask your question?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, to make it worse, he has given the name of Mr. Salim Chepkaitany, Chief of Keiyo, who died last year, but still he has been given a contract for two years! How can this be true? Why should the Minister continue retaining these old men while we have university graduates who can do this privatization job?

Mr. Deputy Speaker, Sir, in Ndhiwa Constituency alone, I have 115 university graduates who have been looking for jobs since 1978!

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, if by any chance there is no other person in the Civil Service by the name Senior Chief Salim Chepkaitany and if that is the person that the hon. Member is claiming to have died, then I must apologise.

**Mr. Deputy Speaker:** But answer the question.

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, I thought that he was specific about Senior Chief Salim Chepkaitany?

**Mr. Deputy Speaker:** That was not the question. Order! Order! The question was simply that: Since there are enough qualified people in Kenya who are jobless, why are you retaining in the Service those who are already over 55 years?

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, these are very special people---

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

**Mr. ole Ntimama:** Let me finish, Mr. Deputy Speaker, Sir. Those are the people whom the Government and the society is using to interpret culture and traditions whenever there is a conflict.

**Mr. Angwenyi:** Thank you, Mr. Deputy Speaker, Sir. Could the Minister assure this House that, those people, who are beyond 55 years old will be retired this month, so that they do not earn another salary? This should be their last salary in the Civil Service and parastatals of the Republic of Kenya. Could he confirm to this House that they will all be fired?

**An hon. Member:** Just say, yes, and sit down!

**Mr. Ntimama:** Mr. Deputy Speaker, Sir, we have done a very careful selection of those people. We think that we shall still continue to require the services of some of those people who are listed here, including those who have attained 60 years.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, I respect the Minister. He has said that those people have such great value in the very big jobs they are doing, like ole Surtan. That is very good. His main explanation was that those offices in public corporations are presiding over the transition to privatisation. Since Kerio Valley Development Authority is not being privatised and since Mr. Tirop, who is 62 years old and is not the Managing Director - he is the deputy - can he explain to the House why the Deputy Managing Director of Kerio Valley Development Authority is being retained, since he is not the Chief Executive and he is not managing the transition to privatisation?

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, I think the people who are supposed to really assess the efficiency and ability of those officers are those who are senior to them. Senior officers think that the Managing Director himself is the only person who is capable of overseeing the institution through transition to privatisation.

**Mr. Ndicho:** On a point of order, Mr. Deputy Speaker, Sir. The Minister has categorised some Kenyans as very special people. Is he in order to tell this House and this country that, as far as the KANU Government is concerned, there are some people who are more special than others and that, they could be retained in the Civil Service for some years, when others who are not special continue being jobless? As hon. Ojode has said that there are several

university graduates in his constituency who have been jobless since 1978 and they have already attained 55 years. Who are those special people?

**Mr. Deputy Speaker:** Order! Order! That is not a point of order.

**Dr. Kulundu:** Thank you, Mr. Deputy Speaker, Sir. In answer to a similar Question last year on 15th June, hon. Sunkuli said that the Managing Director of the Horticultural Crops Development Authority, Mr. Mulandi, was going to retire in August last year. Can the Minister tell this House why Mr. Mulandi is still being retained in employment?

*(Mr. ole Ntimama consulted Maj. Madoka)*

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, I am---

**Mr. Murungi:** On a point of order, Mr. Deputy Speaker, Sir, you have seen that Mr. ole Ntimama does not know the answers to this Question. Is it in order for the Minister to keep on consulting the other Minister and then, he tells us what he has been told? Can he not answer the questions himself?

**An hon. Member:** That is collective responsibility!

**Mr. Deputy Speaker:** Order! Order! Once the Minister stands up and gives the reply, he takes responsibility for it. In any event, we do not have sharp ears to hear what they have consulted on. He is perfectly in order to consult.

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, I think that is a very unfair remark from my colleague, hon. Murungi, because I am capable of answering any question for which I am responsible. I did not know the name of the person and I do not know whether he is among the chiefs or some other special people. But I imagine that definitely, he must have been considered. Whether he was supposed to have been retired sometimes back, probably he is now required for a few more months to finish off his job.

**Mr. Mbitiru:** Mr. Deputy Speaker, Sir, we know that most of those officers who have been retained by the Ministers and the Government in the parastatals are the ones who have been used in the past, to grab and plunder those parastatals. Is the Minister confirming to this House that they are going to continue retaining those officers who continue to steal from the Ministries and parastatals?

**An hon. Member:** And especially, Mr. Gichuru!

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, to be fair to everybody, there is very little time allowed for all those officers. It is true that the Government can assure the House that we are in the process of privatisation and, as soon as we are through with it, those officers will go.

**Mr. Maundu:** Mr. Deputy Speaker, Sir, what is wrong with this side?

**Mr. Deputy Speaker:** You are answering the question!

**Mr. Maundu:** No! No!

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, one ole Surtan is 67 years old and he also happens to be---

**An hon. Member:** Prof. Saitoti's driver!

**Mrs. Ngilu:** No, that is not Prof. Saitoti's driver. He is the "Total Man's" (TM) driver cum bodyguard. He is also listed as an Under-Secretary. What special qualities does that person have as an Under-Secretary when he is only a bodyguard?

**Dr. Kituyi:** He is Prof. Saitoti's bodyguard and not "TM's" bodyguard!

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, hon. Nicholas Biwott has no driver by that name.

**Mr. Maundu:** On a point of order, Mr. Deputy Speaker, Sir. This is a very important question. The officers should have been retired in public interest. Public interest means an interest that is overriding their special competence and skills. They have a calling which is unavailable, except with themselves. Can the Minister tell us that he is going to retire those officers? One of the officers is 66 years old and he must have a son who is 40 years. Does he still consider that son is not competent enough to serve in the Republic of Kenya? Can he retire them now because they are wasting Government resources?

*(Applause)*

**Mr. ole Ntimama:** With all due respect, Mr. Deputy Speaker, Sir, I have said about two times here that, we will definitely retire those officers as soon as the privatisation process is finished.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, it is known that a Minister can terminate a contract forthwith without even regard to the expiry of the contract itself. This was an answer given by hon. Sunkuli in which he said: "Yes, Mr. Speaker, Sir, I am aware that Mr. Mureithi is under a contract which will expire in the year 2000. Mr. Anabwani is under a contract which will expire in May, 2000". We know very well that Mr. Anabwani has already been retired

from February. That means his contract had already been terminated. Can the Minister assure this House that he is going to terminate the contract of all those fellows by the end of June?

**Hon. Members:** We will not pass those Votes and we will not pay them in the next Budget!

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, we cannot terminate the services of all the officers en masse. We will have to consider each one of them, individually, with a view to establishing their efficiency, ability and commitment before we terminate their services.

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

*(Several hon. Members rose in their places)*

**The Deputy Speaker:** Order! Order! Hon. Members, somebody is already on a point of order. Because you do not listen, you do not hear when other hon. Members stand on points of order. You cannot rise on a point of order when another hon. Member has already done so. Proceed, Dr. Ochuodho!

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, is the Minister in order to mislead this House by leaving out the name of Dr. Richard Leakey, who is past retirement age? Is Dr. Leakey in order to sack public servants when he is, himself, past the retirement age?

*(Applause)*

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, the contracts given by the Government are normally for two years and above. Dr. Leakey is not even two years-old yet in his job. We must be tolerant and patient.

**Mr. Deputy Speaker:** Let us have the last question from Mr. Wamalwa.

**Mr. Wamalwa:** Mr. Deputy Speaker, Sir, in the course of giving his answer, the Minister gave reasons as to why his Ministry has retained some paramount chiefs. He said that those chiefs are helping in cultural translation of all sorts of cultural documents, and so forth. Could the Government not think of better way of retaining those chiefs, or securing their services, other than by breaking the regulations, for instance, by hiring them on contract instead of violating Government regulations?

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, those people must be on contract. I do not think that they are not serving under contracts; I am sure that they are on contract. I would like to repeat my earlier statement that the Provincial Administration (PA), indeed, believes that those chiefs are guardians of culture and tradition, and that they are very good in adjudicating some very complicated cases, including those which concern boundaries and ethnicity.

**Mr. Wamalwa:** Mr. Deputy Speaker, Sir, if those people were on contract, the question of retiring them would not have arisen. In replying this Question, the Minister read out the names of those people as among those who are serving beyond the retirement age. Is he now changing his earlier answer, to say that those senior chiefs are on contract?

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, I am not changing my answer. Even though those chiefs have reached their retirement age, they were given new contracts to continue serving; we must have contracted them.

**Mr. Deputy Speaker:** Next Question!

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

**Mr. Deputy Speaker:** Let us go to Mr. Muite's Question by Private Notice.

**Mr. Muite:** Mr. Deputy Speaker, Sir, before I ask my Question, I would like to inform the Chair that I have not received a written answer, yet this is the sort of Question that would demand a written answer.

GOVERNMENT BORROWING  
FROM CENTRAL BANK OF KENYA

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

(a) Could the Minister table a list showing direct advances to the Government of Kenya by the Central Bank of Kenya for the last six months?

(b) Could he confirm whether such borrowing conforms with Section 18(3) of the Central Bank Kenya (Amendment) Act of 1996?

**The Assistant Minister for Finance (Mr. Arap-Kirui):** Mr. Deputy Speaker, Sir, the hon. Questioner has not received his written reply because the answer to this Question is not ready. I would like to request the Chair to defer this Question to Thursday.

**An hon. Member:** Why?

**The Assistant Minister for Finance (Mr. Arap-Kirui):** Because the answer is not ready, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Mr. Assistant Minister, this is the first time I have heard that there is need to defer this Question. Besides that, the Question is, really, so straightforward that finding an answer to it should not have been much of a problem. Could you tell us why you want this Question deferred?

**The Assistant Minister for Finance (Mr. Arap-Kirui):** Mr. Deputy Speaker, Sir, while the Question may look simple, I think this is the sort of Question that requires a detailed response; I am informed that the answer to it is not ready. In all fairness, I think that, being such an important Question, we should reply to it when we have a complete answer.

**Mr. Deputy Speaker:** Could we have your response, Mr. Muite?

**Mr. Muite:** Mr. Deputy Speaker, Sir, as you have rightly observed, this is a Question that seeks information about figures, which are within the Government's books and knowledge. I would like to plead that this Question be answered tomorrow rather than on Thursday.

**Mr. Keriri:** On a point of order, Mr. Deputy Speaker, Sir. This Question is very important. If the Ministry of Finance is helping to run this country's economy, it must have this information on its finger tips, because the information is very important to this country's economy. Is the Assistant Minister telling us that, in fact, some very important information is not known to those in the Treasury, and that is why they are ready answer to this Question? This is a very serious matter.

**The Assistant Minister for Finance (Mr. Arap-Kirui):** Mr. Deputy Speaker, Sir, I think I am being asked, indirectly, to answer this Question. As I said, the answer to this Question is not ready. I think that, if we are to answer this Question to the satisfaction of this House, it would be fair for us to be given adequate time to get the relevant information. I think hon. Members should not anticipate the answer. We are very keen to give the relevant information being sought by this Question.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, you will agree with me that the Assistant Minister is, deliberately, refusing to answer this Question, which is very simple.

**The Deputy Speaker:** What is your point of order, Mr. Ndicho?

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, the Central Bank of Kenya is computerised. Even the list of borrowing by the Government for the last five years can be accessed on giving a command to the computer, which will then give a printout of the same. Why does the person in charge there not get the information being sought by the hon. Questioner?

**Mr. Michuki:** Mr. Deputy Speaker, Sir, this a very sad afternoon. Section 18(3) of the Central Bank of Kenya Act, which has been referred to by the hon. Questioner, came into being following an amendment which was brought to this House for enactment into law at the insistence of the Central Bank of Kenya. For an Assistant Minister to come here and tell us that he does not know the tools with which he has to carry out his duties---

**Mr. Deputy Speaker:** Order, Mr. Michuki! Hon. Members, really, I cannot open debate on this Question. Mr. Assistant Minister, I think your interests will be better served if you went back and read what the Act says. If you had said that you cannot avail the said information regarding the last six months because no audit of the accounts has been done, one would understand. The legislation referred to by the hon. Questioner refers to what you borrow as per the audit of the previous year, which is already there. So, you cannot say that the information over the last six months is not available. However, I will be a little sympathetic to you only to the extent that I want this Question answered tomorrow afternoon.

**The Assistant Minister for Finance (Mr. Arap-Kirui):** On a point of order, Mr. Deputy Speaker, Sir. I stand to be corrected, but to the best of my knowledge, the accounts for the period you have referred to have not been audited.

**The Deputy Speaker:** Mr. Assistant Minister, I said that if you had said that the said information for the last six months is not available, but you have information for the period before then, which you can avail, I would understand and be very sympathetic. But even the said information for the last six months is available, because the National Debt Office at the Central Bank of Kenya does nothing, but computes this information on a daily and monthly basis. So, bring the answer to this Question tomorrow afternoon.

Let us proceed to the next Question!

#### RENEWAL OF BOOKER TATE CONTRACT

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

What is the Government's position as regards renewal of management contract for M/S Booker Tate Limited at Mumias Sugar Company Limited, which is ending on 30th June, 2000?

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

I am aware that the three-year technical management agreement between Booker Tate Limited and Mumias Sugar Company Limited, which commenced on 1st July, 1997, will expire on 30th June, 2000. In view of the

impending expiry of the current agreement, discussions within Government are going on to determine the way forward for the management of the company with effect from 1st July, 2000. Therefore, my Ministry expects to take a firm position on the question of the future of the management of Mumias Sugar Company Limited as soon as the on-going discussions are finalised.

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, arising from the Minister's reply, sugarcane farmers contracted to Mumias Sugar Company contribute 91 per cent of sugarcane that is crushed by the factory. Therefore, their views must be heard. In March, this year, the then Assistant Minister for Agriculture and Rural Development, hon. Ruto, who is now the Minister for Vocational Training issued a statement somewhere that the contract of Booker Tate would not be renewed. That statement has made it very difficult for the out-growers of Mumias, including the hon. Member of Parliament on the Floor of this House--- Could the hon. Minister assure this House that the Government will renew the contract of Booker Tate without fail? We do not want anybody to mess up the management of Booker Tate. Let them continue to run the factory.

**An hon. Member:** Have you been paid?

**Mr. Obure:** Mr. Deputy Speaker, Sir, I would like to clarify that hon. Ruto, who was the then Assistant Minister for Agriculture and Rural Development, has confirmed to me that he never said what was purported to have been said by him. Secondly, I do not want to pre-empt what will happen, but I would like to say that this is a matter which is under consideration. Indeed, the views of the farmers are very important on this matter and we will take into account the views being expressed by farmers and other stakeholders who have an interest in Mumias Sugar Company. For the time being, what is important for hon. Member of Parliament is to understand that we are actively seeking to take over the matter in the next few weeks.

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, in view of the fact that this contract will end next month, could the Minister tell this House the other firms which are bidding for this contract?

**Mr. Obure:** Mr. Deputy Speaker, Sir, I do not want to rise on the Floor of this House and engage in speculation. I am not aware that there is such a thing, and if it does come up, I think I will be best placed to know, perhaps, even before the Member of Parliament for Mumias.

**Mr. Murathe:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to mislead this House? He knows very well that a Board of Directors was summoned by the Permanent Secretary, Ministry of Agriculture and Rural Development and informed that the contract with Booker Tate shall not be renewed and, yet, he rises on the Floor of this House and misleads the House. Is he in order to mislead this House?

**Mr. Deputy Speaker:** Well, the Chair is not privy to that information and so, it cannot rule on it.

**Mr. Obure:** Mr. Deputy Speaker, Sir, the circumstances the hon. Member is referring to are very well known to me. What we have simply done as a Ministry, is to act in accordance with the provisions of the existing management agreement between Booker Tate and Mumias Sugar Company. In that agreement, there is a provision to give notice in accordance with the stipulations provided. I would like to inform this House that we did exercise that option so that we could have the opportunity to consider this matter in great details before the actual expiry of the contract. Otherwise, if we had not done that, the contract would have been renewed automatically.

**Mr. Khamasi:** On a point of order, Mr. Deputy Speaker, Sir. I think we need to address what hon. Osundwa said. Is the Minister in order to evade answering the question that was put to him by the hon. Member? This contract is expiring at the end of June, which is next month. Which other bidders are there in addition to Booker Tate? Could he tell us the other bidders?

**Mr. Obure:** Mr. Deputy Speaker, Sir, there are no bidders because we have not advertised any bids. I am saying that this matter is under consideration now and the Government is exercising all sorts of options including consultations with farmers and other stakeholders involved in Mumias Sugar Company, and a decision will be made before the expiry of the current contract.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, the Permanent Secretary, Ministry of Agriculture and Rural Development, Prof. Migot-Adholla, did not notify Mumias Sugar Company that the contract of Booker Tate was ending. He wrote a letter to them stating that the Government was not going to renew the management contract. Personally, I brought the matter to the attention of the Minister. If the Minister is claiming that this was the normal way of starting negotiations, could he explain to this House why the Government wrote a letter to Mumias Sugar Company saying that they were terminating the contract? Why did the Minister tell me that this matter which had been written required a Cabinet decision, which had not been made at the time when Prof. Migot-Adholla, wrote to Booker Tate saying that they were not going to renew the contract?

**Mr. Obure:** Mr. Deputy Speaker, Sir, the Permanent Secretary, Ministry of Agriculture and Rural Development, as I have said, wrote a letter to the Board of Directors asking them to consider the issue in accordance with the provisions of the existing management agreement.

**Dr. Kituyi:** No! No!

**Mr. Obure:** Mr. Deputy Speaker, Sir, nevertheless, I am on the Floor of this House to state what will happen. I think that Members of Parliament will have to decide whether they want to believe in the actions that I have taken or

they want to believe in what I intend to do on Mumias Sugar Company.

**Mr. Maundu:** Assuming that the contract of Booker Tate will expire by June this year, and the Minister has not invited bidders for purposes of management, is he saying that Mumias Sugar Company will run for a reasonable period of time without any management contract due to his delay?

**Mr. Obure:** Mr. Deputy Speaker, Sir, it is my business as the Minister to ensure that, that does not happen.

**Mr. Wamalwa:** Mr. Deputy Speaker, Sir, given the importance of Mumias Sugar Company in sugar production in this country, could the Minister assure this House that they will not hand over the management of such an important industry to home-grown managers and people who do not really have the expertise to manage a sugar industry?

**Mr. Obure:** Mr. Deputy Speaker, Sir, such input, as I have just heard from hon. Wamalwa, is very important to me because it helps me to take the decision of all those who have an interest in Mumias and the stakeholders. So, I take the views very seriously.

**Mr. Murathe:** Mumias Sugar Company's turnover is over 13 billion a year. That is equivalent to the total earnings of the Kenya coffee industry. Here is the Minister who is telling us that one month [Mr. Murathe] down the line, he is not sure what will happen. Because he has now heard the sentiments of the hon. Members, which are the sentiments of the farmers, could he tell this House that he will take the sentiments of the farmers and hon. Members and renew the contract?

**Mr. Obure:** Mr. Deputy Speaker, Sir, that is precisely what I am trying to avoid because this industry is so important and a lot of consideration needs to be taken into account. All the factors surrounding Mumias Sugar Company and its future should be taken into account. Precisely, that is why I have said that I am carrying out consultations with stakeholders to ensure that at the end of the day, we have something that is beneficial to both the farmers and Mumias Sugar Company, as a whole.

**Mr. Deputy Speaker:** Next Question!

#### ACTION AGAINST PRINCIPAL OF MEAT TRAINING INSTITUTE

**Col. Kiluta** to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that the Principal, Kenya Meat Training Institute, has been collecting money from his subordinate staff allegedly for power supply payment?

(b) Is he also aware that the Principal has been collecting money from Government farms and not surrendering the same to the Government?

(c) What disciplinary action is the Minister taking against the officer?

**Mr. Maundu:** On a point of order, Mr. Deputy Speaker, Sir. Hon. Col. Kiluta is not in today to ask this Question and he requested that it be deferred.

**Mr. Deputy Speaker:** The Question is deferred.

*(Question deferred)*

#### POLLUTION OF THWAKE/ATHI RIVERS

**Mr. Kalulu** kumuuliza Waziri wa Mazingira Swali Maalum lifuatalo.

(a) Je, Waziri anafahamu kuwa mifereji ya maji machafu humwaga uchafu huo ndani ya mito Athi na Thwake na kwamba wakaazi wa Ukambani huyatumia maji hayo kwa mahitaji yao ya nyumbani ni mifugo?

(b) Je, Serikali ina mipango gani ya kuzuia uchafuaji wa mito hiyo ili kuepuka maradhi ya tumbo, inayowakumba wakaazi wa sehemu hizo, kutokana na maji machafu?

**Mr. Deputy Speaker:** This Question by Mr. Kalulu is also deferred.

*(Question deferred)*

Next Order!

#### MINISTERIAL STATEMENT

#### UPDATE ON SITUATION IN SIERRA LEONE

**The Minister of State, Office of the President** (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I just want to give the House a brief update on the situation in Sierra Leone so far.

When I made my Statement last week I did indicate to the House that 17 Kenyan officers and servicemen were being held hostage. I had also indicated that eight men were missing and could not be accounted for. I just want to inform the House that in a sense, the situation has proved to be different. Now it is 25 officers and servicemen who are being held hostage. I am also glad to report that out of the eight men we could not account for, four of them returned back to the camp over the weekend. In the last couple of days, two more have returned to the camp.

I am sad, however, to report that two of our men are missing in action. The situation is not quite as was reported in the Press. The deaths were not as many as had been reported. We have had occasion to meet with the Foreign Affairs and Defence Committee of this House. I want to commend the chairman of that Committee, hon. Musila, for quickly summoning the Members and hon. Dr. Kituyi for his quick reaction. We met the Commander-in-Chief and a decision was made mainly by the Foreign Affairs and Defence Committee that we visit Free Town to assess the situation and report back to this House. The trip had been scheduled to take place tomorrow at 7.00 o'clock in the morning. However, the political and security situation in Free Town is too fluid to allow the Defence Committee and myself to land in Free Town.

Whereas it would have been a great moment for our soldiers for all of us to visit Sierra Leone to give them morale, as well as to bring first-hand information to this House, I am sad to report that we are unable to make that trip as soon as we would have liked. We have consulted with the Foreign Affairs and Defence Committee and made a collective decision to postpone that trip until further notice.

**Mr. Musila:** Thank you, Mr. Deputy Speaker, Sir. I stand here to thank the hon. Minister for the statement he has just made. I am also grateful to the Government from which my Committee has received full co-operation on this matter. I trust that circumstances will change to allow this Committee, on behalf of the House, to visit our men. In the meantime, this House must with one voice, show solidarity with our men who are serving in Sierra Leone.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, whereas we are all very relieved that things are not worse than they appeared the first time the Minister made the Statement, it is important that we, as a Parliament and a country, know in whose hands the fate of our men lies. It is all very well for the Government to do everything they can from this end to ensure the safety of our people; but who is responsible? It is important that a message is sent out clearly that the UN takes full responsibility for this. They cannot deal with a madman in this soft manner when the lives of our people are in danger and expect us to accept that. If you listen to the news from the BBC and other places, the British, the Americans and everybody else have moved in to evacuate their people. In whose hands is the fate of our people? We as a Parliament must send that clear message to the UN and the Super Powers that we shall hold them responsible for the safety of our people.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, last week I had requested for a Motion of Adjournment to discuss precisely this matter. I am glad that there has been a structure in the way we are relating on the matter at hand. Indeed, I totally agree that it is a prime responsibility of Parliament to speak with one voice in solidarity with our heroic young officers and servicemen in Sierra Leone, but also in ensuring that the jobs they do are the ones they were sent out to do. However, I think it is the right order that if there is a fact-finding mission going out, the statement from our House should emanate on the basis of empirical evidence established by that fact-finding mission.

When in 1983, the Argentine forces opened fire on British soldiers in South Atlantic, Margaret Thatcher reconvened Parliament at night to inform it of the crisis and what action had to be taken by the government. The matter concerning the security of our soldiers outside our territory is of such a nature that I want to propose that this House also sits with the President. If there is need, on the basis of the information obtained by a fact-finding mission, this House should be reconvened, even if it has adjourned, to receive the report and take a common position.

**Mr. Karume:** Thank you, Mr. Deputy Speaker, Sir. The Minister of State, hon. Sunkuli, has told the House that they have postponed their trip which was to be made tomorrow. These soldiers are Kenyans and every Kenyan is now worried because we do not know what is happening there. Since the Members of the Committee are not going there tomorrow, can the Government recall these soldiers so that we can know who is alive and who is not?

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, I am delighted to hear that the Minister together with the MPs are now not travelling to Sierra Leone. In my opinion, rather than send the MPs there, we should send an evacuation force. Why can the Minister not consider sending one so that the Kenyans are brought back home?

**Mr. Maitha:** Mr. Deputy Speaker, Sir, our boys in Sierra Leone might be very sad because they are suffering. As a matter of urgency, since we can see what other countries doing if there is an emergency like this, can the Commander-in-Chief who is our President, come and address this House so that the nation can see him talking to Parliament on the problems facing our military people in Sierra Leone?

**Mr. Munyao:** Mr. Deputy Speaker, Sir, I wish to commend the action taken by the Minister of State and the Parliamentary Committee of Defence and Foreign Affairs. The reason given by the Minister for not going is that the situation in Sierra Leone is deteriorating. I believe that generals go to war regardless of whatever is happening. In this House we are all generals. Members of Parliament are leaders. Would it not have been good for all of us to fly there so



that all Kenyans can know that we are together and sympathetic? The entire army and Kenyans would know that Parliament can defend them.

**Mr. Mwenje:** Being Member of this Committee I just want to comment on this issue, although I have another one. It is not---

**Mr. Deputy Speaker:** Order, hon. Mwenje! Enough has been said on that issue. I thought you were going to rise on a different one. Let the Minister respond.

**The Minister of State, Office of the President (Mr. Sunkuli):** Mr. Deputy Speaker, I just want to thank the hon. Members for their understanding. Since this is a matter in the national interest, I will continue to brief this House persistently on whatever developments do come up. I want to urge hon. Karume to understand that we actually know who among our men are missing. It is only Corporal Robert Wanyama and Private Hamisi Yunis who are missing in action. The United Nations is doing its very best. Last week the Secretary-General of the UN got in contact with the Commander-in-Chief and they did exchange views that will advance the security of our men. But I just want to remind the House that we are not the only ones in Sierra Leone.

**An hon. Member:** We are responsible for our own men!

**The Minister of State, Office of the President (Mr. Sunkuli):** Yes, we are responsible for our men, but the entire world is represented there. The British are not evacuating their soldiers, but their civilians. We are also making our contribution in the peace-keeping exercise.

**Mr. Mwenje:** Mr. Deputy Speaker, Sir, I wish to clarify one point which the Chair asked me to substantiate about Mr. Sankori. He was staff No.406 working from 1989 to 1992 in HFCK. That is all.

## POINTS OF ORDER

### FOOD SITUATION IN THE COUNTRY

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, I rise to seek a Ministerial statement from the Minister of State, Office of the President on food situation and its availability in the country. I am taking into account the dry spell that we are now experiencing in the country and particularly, in Ukambani. What strategies is the Minister putting in place to make sure that relief food that may come to our country will be distributed fairly?

### WATER SHORTAGE IN NAIROBI

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I rise to demand two Ministerial statements. One I did demand two weeks ago, but it has not been made so far. I had sought a Ministerial statement from the Ministry of Local Government regarding affairs at City Hall because Kenyans are suffering. Right now there is no water in Dagorreti Corner, Madaraka and Dam estates, among other estates in Nairobi. However, the confusion in City Hall persists. Could we have that statement in the course of this week before the House goes on recess?

### REGISTRATION OF CANDIDATES

Secondly, I would like to demand a Ministerial statement from the Ministry of Education, Science and Technology. There is an English saying that a stitch in time saves nine. This is the registration period for national examinations for the examination classes. We have a lot of problems in this country, of candidates being left unregistered and money being misappropriated among other issues. Parents and candidates go through a lot of agony, but we want to save them this agony this year. Could the Minister give a statement with regard to registration process of Standard Eight and Form Four to ensure that every candidate who qualifies and requires to be registered is registered? I am saying this because there is a case of a candidate, Mariam Mbala in Kakamega Primary School. She is a girl who was to join Standard Eight this year. She actually paid registration fee, Kshs1,500. The headmaster of that school, Mr. Peter Khamala declined to register her and he is forcing her to repeat Standard Seven. The District Education Officer (DEO) made an order that, that child be registered, but the headmaster has insisted that she cannot be registered. This is the beginning of the problems we face every year. We want a comprehensive and clear statement before the House goes on recess, so that every teacher, parent and child in the country know the correct position.

### USE OF HELICOPTER IN ISIOLO

**Mr. Keriri:** Mr. Deputy Speaker, Sir, I stand to request a Ministerial statement from the Minister of State, Office of the President in charge of internal security. On the night of Wednesday 3rd and Thursday 4th, we read from the media that a helicopter or helicopters were used to stop clashes in Isiolo District. The DC was reported to have said

he could not say how many people died because they were shot from the military helicopter. One would have thought, and that is what we believe, that clashes in any district should be dealt with by police who are responsible for the maintenance of law and order in this country. It is surprising that the military officers were called upon to quell the clashes in that district using aircrafts---

**Mr. Deputy Speaker:** Order! Hon. Keriri, if you are convinced of what you read, what are you now asking the Minister to do?

**Mr. Keriri:** Mr. Deputy Speaker, Sir, I am asking the Minister to give a Ministerial statement that will clarify this matter. Is it true that was done?

#### ATTACK ON INNOCENT WANANCHI BY POLICE

**Mr. Ndilinge:** Mr. Deputy Speaker, Sir, I rise to seek a Ministerial statement from the Minister of State, Office of the President, in charge of internal security. Last month on 27th, a team of police officers led by the Deputy OCS, Sultan Hamud Police Station went to Mwangili market in Kakeu Division and beat innocent councillors and wananchi. Eventually, they arrested and locked them in the office of the DO, Kakeu Division. I wonder why those police officers set upon police dogs to chase after innocent old women. So, I would like the Minister to give a Ministerial statement, explaining why the police force misused its powers. If they were in order to misuse their powers, why were they not sent to Sierra Leone to rescue those---

**Mr. Deputy Speaker:** Order! Mr. Ndilinge, you have already made your point.

#### DISBURSEMENT OF HELB LOANS

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, I rise to seek a Ministerial statement from the Ministry of Education, Science and Technology concerning the disbursement of loans by HELB to university students.

It is this House that passed the law that set up HELB in order for them to give university students loans in this country. The HELB was set up with Kshs1 billion. Last year, it allocated Kshs600 million. As a result of this, many university students are not being given loans. I have a case in point of a law student, Mr. Owuor Moses Odhiambo of the University of Nairobi who applied for a loan last year. He was not given the loan or the reasons why he was denied it. Again this year, he applied for a loan. I have documents here showing that his parents are dead and he cannot raise university fees. Right now, university students are being sent home because of lack of fees. Mr. Odhiambo is one of the victims. I am going to give the Minister for Education these papers.

Could he tell us why this particular student, among others did not qualify for the loan? It is a pity that some very undeserving students from rich families were given loans.

#### EXPENDITURE ON DEBT SERVICING

**Mr. Murathe:** Mr. Deputy Speaker, Sir, I want a Ministerial Statement before we go for recess, on how much money the Government has spent on the debt servicing over the last five years. By the time we come back from recess, we will come to pass the Budget. Parliament has not been given the figures on debt servicing. Could the Minister for Finance give us a breakdown for the various sectors where they have been utilising money? This is because, according to KRA, we are collecting enough revenue and yet, there is not enough money for development. It is sad that it is hardly enough for the Recurrent Expenditure. This Government is going bowl in hand, begging for money to pay salaries. What is happening to the revenue being collected in this country? Is it for genuine reason that this Government is purporting to service foreign debts.

**Mr. Deputy Speaker:** However, I would advise you to look properly at the Appropriation Accounts.

#### INSECURITY IN MANYATTA CONSTITUENCY

**Mr. Ndwiga:** Mr. Deputy Speaker, Sir, I rise on a point of order to request the Minister of State, Office of the President, to issue a ministerial statement on the security situation in Manyatta.

**Mr. Deputy Speaker:** Order! Where is Manyatta?

**Mr. Ndwiga:** Mr. Deputy Speaker, Sir, Manyatta is in Embu, and that is where the people I represent in Parliament live.

**Mr. Deputy Speaker:** Then, give its full description. Is it Manyatta Constituency?

**Mr. Ndwiga:** Mr. Deputy Speaker, Sir, I mean Manyatta Constituency. I represent all manyattas in this country, but I am specifically talking about Manyatta Constituency in Embu.

Mr. Deputy Speaker, Sir, I demanded that the Minister of State, Office of the President, in charge of internal

security, issue a statement on the security situation in that area, but to date, nothing has happened. This happens to be the second time I have requested for a statement from that Office. Since then, gangsters are roaming in Manyatta Constituency and we do not know what will happen because the police in Embu have no transport. The Officer Commanding Police Station (OCS) in Manyatta rides on a bicycle. What is happening? Could we get a Ministerial Statement?

Mr. Deputy Speaker, Sir, could you rule that we get the Ministerial Statement before we go on recess?

*[Mr. Deputy Speaker left the Chair]*

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

SUPPLEMENTARY INFORMATION  
ON QUESTION NO. 130

**The Minister of State, Office of the President** (Mr. Nassir): Mr. Temporary Deputy Speaker, Sir, I would like to give additional information to a Question which was asked last week. I did reply to the satisfaction of the Member who asked it, but in his supplementary question, he asked me to give him the amount of money that was allocated for each road, which is a good idea. I hope that every hon. Member will emulate that by taking interest in what is happening in their constituencies.

Mr. Temporary Deputy Speaker, Sir, I have with me, the list of roads and the amount of money allocated for each of them.

<b>KSHS</b>	
Masara-Karungu Road	- 69,776,971.
Uriri-Rapogi-Oria Road	- 40,760,982.50
Osani-Odhoch Road	- 8,768,375
Nyarach-Oboke Road	- 4,825,755
Makuyu-Osogo Road	- 8,878,255
Kakrao-Ogwedhi Road	- 7,990,592.50
Odhoch-Kababu Road	- 12,103,335
Total	153,104,266.00

Mr. Temporary Deputy Speaker, Sir, I hope that every Member will not only ask questions in this House to know what is going on in their constituencies, but will also be writing to the Ministries concerned.

Mr. Temporary Deputy Speaker, Sir, I would like to assure them that they will never be told that, that is Majimbo, but they will be seen to be looking after the interests of their constituencies.

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

**MOTION**

ADOPTION OF SESSIONAL PAPER NO. 1  
OF 2000 ON NATIONAL POPULATION POLICY  
FOR SUSTAINABLE DEVELOPMENT

THAT, this House adopts Sessional Paper No.1 of 2000 on National Population Policy for Sustainable Development laid on the Table of the House on 27th April, 2000.

*(The Minister for Planning on 2.5.00)*

*(Resumption of debate interrupted on 2.5.00)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Mwakiringo was on the Floor the last time. He has 15 minutes.

**Mr. Mwakiringo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I was explaining where we have gone wrong. When the British colonised us, they knew that if they suppressed the Africans in terms of salaries, they should

supplement by giving them free housing. We inherited that from the British, but unfortunately, the gap for the haves and have-nots has been widened by the fact that corruption and grabbing came in. If for anything, we have suppressed the lowly paid civil servants by grabbing the free houses which were built by the Government and selling them to private developers.

Mr. Temporary Deputy Speaker, Sir, I am saying that if we have to achieve and sustain the goal of this Sessional Paper, let the Government repossess all parcels of land and buildings belonging to the Kenya Railways Corporation and the Kenya Ports Authority so that civil servants can be housed at a cheaper rate and make them own those houses. The Government should inform civil servants and the common wananchi on its programmes and not allow a few individuals to get richer at their expense.

Mr. Temporary Deputy Speaker, Sir, I have gone through this Sessional Paper and I have seen that it is good, but if those in the Government who are supposed to explain to the people about the intentions of the Government are not paid well, nothing would succeed. When our local chiefs and assistant chiefs who are employed from the local areas have not been taken for training for the last five years in order to be told what their roles are, because they are the people who are supposed to tell wananchi what the Government wants to do, we would not achieve anything. That is where the big failure is, because if that role is left to the politicians, they would never tell the people what the Government intends to do. As you have observed, wherever politicians go, even to funerals and wedding functions, most of them engage in politics against one another, the Government, or in a lot of other issues which are unrelated to what the Government wants to do and what the role of the mwananchi is supposed to be.

If we have to realise the objective of this Sessional Paper--- I am still not satisfied with our local professionals. They are part and parcel of corruption and the deteriorating economy in this country. For example, the medical fees charged by our doctors cannot allow some of us who are in Parliament and working in the Civil Service to enjoy their medical services because they are too exorbitant. Likewise, we cannot reach quite a number of lawyers. I would urge the Government to talk to these professionals so that they can lower their fees in order for the common mwananchi to reach them if we have to sustain the development of this country.

We have talked so many times about corruption, and I think it is high time we said no to whoever wants to corrupt us. Let us pay well and house the civil servants so that they are not corrupted. There is no way a civil servant can give good input if he or she does not have bus fare to go home in the evening. But if we pay them well, I am sure we will end this "animal" called corruption. Our police officers are sons and daughters of Kenya, but the amount of salaries we pay them is peanuts and, therefore, when we hit at them by referring to them as corrupt, it is because they cannot make ends meet. If we give policemen and other civil servants good salaries and house them well, there will be changes in this country. All people can only be involved in the development of this country when there are no major salary differentials.

Mr. Temporary Deputy Speaker, Sir, we liberalised, but there is no way we can have a liberal market if we do not have strings to pull. We should always attach strings to our liberalization policies like it happens in the United States where they have put quotas on what is to be imported from certain countries. I think it high time we attached some strings to importation so that we can protect the local industries which are dying, rendering many people jobless. We should allow only a certain quota of maize to be imported into the country. We have gone to the extent of even importing chickens and eggs yet they are locally available. We have always had a notion that whatever comes from outside the country is better than what is homegrown. The Ministry of Planning should attach strings to imported goods. For example, even if your wife is a converted Christian and she wants to go and praise the Lord overnight, you have the right to deny her the opportunity because she has to take care of your children.

Mr. Temporary Deputy Speaker, Sir, we should reduce the imbalances in our society if we have to move forward. For example, when the common wananchi are arrested and taken to court, their cases are handled expeditiously, so that within one or two weeks the cases are over. But for cases involving people in big positions in this country, their cases take years and years to be completed, thus justice not being seen to be done. Some of those cases involving big shots should be done with expeditiously. For example, the Goldenberg issue should be done with very fast, so that wananchi can appreciate our courts.

Mr. Temporary Deputy Speaker, Sir, we should fully explore our local resources. For example, we should make use of the palm tree at the Kenya coast so that it benefits those who grow it, by, for example, selling palm wine, brooms and firewood. I can assure you, if we did that, we would have involved everybody in the sustenance of this national policy. Also available at the Coast are citrus fruits and cassava, which should be managed and their resources exploited with assistance from the Government. This will get rid of the imbalance in sharing the national cake.

Mr. Temporary Deputy Speaker, Sir, there is the Tumin Company which is going to start mining in Kwale. As Members of Parliament from the Coast Province, and especially those from Kwale, we are not supportive of this mining because there is no need mining the product and taking it raw for shipment abroad, where it is processed, priced and then brought back. Tumin Company must put up a small factory within Kwale so that they can do part processing

at the coast before they send the raw material to their country for further processing. The Government should not let this company export the raw material direct from Kwale. Mr. Temporary Deputy Speaker, Sir, I worked for SGS Company, which is an international company dealing in inspections. Besides that, there is Bureau Veritas, Cotechna, and, recently, Swipco was contracted. Instead of Swipco doing inspection of goods which are coming into the country, it is auditing other inspection firms. How do you set a thief to audit another thief? This company led KBS to lay off 345 people because it had detained the clearance documents for buses which were shipped from South Africa through Tanzania.

Kenya is a signatory to the World Trade Organization, and there is a clause in that Treaty that stipulates that when you buy block material, either used or not used, it is as where it is---. This is exactly what KBS did in the purchasing of those buses, but the Swipco Company detained the documents for 31 days, prompting the KBS, Mombasa, to declare 345 people redundant.

I beg to support.

**The Temporary Deputy Speaker** (Mr. Imanyara): I would like to inform hon. Members that Dr. Wekesa will be making his maiden speech. Proceed!

**The Member for Kwanza (Dr. Wekesa)**: Mr. Temporary Deputy Speaker, Sir, in 1987 there was the Nyamweya Electoral Commission which created Kwanza Constituency. When I spoke in the House then, I said I was the first hon. Member for that constituency. Today, as I stand before the House, I think I am the first hon. Member of Parliament to be elected into this House this century. This I owe to Kwanza voters, who bestowed upon me the honour of serving them for the second time. That by-election taught the Kwanza people three main things which I would like to share with hon. Members.

But, first, I am grateful to all hon. Members who enthusiastically received me in the House during the time I took the oath a couple of weeks ago. I was amazed at the reception I received, which showed unity of purpose. The unity with which hon. Members of FORD(K) turned up in Kwanza Constituency to support me was overwhelming. This was not only support from FORD(K), but the support that I got from other parties.

Mr. Temporary Deputy Speaker, Sir, you were very gallantly advising me and the others from your hospital bed. I was very grateful for what you did. Hon. Members of Parliament, led by the national Chairman of FORD(K), hon. Wamalwa Kijana, all turned up in Kwanza Constituency to give support to the party. If we can show this unity that hon. Members of FORD(K) showed, I think we can, in two years' time, rule this country.

I would like to mention the hon. Members who turned up in Kwanza Constituency. These are Dr. Kulundu, hon. Khamasi, hon. Wamunyinyi, hon. Donde, hon. Sifuna, hon. Munyasia, hon. Munyes, hon. Kombo and hon. Wanjala. These represent over 50 per cent of FORD(k) hon. Members. I am, indeed, grateful to them. I think without them, the election would have been more difficult.

I would like also to mention the fact that the Democratic Party of Kenya (DP) agreed that it would not field a candidate in Kwanza Constituency, and similarly, the National Development Party of Kenya (NDP) did the same. Again, this shows that if parties can unite on national issues, and even on small issues such as this, our country would not have problems such as the ones we are having now, whereby, parties are jostling for power. I must mention the name of the District Branch Chairman of DP, a Mr. Mutwol, who spent a whole two weeks with us campaigning for FORD(K). A DP councillor spent two weeks campaigning with us. We thought at some stage that KANU also would not field a candidate in Kwanza Constituency, but it went ahead and fielded a candidate even when it knew that for a long time now, the Constituency has been a FORD(k) stronghold.

Mr. Temporary Deputy Speaker, Sir, this election also demonstrated to Kenyans that those few of us who represent multi-ethnic areas, for example, in Nairobi, Nakuru, Kwanza and Laikipia Constituencies and seek tribal votes have their days numbered. I was particularly touched by the turn-out of non-Luhyas to vote for me. People expected that FORD(K) would only be supported by Luhyas in Trans Nzoia District. At some stage, you have heard of certain people being referred to as "KANU damu". This is something of the past now. The Kalenjins, represented mainly by Sabaots, Sebeis and the Nandis, voted in large numbers for FORD(K). If this is a sign of things to come, we, in ford(k) should start seeing some light in the tunnel.

The problems that we have had in Kwanza Constituency were ably articulated by the late hon. George Kapten. Even before that, when I was an hon. Member of Parliament, I did the same. Even before me, hon. Gumo, the hon. Member of Parliament for Westlands, articulated the same problems. These problems are still with us. These are mainly cattle rustling, the insecurity that goes with it, the land problem, and recently, the clash victims problem. Cattle rustling has caused untold problems to people in Kwanza Constituency. The African loves his cattle, sheep, chickens and camels. When you deprive somebody for nine to ten years of the opportunity to keep these animals, you create a very sad situation. We are talking about poverty eradication. How do you eradicate poverty when you have taken away the environment that makes it possible for somebody to keep his cow and goat and provide milk and meat for his family? This has gone on and on.

Mr. Temporary Deputy Speaker, Sir, needless to say, one of the things that a prospective parliamentary candidate has to do in Kwanza Constituency is to ensure that when he goes to Parliament, he will bring security to the area. It is only recently that I learnt through the newspapers from Nairobi that cattle from Prof. Onger's farm, who is a resident of my constituency, were stolen. His farm is adjacent to somebody's whom you might have heard of last year, a prominent farmer called Mr. Zachariah Shimechero, who lost over 300 head of cattle. That was his only source of livelihood. You can imagine 300 head of cattle being moved from somebody's farm unnoticed and vanishing. So, 22 animals were taken from Prof. Onger's farm. He was not the only one, but in the same week, cattle rustlers invaded the home of Mr. Daniel Rotich, shot his daughter and wanted to take away his cattle.

I saw Daniel Rotich yesterday and he told me: "Why would they shoot my daughter? They should have just taken the animals". He shouted loudly and neighbours came, and these rustlers just ran away but they had shot his daughter. This is a daily happening in Kwanza.

I have heard some of the hon. Members sitting here talk about security. That is security of property and life, and our Constitution guarantees that the Government will make sure that our property and lives will be safeguarded. I was pleased to learn that even hon. Manga, while addressing a meeting in his constituency, echoed the same sentiments, that, maybe, all of us hon. Members should take security more seriously than we are doing. Today it is Kwanza. Tomorrow it will be Isiolo, Likoni, Tharaka-Nithi and Kuria. All these areas!

What has the Government done about security for the last ten years? We have lost a lot of people in Kwanza. I was interested to hear about the concerns of hon. Members regarding the two soldiers that are missing in Sierra Leone. However, you know we can lose ten people in Kwanza and nobody cares or talks about it. Of course, I am concerned about those two soldiers that are missing in Sierra Leone, but I am very concerned about the recurrent problem of insecurity in this country. What is this Government doing about it? What plans does this KANU Government have for poor people in Kuria and Kwanza who cannot have seven hours of sleep? It is high time that the KANU Government packed up and left so that we can have somebody else to run this Government. We should have somebody else who can care for our property and lives. It is now obvious for many years that the KANU Government does not really care about people's welfare.

Mr. Temporary Deputy Speaker, Sir, coming back to cattle rustling, I was interviewing this Daniel Rotich and, of course, I already knew what he told me, but he said that we need more KPR (Kenya Police Reservists) in the area. Now, there are more guns in West Pokot District and all the animals that leave Trans Nzoia District have three routes through which they go, and this Government has detailed information about these routes. These animals are stolen by people from West Pokot District. They have been stolen for years by people from this district. Members of Parliament from Marakwet and Turkana Districts have complained about cattle rustling by people from West Pokot, and we, in Trans Nzoia have complained for many years about the same issue. I would have thought that the Government would sit down and do something about it because it has become a song. There are more guns in West Pokot than any other district. We have requested over the years that the Government should go and search for these illegal guns and withdraw them. We have also requested that we should have more KPRs and protection from the police.

Now, the Government has tried to place even GSU units on these three routes which the stolen animals are transported, but these animals keep passing these security personnel. The people continue to sleep. The animals are stolen by people who are known in West Pokot District. They are stolen through collaboration with the local West Pokot people that live in Trans Nzoia District. We are asking the Government, through the administration, that the chiefs, District Commissioner and District Officer in West Pokot, and all the administrative officers, should be more vigilant because these animals are usually kept in public areas. They cannot be hidden. Our administration has tried to liaise through constant meetings, but it has been unable to solve these issues. I promise my constituents that I will do what is possible to let the Government understand that we also, in Kwanza, need to have our property protected. I will not rest for the next 24 months that I will be in this House, God willing. I will make as much noise as I can. I will make information available to the Government. I will have constant meetings with Members of Parliament from West Pokot, Elgeyo-Marakwet and Turkana districts, if at all we can be of any use.

Mr. Temporary Deputy Speaker, Sir, the next problem in Trans Nzoia District is that of land. We have so many squatters in my constituency. I think my constituency is the only one that has a lot of Government farms through The Agricultural Development Corporation (ADC). These farms have been given out to people quietly. These farms have been given out as rewards to certain individuals in this country. These farms have always been given out. Twenty years ago, when I bought a farm in Trans Nzoia District, it was advertised in the national Press, and at that time I was the District Veterinary Officer in Kisii.

I did not know where Trans Nzoia was, but I saw a farm which was advertised by ADC. I wrote a letter of application and received a reply. I was interviewed and, eventually, bought the farm. Where has transparency gone to? Somebody can quietly get ten to 15 farms if he or she is a DC or somebody important in Trans Nzoia. How can an

old woman or a youth who has just left school get their hands on the farm? We are saying that the time of giving Government land to important individuals and people in the system must end! I would like to say this: I spoke about this issue for five years when I was a Member of Parliament. I had the misfortune of being an Assistant Minister. So, I could not speak too much! Now, I am not an Assistant Minister, and I will say it loud and clear that, while I am the Member of Parliament for Kwanza, I will not sit there and watch people, who do not deserve to get land, get land and then we do nothing about it! We will do a lot about it. I will not use the tactics of 1988 and 1992. I will be very clear. I will say that, only squatters will be given land in my constituency. The youth that we talk about every day are looking for jobs. Their fathers are squatters in Trans Nzoia. We will give one or two-and-half or five acres to those youths. We will not give land to Members of Parliament and Government servants in Trans Nzoia any more!

Mr. Temporary Deputy Speaker, Sir, if the Government cannot hear the small man, we are getting lessons from Zimbabwe! We will do the same! We will invade the land with the youths who do not have jobs and occupy it! We will not stand there and watch DCs, PCs, military officers and top civil servants get land quietly. As a Member of Parliament for Kwanza Constituency, I will not sit back and see that happen! Since my Constituency is multi-ethnic, I will not sit back and see one tribe get Government land only. We will make as much noise as we can.

Mr. Temporary Deputy Speaker, Sir, the final problem in Kwanza that I will address for the next two years is with regard to the land clash victims. All over Kolongolo, Matisi and Kimilili, we have a lot of people who were displaced in 1991, 1992 and 1996. Those people were displaced by the ethnic clashes, and they still reside in market places. They have not gone back to their farms. We ask the Government to give protection to those people. If the land has been settled on by other people, or the Government has given out the land to its favoured groups of people, we demand that those people be settled on the ADC Farm that we have referred to. Those people have serious problems in educating their children because they live in market centres; they are afraid to go back to their land. Some of them cannot go back to their land because it has been taken over by other people. I am sure the same situation is in Molo and other areas. We ask the Government to consider re-settling those people in an orderly manner.

With those few remarks, I beg to support.

**Mr. Mwiraria:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise wholeheartedly to support the Motion. First, let me start by congratulating the Minister and his team for a job well done. Bringing down the population rate of growth from 4 per cent to 2.8 per cent in just about 20 years is no mean task. At the same time, the Ministry and the National Council for Population and Development have brought down the fertility rate from 7.7 children per woman, to 4.7 children per woman. Let me also join my colleagues in congratulating them for a job well done, and for a document well written.

Mr. Temporary Deputy Speaker, Sir, I have only two very minor problems that I would like to raise. The first one relates to a mention in the document of the problem of wife-sharing. I have never heard of wife-sharing in Kenya. I did not think we had polyandry or something similar to what exists in India. Could the Minister, in his reply, educate those of us who are not aware of the social norm of wife-sharing in the country? Just in case the Minister would want to know where this item has been mentioned, I will look for it and mention it later.

My second point is that the Paper, which I have said is excellent, mentions the fact that, perhaps, two of the most important factors in bringing down the rate of population growth, or the fertility rate, is education of women, and improvement of the economic status of Kenyans. Unfortunately, when I read through the document, there is no attempt to tie in economic development with population policy. I looked through the document and checked all the sectors where you have mentioned education, agriculture and health. The only thing that the Paper mentions is the use of agricultural activity in educating people on the population policy. But there is no mention of the fact that, even more important, the Government should address itself to the policies which will increase the rate of economic development, because the more well-off the people become, the less children they will bring forth. That goes for all the Government Ministries which are listed, and whose co-operation efforts are given in Annex One. I think it would be important if, in revising this document, emphasis would be given on the need to enhance economic development, and economic well-being of all Kenyans, as part of the population policy.

Mr. Temporary Deputy Speaker, Sir, the most regrettable aspect of the document is the hard facts which have been raised. Really, the question is whether the gains which I have referred to, and which are really excellent are going to be negated by the inability of our Government to offer proper health services in order to increase the Gross Domestic Product (GDP) and generally alleviate poverty. The Paper raises concerns about what is going to happen to our population policy following the very drastic drop in the incomes of Kenyans. During the last 16 years, the incomes of Kenyans have dropped by half. In fact, at the same time, the amount the Government is spending per capita in the country has dropped by much more because, in the same period, the amount of money the Government has been spending on health per capita has dropped from US\$10 per person to US\$3. The result of this is that, today, we have a much higher rate of infant mortality and maternal mortality, death rates due to diseases which can be treated, such as malaria, typhoid, cholera *etcetera*. All these factors may, to a certain extent, appear to be lowering the rate of

population growth, but is this what we want as a country? Do we want a country in which HIV/AIDS has overtaken all other diseases and is killing the people at the prime of their lives?

### QUORUM

**Mr. Kibicho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum in the House.

**The Temporary Deputy Speaker** (Mr. Imanyara): Unfortunately, there is no quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! We have a quorum now. Proceed, Mr. Mwiraria!

**Mr. Mwiraria:** Mr. Temporary Deputy Speaker, Sir, before the notice of lack of quorum in the House was raised, I had asked the Minister to educate some of us on where wife sharing takes place.

On page 23 of the document, the third paragraph reads as follows:-

"Kenya is a multi-ethnic country with varying customs and cultural practices. Some of these customs have been retained despite the fact that they have very adverse effects on human reproduction..."

**Mr. Kirui:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Will I be in order to call upon the Mover to reply because we have dealt with this Motion for quite some time?

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Mwiraria is the Deputy Leader of the Official Opposition. Let us give him some little more time. Proceed, Mr. Mwiraria!

**Mr. Mwiraria:** Thank you, Mr. Temporary Deputy Speaker, Sir, for your indulgence.

When I started, I said that I would be very brief. I was only drawing the attention of the Minister to this fact, which is on page 23 of the document the third paragraph.

The last sentence of the third paragraph reads as follows:-

"The cultural practices, which include female genital mutilation, early and force marriages, polygamy, frequent births, wife sharing, wife inheritance, wife beating, food taboos *et cetera*."

I just wanted information on that.

Mr. Temporary Deputy Speaker, Sir, the other point I was making and which I really want to spend a little time on, is the fact that, without economic development, the gains we have made will be lost. The document clearly states that, in the first two decades of Independence, GDP grew at an average rate of about six per cent. Since then it has gone down to almost zero. But what are the causes of this low growth rate? The Policy Paper, on page four, claims, among many other things, that it is due to the lowering of trade terms, reduced export earnings and the capacity to import capital goods.

Mr. Temporary Deputy Speaker, Sir, as Kenyans, we must get to terms with the reality in this country. Corruption has been a major contributory factor to the lowering of development, and that should have been included in this document. Reduction in assistance or aid has been another factor. Equally important is the imbalance in the distribution of wealth. In fact, when we talk about our inability to save around 30 per cent of the Gross Domestic Product (GDP), the main reason is that the ten or so billionaires in this country, prefer to bank their money outside Kenya and not in this country so that the money which should have constituted savings in Kenya is invested abroad. This is another factor which we ought to acknowledge.

Mr. Temporary Deputy Speaker, Sir, of late, we have been talking about poverty alleviation. If we are really serious in eradicating poverty, then the Government must start off by eradicating the agents within the Government, who are aggravating the poverty afflicting the common mwananchi. Let me give a simple example. In North Imenti, the number of locations have been increased recently. In the 7th Parliament, there used to be seven locations, but now, I have got 18 locations. Consequently, we have a lot of chiefs' camps with a lot of administration policemen who have made it their duty to hold kangaroo courts in those camps. They arrest women or young people and take them to the chiefs' camps and accuse them, more often than not, of having brewed chang'aa or being in possession of bhang. They always intimidate their victims that they will be fined Kshs6,000 or more in the event of being taken to court. So, these people are exhorted to pay Kshs2,000 to the administration policemen, so that they can be set free. So, the poor wananchi are spending a lot of energy to collect funds in order to get their people out of these camps and those kangaroo courts. My sincere request is that the Government should stop these happenings because they are helping to increase the poverty afflicting wananchi.

Another example is that, recently, the forests in North Imenti and other parts of Meru were almost destroyed. They were on the verge of being completely destroyed because a few individuals were making money by allocating people Government forests for the purposes of logging. We are now experiencing drought because of such activities.



Unless these things are stopped, we can talk about poverty alleviation without any end.

Mr. Temporary Deputy Speaker, Sir, I would now like to make some recommendations on what I would like to be included in the final Policy Paper. I feel that women's education is pivotal to the advancement of our policy on population. The more education we give to our girls, the more they will understand the essence of fertility reduction, population growth rate and reduction. Therefore, our population policy will be stronger. I would like to see that point being emphasized and brought out throughout the Paper. The other point which I would like to see being included in the Paper is population education and responsible parenthood. We should make this a necessary requirement in our education system so that every child in this country is taught. This is not the time for us to be shy about population education. Responsible parenthood is long gone, with the advent of HIV/AIDS. Due to the fact that many people are dying from AIDS today, it behoves us as a nation to give emphasis and priority to this kind of education.

Mr. Temporary Deputy Speaker, Sir, I would like to see included in the objectives of our population policy, the two points which I have mentioned; that is the education of women and economic development. These two play a very major role in enhancing awareness on population policy, and also in lowering population growth rate and the fertility rate.

With those few remarks, I beg to support.

**Mr. Kibicho:** Mr. Temporary Deputy Speaker, Sir, the target of this Policy Paper is to bring down the population growth to 1.1 per cent in the year 2010. That can only be achieved if the assumptions in this Paper are realised. The Paper recognises that economic growth is the best control of the population. Most of the Members who have contributed to this Motion today have dwelt on economic issues, and one would be doing this Paper a lot of damage if he did not touch on economic matters.

Mr. Temporary Deputy Speaker, Sir, in this country, we have a situation where there is no growth at all. We have not addressed ourselves fully on that score. This economy cannot grow unless the domestic debt is controlled and the credit facility is available in the banks, so that farmers, industrialists and businessmen can have access to cheap credit. This economy cannot grow so long as there is instability in this country. There seems to be general breakdown of law and order. You notice, and this House will agree with me, that three-quarters of this country is not arable. Unless this Government addresses itself on how to make that part of the country arable, whatever policies we come up with, we will never grow. When I talk of instability, I have in mind what is happening in the northern part of Kenya, the North Rift, Nairobi and elsewhere in this country.

Mr. Temporary Deputy Speaker, Sir, when we talk of instability, we should not only be addressing ourselves to tribal and inter-clan clashes, but the general insecurity. The most pathetic part of it is that, when we ask questions on security in this House, the Ministers, the people who are supposed to be answerable to this House, appear to be sympathetic with what is happening within the law enforcement agencies of this Government. While we condemn what is happening---

**Mr. Kajembe:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This Motion has been discussed exhaustively. I suggest that the Mover be now called upon to respond.

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Due to the fact that many Members have contributed to this Motion, I would oblige the Minister to respond.

**Mr. Mbitiru:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We still do not have any quorum in this House.

**Hon. Members:** We have a quorum. Just count; we are 33!

**Mr. Kibicho:** Can I continue, Mr. Temporary Deputy Speaker, Sir?

**The Temporary Deputy Speaker** (Mr. Imanyara): There is a quorum. You may continue, Mr. Minister.

**The Minister for Planning** (Mr. Ndambuki): Mr. Temporary Deputy Speaker, Sir, I beg to reply---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Minister! It is quite obvious that we do have a lot of business to cover. As you know, we are going on recess on Thursday, and, I think it is reasonable for the House to consider that now.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**The Minister for Planning** (Mr. Ndambuki): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I take this opportunity to thank all hon. Members who have contributed to this Motion. I have taken note of the very useful comments and suggestions that have been made. Let me assure this House that those suggestions will be taken into account during the implementation of the National Population Policy for Sustainable Development.

During the debate, hon. Members raised a wide range of issues and I would now like to respond to them. For example, hon. Mwenje talked about non-payment of members of staff who participated in the census. I would like to assure him that in the next three weeks, we are going to pay about Kshs50 million to those people who have not been paid. He also raised the issue of accuracy of the census.

I would like to assure him that we have done a post-census exercise in 530 villages in 53 districts all over the country, and the results we are getting tally with what we got from the actual census.

Mr. Temporary Deputy Speaker, Sir, hon. Michuki raised the issue of AIDS funds being used for KANU delegates, but I want to assure him that, very many people were educated about AIDS during that session.

Mr. Temporary Deputy Speaker, Sir, the focus of this Policy Paper is on population. It is, therefore, not in a position to address comprehensively, issues that are outside this domain. Therefore, it would be out of context for this Paper to discuss substantially, issues related to the economy, employment, land, agriculture and other areas mentioned by hon. Members. Specific sectoral policy and strategy papers comprehensively and sufficiently deal with those issues.

Mr. Temporary Deputy Speaker, Sir, the concern of the Government on rapid population growth is not based on the fear that the country cannot support a much larger population than at present, but we are concerned about obstacles which rapid population growth places on economic development. It diverts resources from investment, to providing the basic services.

For a country to achieve a high rate of economic growth, a sustained high level of investment, financed through domestic savings, is required. However, the level of domestic savings is low because most Kenyans' income is consumed.

Mr. Temporary Deputy Speaker, Sir, the standard of living of the people falls when population growth outstrips economic growth rate. This is precisely what has been---

**Mr. Kibicho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to continue reading from the notes instead of referring to them?

**The Temporary Deputy Speaker** (Mr. Imanyara): He is responding to the issues raised. Proceed, Mr. Minister.

**The Minister for Planning** (Mr. Ndambuki): This is precisely what has been happening in Kenya. For the past four years, average real growth in the GDP has dropped to less than 2 per cent per annum, while the population growth per annum is 2.8 per cent. Therefore, a dual approach is needed to address deteriorating standards of living of the people of Kenya. Growth in population has to be managed. Policies and strategies---

**Mr. Michuki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister misleading this House. The issue is how to improve those standards of living.

**The Temporary Deputy Speaker** (Mr. Imanyara): What is your point of order, Mr. Michuki?

**Mr. Michuki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to repeat the same mistake he has made by failing to emphasize the need to promote economic growth in order to improve the standards of living, instead of controlling the population in order to share poverty?

**The Minister for Planning** (Mr. Ndambuki): Mr. Temporary Deputy Speaker, Sir, the issue of economic development is being addressed in other fora, like the MTA(?) which is now coming up. I do not see the point of addressing it at the moment.

Mr. Temporary Deputy speaker, Sir, it is true that the high fertility rate is now declining in Kenya. The total fertility rate, which is defined as the average number of children that will be born alive to a woman during her life time, has declined from 6.7 children per woman in 1989, to 5.4 children in 1993, and to 4.7 children in 1998. This means that an average woman today can have two children less than a woman would have had in 1989. This decline can be explained by several factors, which include use of contraceptives, age at first marriage, and education status for women.

Mr. Temporary Deputy Speaker, Sir, use of contraceptives increased from 17 per cent in 1984, to 39 per cent among current married women. Age at first marriage increased from 18 years among women aged 40-49 years, to 20 years for women aged 25- 29 years. Similarly, the educational status for women has improved. There are factors which explain the observed drop in fertility. Contrary to what one of the hon. Members would have us believe, lack of food has not been proved to have caused decline in fertility.

Mr. Temporary Deputy Speaker, Sir, I cannot agree more with some hon. Members that young people have many problems. Young girls face the problem of early pregnancy, and related deaths resulting from induced abortions.

Many young people contract the AIDS virus as they go on sexual expeditions without having the benefit of accurate and sufficient information on how to protect themselves from sexually transmitted diseases, including HIV/AIDS. All this happens because the socio-cultural environment is hostile to young people, who do not receive sexual and reproductive health information services.

Mr. Temporary Deputy Speaker, Sir, another serious problem that our girls face is female circumcision, which is prevalent among some communities in this country. Circumcision is a violation of internationally agreed upon human rights of the child as put forth by the United Nations Convention on the Rights of the child, which Kenya ratified and endorsed in the ICPD programme of action.

The hon. Members of this House can make a difference if only they spoke without fear, and supported programmes that provide appropriate reproductive health information, counselling and service for the youth.

Mr. Temporary Deputy Speaker, Sir, I expect hon. Members to support Bills and policies that facilitate access to appropriate reproductive health information, counselling and services to assure the health of our youths, and programmes that discourage early marriages and child birth in favour of education. They should promote education for girls, and training opportunities that go beyond basic literacy.

Mr. Temporary Deputy Speaker, Sir, I appreciate the fact that poverty is a major challenge to the successful implementation of this policy. The Government is concerned about the increase of poverty in the country. As hon. Members are aware, the Government is making concerted efforts to review this menace. The implementation of this policy will improve multi-sectoral and multi-dimensional strategies covering a broad range of intervention.

Mr. Temporary Deputy Speaker, Sir, the Government, therefore, will maintain and strengthen close collaboration with non-governmental organisations and the civil society.

Hon. Members are, therefore, urged to initiate and encourage positive and collaborative dialogue among all members of society, including political regions, communities, health education, the media organs and members of the business fraternity, in order to address issues relating to population increase.

With those remarks, I beg to move.

*(Question put and agreed to)*

## BILL

### *Second Reading*

#### THE CAPITAL MARKETS AUTHORITY

##### (AMENDMENT) BILL

**The Assistant Minister for Finance** (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Capital Markets Authority (Amendment) Bill be read a Second Time. As hon. Members are aware, this Bill is very closely related to the Central Depositories Bill in that they both seek to drastically modernise our capital markets. Indeed, operations of the Central Depository (CD) system will form a major part of the Capital Markets Authority (CMA) regulatory function. While the CD Bill deals with the establishment of the modern and robust infrastructure for the transfer and registration of securities, the CMA (Amendment) Bill addresses the participation of investors.

**Mr. Michuki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to move that the Bill be read the Second Time without indicating when it should be read a Second Time?

**The Assistant Minister for Finance** (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, I hope that the hon. Member is not being petty; I thought he understood that the Bill is being read now.

**Mr. Michuki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a matter of procedure; the Assistant Minister omitted the word "now" while moving, and that does not tell us when the Bill should be read a Second Time. Should we not follow the procedure of this House if we have to get things right?

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Assistant Minister, when you were moving, you left out the word "now".

**The Assistant Minister for Finance** (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, I believe I said so. However, for the benefit of the hon. Member, I beg to move that the Bill be now read a Second Time.

**The Temporary Deputy Speaker** (Mr. Imanyara): Thank you; you may now proceed.

**The Assistant Minister for Finance** (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, as I was saying, while the CD Bill deals with the establishment of modern and robust infrastructure for the transfer and registration of securities, the CMA (Amendment) Bill address the participation of investors through collective investment schemes, private placement and safe income securities, which do not presently have operational rules and guidelines. It also

provides for statutory management of licensed persons, and an appeals tribunal for appeals against the decisions of the Authority. In the event, it is proposed to re-name the Act as "the Capital Markets Act", thus denoting the scope of its operations.

Mr. Temporary Deputy Speaker, Sir, it is no longer going to be possible to attract foreign portfolio investments, which are essential for rapid economic growth, unless we can offer investors the same quality of service and an attractive investment opportunity that they can get from any other country in the world. In this connection, the objective of proposed amendment of the CMA Act is to strengthen the regulatory powers of the Authority; and harmonise and define the regulatory framework in line with emerging challenges and the sophistication of the financial markets. This will give confidence to investors and professionals in the capital markets, and help channel savings into productive enterprises contributing to the development of our economy. Collective investment schemes elsewhere in the world have proved to be important investment vehicles for mobilising savings and facilitating access by small investors to the capital markets, thus enabling such investors to benefit from economies of scale and professional management enjoyed by portfolio investors. Unit trusts Act have been observed as one of the three forms of collective investment schemes, and, consequently, the Unit Trusts Act Cap. 521, is proposed to be repealed. The other forms of collective investment schemes are mutual funds and investment companies. Consequently, the only operational collective investment scheme in Kenya, the ICDC Investment Company Limited, will need re-organisation, and there are transitional provisions to enable it comply with the legal framework for the operation and regulation of collective investment schemes proposed in the Bill under Clause 22.

Mr. Temporary Deputy Speaker, Sir, the amendments also seek to empower the Capital Markets Authority (CMA) to issue guidelines and regulations on the operations of collective investment schemes. This will enable the Authority to respond swiftly to the needs of this new sector, and facilitate its orderly development with minimal risk to investors.

#### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Manyara): Hon. Members, it is now time to interrupt the business of this House. Therefore, the House stands adjourned until tomorrow, Wednesday, 10th May, 2000, at 9.00 a.m.

The House rose at 6.30 p.m.