

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 2nd July, 1998

The House met at 2.30 p.m.

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

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Sessional Paper No.1, of 1998 on the taking over of servicing of outstanding loans covered under the Exchange Risk Assumption Fund amounting to an equivalence of Kshs736,959,824 from the Industrial Development Bank.

*(By the Assistant Minister for Finance (Mr. Lomada)
on behalf of the Minister for Finance)*

The Annual Report and Accounts of the Kenya Ferry Services, for the year ended 30th June, 1991 and the certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of the Kenya Railways Corporation, for the year ended 30th June, 1994 and the certificate thereon by the Auditor-general (Corporations).

The Annual Report and Accounts of the Kenya Ports Authority, for the year ended 30th June, 1996 and the certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Transport and
Communications (Mr. Obure) on behalf of the
Minister for Transport and Communications)*

The Annual Report and Accounts of rural electrification schemes for the year ended 30th June, 1995 and the certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Tana River Development Company for the year ended 30th June, 1995 and the certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Kenya Pipeline Company Limited, for the year ended 30th June, 1995 and the certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Transport and
Communications (Mr. Obure) on behalf
of the Minister for Energy)*

The Annual Report and Accounts of Kenya National Trading Corporation, for the year ended 30th June, 1995 and the certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Transport and
Communications (Mr. Obure) on behalf of
the Minister for Trade)*

NOTICE OF MOTION

ESTABLISHMENT OF OFFICE OF OMBUDSMAN

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, in view of the fact that the Government is committed to the principles of transparency, accountability and good governance in the management of public affairs and considering the high levels of corruption, tribalism and nepotism currently rampant in our society; this House urges the Government to establish the office of Ombudsman with the autonomy and strength to check these vices.

ORAL ANSWERS TO QUESTIONS

Question No.135

ALLOCATION OF LAND TO MR. MUTAMBO

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

(a) whether he is aware that Mr. Francis Mutambo of Box 354, Bungoma, deposited Kshs1,100 with the District Commissioner, Bungoma, in January 1968 for buying 15 acres of land in a settlement scheme;

(b) if he is further aware that the then Bungoma District Commissioner, Mr. D.A. Indwasi, confirmed to the Senior Settlement Officer, Nzoia, Box 27, Moi's Bridge, that he received the money from Mr. Mutambo under the DCs letter to the Settlement Officer, Ref.No.ADM/15/14/9/51 dated 25th January, 1968; and,

(c) when his Ministry will allocate Mr. Mutambo his 15 acres of land for which he paid to the Government 30 years ago.

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

This is a rather difficult Question because we have tried to trace the letter in question, but we have made no success. I have just been checking with the hon. Member and found out that he got a retyped letter of 30 years ago. So, we are really trying to dig further into this matter, but we do not have specific records.

Mr. Sifuna: Mr. Temporary Deputy Speaker, Sir, arising from the Minister's reply, this Question was raised in 1981 I do remember that hon. G.G. Kariuki, who was then the Minister of State, Office of the President answered this Question. He requested me to give him full particulars of the letter and the receipt which I gave to him. The Minister after seeing that letter and receipt promised this House that Mr. Mutambo would be given 15 acres. It is now over 30 years and this old man has been looking for this particular piece of land, comprising 15 acres, but up to now he has not received it. Since the Minister has seen this letter and receipt, could he make sure that Mr. Mutambo is given these 15 acres of land somewhere because the DC and the then Minister, hon. G.G. Kariuki confirmed that they were going to make sure that Mr. Mutambo was given these 15 acres of land? Alternatively could they refund the money to him plus interest?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I would suggest that the hon. Member comes to my office so that we can look into the matter and see how best we can solve this problem.

Question No.079

SUB-DIVISION OF WEST MUGIRANGO LOCATION

Mr. Obwocha asked the Minister of State, Office of the President what has delayed the sub-division of West Mugirango Location in West Mugirango Constituency as recommended by the Nyamira District Development Committee (DDC).

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

It is true that the Nyamira District Development Committee had recommended the sub-division of the said location. This has not been effected because the same leaders have not agreed on the names of the two locations. Once that is submitted, we will go ahead and follow the normal procedures for effecting these recommendations.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, part "a" of the Minister's reply is true that

Nyamira District Development Committee had agreed to split these locations into two. However, the information given under part "b" is false because there was a leaders' meeting in this location. There is no way that the DDC can meet to decide on the names of the locations. It is the leaders of that location who would agree on the names of that locations. When they met at Nyamaiya Chief's Camp, it was agreed that the two locations be Bonyaiguba which will consist of Miruka Sub-location, Bonyaiguba Sub-location, Bomanyanya Sub-location and Bokiamburi Sub-location. The other location was going to be Bomabacho consisting of Bomabacho Sub-location and part of Nyamira Town. This was agreed on. The problem is with the current chief, who does not want to surrender his power. Could the Minister instruct the DC, Nyamira, to effect these changes that the residents of the area have agreed on and tell him that the locations and the names had been agreed on? The two names are Bonyaiguba and Bomabacho.

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, if that information is provided to us, we will certainly ensure that the recommendation is implemented.

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister is referring to Nyamira District. I am not aware of any District in this country by that name. Could he clarify?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I referred to the Nyamira District Development Committee.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I do not know what the hon. Ochuodho is talking about. The people of Nyamira District maintained that the name of the district is Nyamira District. Is there another name for it? It cannot be Rangwe.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, I have given the Minister the information on the names of these locations and where the decision was made. Could he, as a matter of urgency, talk to the Nyamira District Commissioner and verify whether the facts I am giving him are correct? Could he assure this House that he will follow up this matter?

Maj. Madoka: I have no problem with that.

Question No.377

CIVILIAN DUTIES FOR MILITARY PERSONNEL

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

- (a) whether the Kenya Military Personnel perform other civilian duties and responsibilities in addition to their military duties; and,
- (b) if the answer to "a" above is in the affirmative, whether he could specify those non-military responsibilities.

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

(a) Yes, the Kenya Military Personnel do perform civilian duties in accordance with the provisions of the Armed Forces Act, Cap.199 section 3, subsection 2.

(b) The Kenya Army, the Kenya Air Force and the Kenya Navy have on several occasions been called upon to perform civilian duties. The most recent was the installation of a Bailey Bridge in the Mombasa-Nairobi Road at Thange and cattle rustling security operation of the Kenya Police in North Rift Valley and North Eastern Province. The Kenya Air Force has performed Disaster Relief Operations due to floods. This includes transportation of civilians, drugs, famine relief food and the recent air-lifting of election materials and personnel. The Kenya Air Force has often been called upon to perform fire fighting duties mainly in Nairobi in support of the City Fire Brigade. The Kenya Navy has often given free sea transportation to civilians, drugs and famine relief food between Mombasa and Lamu, when Lamu Town is cut off due to floods.

Mr. Donde: Mr. Temporary Deputy Speaker, Sir, I am not really satisfied that the armed forces have been utilised properly in helping disaster areas. The country has just gone through a lot of problems, especially during the *El Nino* rains. Though the Kenya Army was used to construct a bridge, I think there should have been more involvement of the army personnel in giving assistance in times of disasters in this country. Indeed, we have the best engineers in the armed forces who have the best facilities. They are part of this nation and there is no good reason why we should be going through so many problems when our armed forces are funded and are able to

give assistance. Could the Minister assure this House that the armed forces will play a higher profile role in times of disaster, especially when we are at peace?

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, I can assure the hon. Member that, whenever the military will be called upon to assist, they will do so.

Mr. Shaaban: On a point of order, Mr. Temporary Deputy Speaker, Sir. We do recognise the fact that Kenya is now very peaceful and the armed forces are not performing the real military job. In view of the fact that we have not been at war with any country for the last 30 years, could the Minister consider mobilising the Engineering Section of the Military to the arid and semi-arid areas of the country to drill boreholes?

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, just last month, in Turkana District, the armed forces sunk a borehole and they repaired three others which were not in operation. I want to tell the hon. Member that, whenever there is need, the armed forces are ready to assist.

Mr. Wanjala: Mr. Temporary Deputy Speaker, Sir, now that the Minister has consented that the armed forces could assist whenever they are called upon to do so, could the Minister assure this House that the armed forces personnel at Hakati Barracks who never assisted us during that disaster, will assist my constituents in Budalang'i to build a broken dyke? The Action Aid has already given us Kshs2.5 million.

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, that question is not very relevant to what we are discussing. But all I can assure the House is that, I will check whether that is possible and I will advise the House accordingly.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. Wanjala! The Minister is not yet through.

Mr. Ndambuki: I will check whether the army can assist in Budalang'i and I will inform the House later.

Mr. Wanjala: On a point of order, Mr. Speaker, Sir. First of all, I am very happy and grateful to the Minister. He has been there twice during that disaster. So, I wonder what he is going to check again, yet he was there! He should just tell me that the work is going to be done by the army men in Budalang'i.

Mr. Omamba: Mr. Temporary Deputy Speaker, Sir, before I ask my Question, I wish to make a correction. Instead of the name "Ongilo" in the Question, it is "Ongito".

Question No.209

CONSTRUCTION OF BRIDGE ACROSS RIVER KUJA

Mr. Omamba asked the Minister for Public Works and Housing when the Ministry will consider building a bridge or providing a ferry at Ongito on River Kuja to open Gogo area to the rest of Uriri Constituency.

The Assistant Minister for Public Works and Housing (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

The Ministry will build a bridge to connect roads E110, E111 and E103 to Road A1 in future when funds will be available, so that we can open up Gogo area to the rest of Uriri Constituency. Meanwhile, motorists should continue using Uriri-Otega Road---

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. This phrase of "when funds are available" is what Kenyans and hon. Members of this House do not want to hear. We are trying to make a new beginning for this nation. What we are asking the Government to do is to plan and tell us whether in the next one or two years this bridge will be built. We want something that makes sense.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Anyona! I think the Assistant Minister was still answering the Question when you rose on a point of order. So, let him finish his answer first.

The Assistant Minister for Public Works and Housing (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I said that the Ministry will build a bridge to connect Roads E110, E111, E103 to Road A1 in future when funds will be available.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Question is very specific: When will the Ministry consider building a bridge or providing a ferry at Ongito on River Kuja to open Gogo area to the rest of Uriri Constituency? But the Assistant Minister is talking about roads E110, E111 and E103. Where are these roads in this Question? Please, answer the Question on the Order Paper!

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, I am answering the Question that is on the Order Paper. A bridge is built on a road.

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has said that a bridge will be constructed when funds will be available. Funds never become available accidentally. The Government has to plan for them. So, is this particular bridge in the Government's plan? Are these funds going to be available accidentally or you have planned for them? If you have planned for them, when are they going to be available?

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, the building of this bridge, as I said, is in our plan. We build bridges and roads according to the resources available to us. At the moment, we cannot afford to build this bridge.

Mr. Sifuna: Mr. Temporary Deputy Speaker, Sir, the Question asks clearly whether the Ministry will build a bridge or provide a ferry. Now, since we have a "permanent marriage" between the NDP and KANU, could the Assistant Minister consider providing these facilities to Luo-Nyanza, as part of the dowry, before this "permanent marriage" breaks up?

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, I have said here before that, my work is to allocate the Ministry's funds to various projects in the country. It has nothing to do with the co-operation between NDP and KANU.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, dowry or no dowry, a bridge will be very little "dowry" compared to the bride price. The Assistant Minister is, probably, not very acquainted with the terrains he is talking about. The bridge he is talking about is 20 kilometres away from the spot where the hon. Member is suggesting a bridge to be constructed. Over a stretch of 30 kilometres of that river there is no bridge. The residents have real problems crossing over if they want to marry from across the river. Could the Assistant Minister, therefore, now that I have given him a additional information, investigate further and try to find a way of making funds available in order for the Ministry to construct this bridge?

An hon. Member: Otherwise, there will be no co-operation!

(Laughter)

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, I have no further investigations to carry out on this particular Question. I said the bridge the hon. Member requested for will be built when funds are available. In the meantime, Road E103, Tela to Gogo, can be used as we wait for the funds to be available.

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir. For the information of the Assistant Minister there is no bridge at Gogo. The only other bridge available is at Oria and it connects Uriri and Ndiwa. There is no bridge at Gogo which connects Uriri and Kadem Constituencies. So there is no bridge that people can use in the meantime. Is he, therefore, in order to mislead the House that the people can use a bridge at Dogo when there is no bridge at that place?

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, I have not talked of a bridge at Gogo. I said there is a road. At least, there is an alternative road that can be used by motorists.

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. The most disturbing issue in Uriri Constituency is this bridge. Could the Assistant Minister tell us how much the construction of this bridge will cost when the funds are available? Although he has given motorists an alternative road, how does he expect pedestrians to cross River Kuja?

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, I do not have figures here at hand. Therefore, I am not in a position to answer that question from the hon. Member.

Mr. Omamba: Mr. Temporary Deputy Speaker, Sir, River Kuja is ever overflowing. The other side of this river it swampy. During the rainy season it is hard to cross the river. There is an inland. People us boats which are very dangerous to them. This area encompasses two sub-locations. During the floods, nobody can cross to the mainland. If this bridge cannot be constructed, why can the Ministry not provide a ferry? Could the Assistant Minister tell this House when a ferry will be provided, or the bridge constructed? The people of this area, who grow tobacco and keep cattle, have not enjoyed the benefits of Uhuru for many years!

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, I sympathise with the situation. I would like to assure the hon. Member that, as I have already said, this is in our work plan and we will try to make it a priority so that we can do it as soon as possible.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Poghiso): Order! Order! The Assistant Minister has said that something will be done about the situation and that he will make it a priority. Therefore, we are going to move on

to Dr. Oburu Odinga's Question.

An hon. Member: Mr. Temporary Deputy Speaker, Sir, the next Question is Question No.351.

The Temporary Deputy Speaker (Mr. Poghisio): The Question has not even been asked.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am seeking guidance from the Chair. Twice this afternoon, the Member for Kisumu Town caught your eye but when he was about to make his point, the Chairman of the National Development Party (NDP) rose and the Member for Kisumu Town sat down. The next time, the Member for Limuru caught your eye but when he stood to make his point, his party's chairman rose and took the chance. Under which Standing Order may party chairmen take over from ordinary Members?

Mr. Sungu: On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! My eyes are with me; I do not know when I lent them to you so that you could see who caught my eye and who did not. We are proceeding to Mr. M.A. Mahamud's Question.

Question No.351

ROAD CONSTRUCTION IN NORTH
EASTERN PROVINCE

Mr. M.A. Mahamud asked the Minister for Public Works and Housing:-

- (a) considering the economic importance of roads in development, if he could explain why there is no single inch of tarmac or an all-weather road in the entire North Eastern Province; and,
- (b) what plans the Ministry has to provide the necessary infrastructure in the province to make the area accessible and enhance development.

The Assistant Minister for Public Works and Housing (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that there are no tarmac or all-weather roads in North Eastern Province because there are 11 kilometres of tarmac road in Garissa Town which are in good condition. Also, there are 216 kilometres of all-weather gravel roads spread in various areas in the province.

(b) The Government's plan is to maintain and improve the existing road network to keep them in motorable conditions in order to make the province accessible and, therefore, enhance development. **Mr. M.A. Mahamud:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is misleading the House. He said that there are 11 kilometres of tarmac roads in Garissa Town. I would like to inform the House that administratively, Garissa is in North Eastern Province but geographically, it is in the Coast. So, the said 11 kilometres were tarmac with the purpose of connecting Garissa District with the rest of the Coast Province. The aim was not to make the rest of North Eastern Province accessible. Could the Assistant Minister tell this House more about the 216 kilometres of the all-weather roads he is talking about? This is because, as far as we in North Eastern Province are concerned, we do not have even an inch of tarmacked or all-weather roads in the province. Could the Assistant Minister clarify that?

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, I have no intention whatsoever of misleading this House. As far as I know, Garissa is in the North Eastern Province and not in the Coast Province.

The Member has asked me to name the tarmac and all-weather roads in the province. The list is quite long but to name just a few, in Garissa District, the roads are Road E364, Ijara-Galmagalo, which is 50 km long; Road A3, Garissa-Liboi, which is 60 km long; and, Road C81, Garissa-Modogashe, which is 35 km long. In Wajir District, we have Road C80, Wajir-Wagala, which is 16 km long and, Road B9, Wajir-Tabaj, which is 3 km long.

Mr. Shidie: Mr. Temporary Deputy Speaker, Sir, I feel that the Assistant Minister is misleading the House although he is my friend. For the last eight months, the whole of Northern Kenya was cut off from the rest of the country. A tarmac road of 11 kilometres is not worth talking about. The distance between Nairobi and Mandera is 1,700 kilometres. So, 11 kilometres will take you nowhere near there. Beside that, people are talking about the fruits of Independence when we in the North Eastern Province have not even seen the tree that bears the fruits; we have not seen even the infrastructure there.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Shidie, could you ask the question?

Mr. Shidie: Yes, I am coming to my question, Mr. Temporary Deputy Speaker, Sir.

Whenever we travel to this part of the county from northern Kenya, people ask us, "Are you going to Kenya? So, our wives, children and relatives have no idea of what tarmac roads are; it is like tarmac roads are

found in Heaven. Are people in the North Eastern Province allergic to tarmac roads? The Assistant Minister has talked about certain roads which do not exist. For example, there is no road between Galmagala and Hulugho. In reference to my constituency, the Assistant Minister has talked about a road between Liboi and Garissa. I cannot travel to Liboi from Garissa by road today.

Could the Assistant Minister stop misleading the House and accept the fact that there are no tarmac roads there; and, if the roads will be tarmacked, how much money he has for this purpose; or, if the Ministry plans to make them all-weather roads, how much money the Government has set aside for this purpose?

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, as I stated here earlier on, I have no intention of misleading this House. The Member who asked the Question sought to know if there are any tarmacked roads in the North Eastern Province. I elaborated on that one, giving the details. I gave full details of all-weather roads in the area. I am aware that due to the recent *El Nino* rains that pounded the country, most of these roads are not passable currently. However, as I have said, the Ministry intends to make these roads motorable in the 1998/99 work plan.

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, as you know, I represent a very big population of people from the North Eastern Province. Part of my campaign manifesto was to tell them that they should probably secede to another country because of these problems. I also, on the same note, invited them to join this other side.

Could the Assistant Minister give us the total length of the road network in the North Eastern Province so that we may compare the part that is developed with that which is not developed?

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, I am afraid that, that is a different Question. The Questioner wanted to know the length of tarmacked roads and all-weather roads and that is what I researched on. If hon. N. Nyagah asks a separate Question, I will reply to it.

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Members of Parliament have taken the oath to uphold the Constitution of this country. Part of the Constitution of this country recognizes the territorial borders of this country. Can an hon. Member stand before this House and pledge that he can cede an inch of the territory of this country?

The Temporary Deputy Speaker (Mr. Poghisio): Well, Mr. Nyagah is probably aware that he took the oath to defend the Constitution of this country. He cannot, therefore, ask other people to secede as part of a campaign strategy.

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, while realising that this is what is expected of me as a Member of Parliament, what I said is very clear. This is what I said as part of my campaign manifesto, although at that time I was not a Member of Parliament. I was just repeating what I said in December, 1997.

Mr. M. A. Galgalo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to request the Chair to ask hon. Nyagah to withdraw that statement because he is implying that we are not Kenyans. This is the bias which they have had towards us since Independence. We are Kenyans and we are fighting for our rights in this country and in this House. Could he withdraw that statement?

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, I do not want any quarrel with any Member of Parliament here. I have no apologies to make about what I said. I want to repeat what I said very clearly. I recognize the people of North Eastern Province as people of this country, but that notwithstanding, my campaign manifesto is there for everyone to read.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Nyagah! You cannot use the occasion to give another speech. The hon. Members have asked you to withdraw that statement that you want them to secede; and that is simple. I do not think you want to make enemies. That was a request but the choice is yours.

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. The issue before us is not whether the hon. Member can explain his statement or get away with it. We want to know whether the statement is legal or illegal. If it is illegal, he can just withdraw and say it was part of politics. We should ask the people of North Eastern Province to abandon KANU but we cannot ask them to abandon Kenya!

The Temporary Deputy Speaker (Mr. Poghisio): I think really, Mr. Nyagah, you have something to say because you said it on the Floor of this House. You can withdraw what you said on the Floor of this House.

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, I withdraw what I have just said here. However, I cannot change my manifesto. I withdraw, but that is what I said in 1997. I cannot be told to withdraw my campaign manifesto. It still stands.

Mr. Wanjala: On a point of order, Mr. Temporary Deputy Speaker, Sir. We know that the ruling party is KANU and we are not using the DP Manifesto---

An hon. Member: But is he not in DP?

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Wanjala! I take it that Mr. Nyagah has

withdrawn and, therefore, we can proceed to the next Question!

Mr. Kapten: On a point of order, Mr. Temporary Deputy Speaker, Sir. But we are not yet through with hon. Mahamud's Question.

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! We were on Question No.351 and I have not even given the last chance to hon. Mahamud. So, let us go back to that Question.

Dr. Wako: Mr. Temporary Deputy Speaker, Sir, is the Minister satisfied that after 35 years of Independence, the North Eastern Province should have only 11 kilometres of tarmac road within Garissa Town and the rest of the Province remains impassable? Is he satisfied?

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, I am not satisfied and that is why we will do all that is within our reach to give them a little bit of tarmac roads.

Mr. Shabaan: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very serious matter. We are talking of an entire province in this country which comprises one-third of the land mass of this country. For 35 years, we have had no tarmac roads. Our roads are impassable. I come from the farthest corner of Mandera District. I cannot even travel from my district to Garissa District. I have to fly from Mandera to Nairobi then travel to Garissa by road. Could the Assistant Minister tell this House, very clearly, when he will make the road between Garissa, Wajir and Mandera passable? How much money has he set aside, now that he is not satisfied with the current situation? When will the North Eastern Province be accessible? Or is it the policy of this Government to keep North Eastern Province closed and inaccessible from the rest of the country?

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Shabaan! You stood on a point of order and I think I should give this last chance to Mr. Mahamud.

Mr. Mahamud: Mr. Temporary Deputy Speaker, Sir, I am not satisfied at all by the answer given by the Assistant Minister. He seems to be evading the real issue. I would like the Assistant Minister to make a Ministerial Statement on this issue. The matter is very grave and serious. He is taking us lightly and he cannot be allowed to always evade Questions. I would like him to make a proper Ministerial Statement, stating how many kilometres of road there are in the North Eastern Province. He talked of only three roads which fall under class "C". He cannot talk of class C roads when these are roads that are supposed to connect one District to another. How can a road between Garissa and Wajir be referred as to Road C? The Assistant Minister should inform this House properly and give us a satisfactory answer.

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, as far as I know, I have exhaustively answered the questions that were raised by hon. Members. If a Member has a Question to put forward, he should do so. If he wants to request for a Ministerial Statement, I am sure in the Standing Orders, there is a procedure for asking for a Ministerial Statement and we will be more than willing to give it.

Mr. Nyanja: On a point of order, Mr. Temporary Deputy Speaker, Sir. These people have been frustrated for a long time.

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

Question No. 291

ALLOCATION OF GOVERNMENT LAND
TO PRIVATE DEVELOPER

Mr. Gitonga asked the Minister for Lands and Settlement;

(a) if he is aware that a ten (10) acre piece of land hitherto belonging to the Forest Department situated along the Nairobi-Nakuru Highway at Nyambari had illegally been allocated to a private developer;

(b) if he is further aware that on this piece of land the late Mzee Jomo Kenyatta, in 1969, planted a memorial tree with a view to maintaining the area as a green belt; and,

(c) if the answers to "a" and "b" above are in the affirmative, whether he could declare the tree planted by the late President a national monument and the ground it stands on a public park, and allocate the remaining piece of the ten acre land to the landless.

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

(a) I am aware that some people applied for allocation of a ten acre piece of land situated along Nairobi-Nakuru Highway. But the allocation has not been processed, as the land belongs to the Forest Department and has not been gazetted for private development.

(b) I am aware that the late Mzee Jomo Kenyatta planted a memorial tree on the piece of land and the land was maintained as a green belt area.

(c) The Ministry has no powers under the law, to declare the tree which was planted by the late President a national monument. The Ministry cannot also allocate the same land to the landless, as this is a gazetted forest. However, the Kiambu District Development Committee can take up the matter with the Ministry of Home Affairs, National Heritage, Culture and Social Services, to have the tree gazetted as a national monument.

Mr. Gitonga: Mr. Temporary Deputy Speaker, Sir, I am aware that this land belongs to the Forest Department. Could the Minister confirm or deny whether this piece of land has been allocated to Mrs. Biwott?

Mr. Ngala: Mr. Temporary Deputy Speaker, Sir, I have no information and, therefore, I deny that allegation.

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, land grabbing in this country has become a menace. In Dagoretti alone, several school plots have been grabbed. Some of these are, Ruthimitu Primary School, Kenya Science Teachers College, Ndararua Primary School and others all over the country. Could the Minister for Lands and Settlement tell us whether he has any plans to revoke these illegal allocations, considering that we must extend the schools due to the increasing population? We have no place to build future schools for our children to learn.

Mr. Ngala: Mr. Temporary Deputy Speaker, Sir, you will agree with me that, that is a different Question. However, as I have said here, the Ministry is always ready to look into erroneous allocations and when we are satisfied that the allocations have been erroneously done, procedures will be set in motion to revoke some of those allocations.

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, have you listened to the hon. Member for Lari? For your information, Lari was formerly part of Limuru, so it touches me. Did you hear that the plot has been grabbed and allocated to Mrs. Biwott? Hon. Biwott is the second most powerful man on earth, after President Moi. When we talk of grabbing by the second "total man", could the hon. Member substantiate?

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! I have said it before, and it is known to all Members, that you cannot drag the names of people who cannot defend themselves on the Floor of this House by making such wild claims. Mr. Gitonga, could you withdraw your allegations?

Mr. Gitonga: Mr. Temporary Deputy Speaker, Sir, I have nothing to withdraw. I have asked the Minister to either confirm or deny that this land has been allocated to Mrs. Biwott. This is the information which is circulating around the area.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! You have asked the Minister to respond and he has denied the allegation. There is no need of dragging names here without substantiation. If you want to substantiate, do so. If not, then withdraw your statement.

Mr. Leshore: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Nyanja in order to accuse hon. Biwott, knowing quite well that the majority of the tribes in Kenya are land grabbers? Over the last 200 years, there is no tribe which has not grabbed land in this country. Is he in order to accuse hon. Biwott as being the only land grabber in Kenya?

The Temporary Deputy Speaker (Mr. Poghisio): Order! We are discussing the issue of mentioning the names of people who cannot defend themselves on the Floor of this House. I am asking Mr. Gitonga to substantiate his statement or withdraw.

Mr. Gitonga: Mr. Temporary Deputy Speaker, Sir, I have said that there is no reason for me to substantiate or withdraw. I have asked the Minister to confirm or deny because this is the information which is circulating within the area. Mr. and Mrs Biwott have been sighted around that land. According to the information available, the land has already been allocated.

The Assistant Minister for Planning and National Development (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, you have heard the hon. Member say that there are speculations going on around the area. I do not think that we can confirm that the land has been allocated to Mrs. Biwott. Hon. Nyanja said that hon. Biwott is the second most powerful person on earth, after the President. Is he in order to allude that hon. Biwott is the second most powerful man on earth?

(Loud Consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. Nyanja and the other Members! We are not going to turn this into an argument. We are here to answer Questions.

Mr. Ngala: Mr. Temporary Deputy Speaker, Sir, I want to be very clear because in the process of points

of order, it is possible for us to miss the point. I want to repeat that I deny that Mrs. Biwott was given this land. I have no information on this. The land still belongs to the Forest Department as the hon. Member has said. I want to clear the matter so that we do not get confused in this whole melee.

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

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Gatabaki, you can see that another Member is on his feet. Therefore, you cannot rise in your place at the same time. He was already on a point of order here.

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. We have had the opportunity in this House---

The Temporary Deputy Speaker (Mr. Poghisio): Order, please! Once we have cleared an issue and a Member is on the Floor, I really do not expect another to take the Floor at the same time. Go ahead with your point of order.

Mr. Gatabaki: The Kiambu Members of Parliament have had the opportunity to go to the place where this piece of land is situated. We raised this matter with the Kiambu DC, Mr. Reuben Rotich. We told him that Mr. Biwott, the Minister for East African and Regional Co-operation and his wife, have been allocated the land. We asked the DC, on behalf of the Kiambu people, to confirm or tell the President that Mr. Biwott has no right to steal the land because, it belongs to the people of Kiambu!

Mr. Gitonga: Mr. Temporary Deputy Speaker, Sir, now that the Minister has denied that this land has been allocated to Mrs. Biwott, could the Minister consider allocating this land to the people who were evicted from Uplands Trading Centre, and have been residing on the road reserve in that area?

Mr. Ngala: Mr. Temporary Deputy Speaker, Sir, I did say that I have no powers to allocate this land to the people the hon. Member is referring to because it is a gazetted forest land. So, I have no powers to encroach on the powers of another Ministry.

Question No. 178

SUB-DIVISION OF LARIA SALT LICK LAND

Mr. Mwiraria asked the Minister for Lands and Settlement:-

- (a) whether he is aware that most of the land set aside for the Laria Salt Lick has been subdivided and sold to private individuals;
- (b) whether he is further aware that this action has enclosed some of the water springs in people's plots thus removing them from public use; and,
- (c) if the answers to "a" and "b" above are in the affirmative, whether he could order the Land Adjudication Committee for the Ruiru adjudication area to re-possess the said land and set it aside once again as a salt lick.

The Assistant Minister for Lands and Settlement (Mr. arap Leting): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that encroachment might be taking place and some individuals may have targeted the land which was set aside for Laria Salt Lick.

(b) I am also aware that this action may have enclosed some of the salt water springs in peoples plots thus removing them from public use.

(c) I now undertake to investigate the extent and the implications of the encroachment. If it is confirmed that any encroachment has taken place, the subdivision will be nullified. No encroachment on public land will be condoned by my Ministry. I would appreciate if the hon. Member has some documentary evidence to hand it over to the Ministry to facilitate the investigations. I would also like to thank the hon. Member for bringing this matter to the Ministry's attention.

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Assistant Minister is a friend of mine. We were together at college and he is a former Head of the Public Service in this country. When a Member brings a Question of this kind to be answered, it is expected that by the time a Minister comes here with the answer, the investigations will have taken place. The Assistant Minister now comes to tell us that he is going to investigate after this. According to our Standing Orders, the Question cannot be asked for "some time" in the course of time. Are we really doing serious business in this Parliament? Why can the Chair not help Parliament, and the country, to get the Government to come here and discharge its responsibility to Parliament by answering Questions after investigation and not later?

(Applause)

Mr. arap Leting: Mr. Temporary Deputy Speaker, Sir, the area is still under adjudication and adjudication work is still going on and we thought that if we could get some more details, it would make our investigations even faster, easier and more appropriate.

Mr. Nyanja: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear the hon. Ndicho say that, "this is the most useless Parliament in the Commonwealth?"

The Temporary Deputy Speaker (Mr. Poghisio): Order! Let us preserve the dignity of the House. So, I am going to ask Mr. Mwiraria to go ahead.

Mr. Mwiraria: Mr. Temporary Deputy Speaker, Sir, let me first and foremost, thank hon. Anyona for rising on a point of order to ask the Assistant Minister why he did not do the investigations before coming to the House to answer the Question. But since I come from the area, I want to tell the Assistant Minister that when the salt lick was set aside, it was approachable, surrounded by roads, but even the road reserves have now been allocated and there is only a little section left adjacent to one road, which means that the majority of the people who were coming from other areas to this salt lick, including people from Nyambene, cannot reach it any more. So, could the Assistant Minister assure me that if I give him the number of plots which have been curved off the original salt lick, he will nullify the allocation of all of them?

Mr. arap Leting: Mr. Temporary Deputy Speaker, Sir, I undertake to nullify all the illegally allocated plots. I have the details here and once I get that information, I will nullify all the illegal allocations.

Mr. Ndwiga: Thank you, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister aware that issues of land grabbing have been facilitated by his own officer, the Provincial Planning Officer, who has overstayed in the Eastern Province? Whenever this man sees any empty space, he wants to grab it and he does that with some people at the Ministry's headquarters here in Nairobi. Could the Assistant Minister undertake to remove this bugger from Embu, Eastern Province, immediately?

Mr. Gitonga: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the term "bugger", which hon. Ndwiga used, Parliamentary? Could the hon. Member be asked to withdraw? He must withdraw that word.

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, the word "bugger" is actually an Austrian word and it is quite Parliamentary, but could he now undertake to remove this fellow from the Eastern Province?

The Temporary Deputy Speaker (Mr. Poghisio): Order! I know that you want to withdraw, but I want you to stand there and withdraw and use a better word which is Parliamentary.

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, I beg to withdraw the word and replace it with the words "KANU activist" in Embu who is pretending to be an officer. This fellow is not an officer of any description.

Mr. Kapten: Mr. Temporary Deputy Speaker, Sir, I heard the Assistant Minister say that when he receives full information, he is going to cancel all illegal allocations. I do not think that we are talking about illegal allocations. What we are talking about is the protection of this salt lick. The allocation may have been legal; using those dubious means that most of the Government officers are using. Could the Assistant Minister assure this House that whatever allocations have been made, and which affect this salt lick, are going to be nullified, irrespective of whether they are legal or illegal?

Mr. arap Leting: Mr. Temporary Deputy Speaker, Sir, I thought I heard the hon. Member say that there has been illegal allocation of part of the salt lick.

Mr. Mwiraria: Mr. Temporary Deputy Speaker, Sir, the salt lick is on land which used to be Trust Land; which was held by Meru County Council in trust for its people. When land adjudication took place initially, this land was set aside for salt lick and its acreage is known. The records are there in the Ministry. So, the Assistant Minister should really be the one who knows about the matter. Is it in order for the burden of answering the Question to be placed on me when I brought it here expecting an answer from the Assistant Minister?

Mr. arap Leting: Mr. Temporary Deputy Speaker, Sir, the hon. Member had agreed to give me all the documents that he has to support this claim and I will do the investigations.

Mr. N. Nyagah: Mr. Speaker, Sir, we have a problem that arises from this Question. In his reply to parts "a" and "b" of the Question, the Assistant Minister says that he is aware that some people may have encroached on this land. In his reply to part "c" of the Question he says that they are going to investigate the matter. The Assistant Minister goes on to ask the Member of Parliament for the area to hand over certain documents to them for investigation. The hon. Member is asking: Who has the onus of investigating the matter? Is it the Member of Parliament or the Government? What action is the Assistant Minister taking to ensure that this Trust Land goes back to the Government?

Mr. arap Leting: Mr. Temporary Deputy Speaker, Sir, the Government officers are going to visit the place, and if there are any illegal allocations, they will be cancelled.

Question No.239

FLOODING OF RECLAIMED LAND IN YALA SWAMP

Dr. Oburu asked the Minister for Rural Development:-

(a) whether he is aware that due to heavy rains, River Yala has burst its banks and as a result, the reclaimed land in the Yala Swamp has been flooded and crops washed away, and;

(b) if the answer to "a" above is in the affirmative, what urgent steps he is taking to control the flooding of reclaimed land in Yala Swamp to save farmers from imminent famine.

The Temporary Deputy Speaker (Mr. Poghisio): There is no one to answer this Question. We will leave it for the moment.

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir, can I get guidance from you because this is the second consecutive day that this Question has been brought to the House and there is nobody from the Ministry to answer it? The Ministry of Rural Development has a Minister and an Assistant Minister who can answer this Question. I already have a written answer from the Ministry. Why is the Ministry evading answering this Question? Can I get guidance from the Leader of Government Business as to what is really happening? Why are Ministers absent for two consecutive days?

The Minister for Lands and Settlement (Mr. Ngala): Mr. Temporary Deputy Speaker, Sir, I have just been informed that this Question has not been answered for the second time today. I undertake to find out why it has not been answered.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Let us have it this way; I think this Question will be deferred to Tuesday. Let us give it one more time.

The Minister for Lands and Settlement (Mr. Ngala): Mr. Temporary Deputy Speaker, Sir, this Question will be answered as soon as it appears on the Order Paper.

(Question deferred)

Mr. Kihara: Mr. Temporary Deputy Speaker, Sir, could the Minister tell us what the Ministry of Rural Development does? This is one of the Ministries that should be scrapped!

Question No.072

DISPOSAL OF RADIOACTIVE WASTE

The Temporary Deputy Speaker (Mr. Poghisio): Question No.072 is deferred by mutual agreement, so we will proceed to Question No.336.

Dr. Ochuodho: On a point of order. Mr. Temporary Deputy Speaker, Sir. I need your guidance. It seems very ---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Dr. Ochuodho! Does your question arise from my reading of the Question?

Dr. Ochuodho: Thank you, Mr. Temporary Deputy Speaker, Sir. It appears to be very similar to a Question that was asked in this House about the Maasai.

The Temporary Deputy Speaker (Mr. Poghisio): I have just said that by mutual agreement, a Ministerial Statement was due on the Question. So, this Question is being deferred and it will be [**The Temporary Deputy Speaker**] brought to the House when there is an agreement as to who will answer the Question. So, we proceed to Question No.336.

(Question deferred)

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. May I ask the Minister for Local

Authorities to supply me with a copy of the written answer. I have demanded for it, but I have not got it so far. Can I have a copy now?

Question No.336

CONSTRUCTION OF SCHOOLS IN MUGOYA ESTATE

Mr. Mwenje asked the Minister for Local Authorities:-

- (a) whether he is aware that M/s Mugoya Construction Company was supposed to have reserved a site for a primary and a secondary school in the new estate in Embakasi Village, and;
- (b) whether he could ensure that the reserved land is handed over to the community for construction of the said schools?

The Minister for Local Authorities (Prof. Ongeri): Mr. Temporary Deputy Speaker, Sir, I will deal with the Question. As for the other procedures, the hon. Member fully knows the procedure involved in getting a written and a timely reply. He should be honest enough to say we have courteously given him one. However, I beg to reply.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know---

The Temporary Deputy Speaker (Mr. Poghishio): You cannot just go on talking while we have another Member on the Floor. Will you now ask your question?

Mr. Mwenje: I am only asking the Minister kindly, to give me a copy of the written answer. I do not know what procedures he is referring to. He is supposed to provide me with a copy of the answer but I have not got it. The fact that the photocopiers of this House are out of order is none of my business. I should be given a copy of the written answer.

The Minister for Local Authorities (Prof. Ongeri): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) It is correct that during the subdivision of the LR No.9042/179 there was land reserved for primary and secondary schools development. This land has not been interfered with in any way.

(b) The reserve land is supposed to be surrendered to the Government by the developer and the community will be advised to apply to the Commissioner of Lands for consideration, if they wish to construct the school. However, this will only be possible once the estate is fully constructed and occupied by the residents.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, Mugoya Construction Company has constructed over 2,000 houses in Embakasi. They have now resold the project to the National Social Security Fund (NSSF). I have been seeking to be told where the land that is reserved for a secondary and primary school is located. If what the Minister says is correct, could he assure us that the land will be given to us? The land is not supposed to be surrendered to the Commissioner of Lands but to us directly because the project is now complete. Could he now, therefore, direct that this land be given to us immediately so that we can construct a secondary school or the developer can construct a secondary school and hand it over to the residents?

Prof. Ongeri: Mr. Temporary Deputy Speaker, Sir, hon. Mwenje knows too well that there is no piece of public land that can be surrendered to him, as an hon. Member for Embakasi. It can only be surrendered to the Government and then the Government will ascribe that land to be used for the purpose set aside.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister is misleading the House again. I never said that the plot should be surrendered to me. The plot is supposed to be surrendered to the Embakasi DDC for the development of the school. When I say "us" I mean the people of Embakasi. Could he now order that, that land be given to us for immediate development?

Prof. Ongeri: Mr. Temporary Deputy Speaker, Sir, I still maintain my position, and if the hon. Member listened to my answer very carefully, I said "When the estate is fully constructed". He knows by now that the estate is not fully constructed. It might have been sold to NSSF but it has not been fully completed. Therefore, the land has not been offered back to the Government for re-allocation.

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, the estate belongs to the NSSF. They contracted Mugoya Construction Company. If the land exists and it is meant for a primary and a secondary school, why can the Minister not say that he is going to liaise with the Commissioner of Lands before he offers that land to other people to have this title deed ready for the community to collect?

Prof. Ongeri: Mr. Temporary Deputy Speaker, Sir, I will repeat what I said in part (iii). The reserve land is supposed to be surrendered to the Government by the developer. The community will then be advised to apply to the Commissioner of Lands for consideration, if it wants to construct the school.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, can the Minister for Local Authorities tell this House

the policy of his Ministry, as far as public utility land in local authorities is concerned? During the Seventh Parliament, we made a lot of noise over the issue, and the grabbing of public utility land was stopped. Now, the vice is back again. Can the Minister now spell out the policy of his Ministry clearly, so that the grabbers can know that public utility land owned by local authorities in Nairobi, Thika, Mombasa, Kisumu and Eldoret is protected?

Prof. Onger: Mr. Temporary Deputy Speaker, Sir, that is a hypothetical statement. I would rather deal with very solid and candid examples of situations. However, the hon. Member knows that I have made a Ministerial Statement with regard to public land. I have done it both in this House and outside. I have said that there is nobody who is at liberty whatsoever, to allocate himself public land. If you have done so, we shall recover the land from you. This also applies to any hon. Member of Parliament who possess such plots.

Mr. Kariuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have been a Commissioner with the City Commission some time back. I am aware that the Director of Town Planning in the Nairobi City Council (NCC) is perpetuating these illegal allocations of public utility land. I can produce evidence to the effect that, some plots have already been allocated to some individuals. The plots have been allocated to his close associates and relatives. Therefore, is it not in order for the Minister to assure this House that those plots will be retained for the purposes they were meant for, and that the NCC will not usurp the powers of the Minister, and illegally allocate public utility plots?

Prof. Onger: Mr. Temporary Deputy Speaker, Sir, I have stated categorically that the piece of land in question will be re-allocated to both the primary and the secondary schools. As for the other questions, I still maintain that they are hypothetical until substantive documents are laid on this Table.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, we have raised questions of this nature so many times here. We have many cases where land allocated for public utility has been grabbed. A similar case to that one of Embakasi happened last year in Golf Course Estate. That estate was constructed by Alliance Group of Companies. There were pieces of land which were reserved for public utility. When the estate was surrendered to the Central Government, a Mr. Kirui, the Medical Officer of Health with the NCC, grabbed it. Would the Ministry first consider getting rid of the Director of City Planning, Mr. Kuria wa Gathoni, from the NCC? Would the Ministry also consider gazetting all pieces of land meant for public utility within the NCC and other urban centres?

Prof. Onger: Mr. Temporary Deputy Speaker, Sir, the question of sacking is outside the purview of this House. However, I have already made a statement. Hon. Raila knows very well that, I want the inventory of every single available piece of public land and public utility plots to be availed in my office. I can then report to this House that this is being done. Some of the local authorities are responding very well to this directive. Soon, we are going to have a complete list, so that when hon. Members complain, we will know where the problem is.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister has continued to mislead this House by saying that the estate is incomplete and yet, it is complete. Secondly, instead of the Minister misleading us that the land will be given to the Commissioner of Lands, he should tell us precisely when this land will be surrendered, so that we can put up a secondary school on it. This is because there is no single secondary school in the whole area. Can the Minister stop misleading this House? When will we have that land for development?

Prof. Onger: Mr. Temporary Deputy Speaker, Sir, the hon. Member knows that, to prove that the estate is complete, he is supposed to table the certificate of occupation, which he does not have right away.

The Temporary Deputy Speaker (Mr. Pogishio): Order! Order! I now call upon Mr. Sambu to ask a Question by Private Notice.

QUESTIONS BY PRIVATE NOTICE RE-SETTLEMENT OF METEITEI HILLS RESIDENTS

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

(a) Is the Minister aware that over 600 families living on Meteitei Hills in Nandi District are living in fear of massive landslides?

(b) Is he further aware that last week a young girl was killed and her family seriously hurt when a landslide hit the area?

(c) If the answers to "a" and "b" above are in the affirmative, could the Minister move the people living on very steep hills and settle them on the fallow land within the tea estates in the area?

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

(a) I am aware that people who are estimated to be 400 families, and not 600 families, living on Meteitei Hills in Nandi District are living in fear as the area is a potential landslide zone.

(b) I am also aware that on 12th June, 1998, there was heavy downpour in Kaptet Location near Maraba market. As a result of that downpour, two huge stones rolled down the hill. They hit a house while a family was a sleep in it at around 4.00 a.m. Two children from the family were fatally injured. One died on the spot, while the second one passed away on 18th June, 1998. The deaths were not caused by the landslide, but by the rolling stones.

(c) The Government is looking for an alternative safer place to resettle people from that potential disaster area. It is not possible to settle them in the fallow land within the tea estates, as the land is private, being owned by a private company.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, in answering part of the Question, the Minister said he is aware that, the area is a potential landslide zone. Then, he went on to say that, the deaths were not caused by a landslide. I think rolling down stones constitute or signify the beginning of a landslide. That notwithstanding, in part (c) the Minister says that they are looking around for safer land. The safe land in the Agricultural Development Corporation (ADC) farm, Kimwani Farm, which is just down the valley, is being allocated to people who already own other huge chunks of land. Will the Minister stop allocating the ADC farm which is considered safe from landslides, to squatters from elsewhere? I do not want to name the places those squatters come from, the Minister should allocate it to people who are living in those potential landslide areas and other squatters who live on the hills.

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, I am not aware that the fallow land is being allocated to people. But I am aware that the Nandi District Disaster Management Committee visited that area. The Committee told the people to move to safer places, while it is looking for a place to settle them.

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir, I once lived in that area, and I know that, people of that area are living on top of hills. They are herded there as if they are animals and yet, all the big chunks of land there, belonging to ADC, are being allocated to people who already own very large farms. Could the Minister tell us why the Nandi Disaster Management and Security Committee is looking for land when, the Government has very large chunks of land in that area? People continue to be herded on top of hills as if they are animals.

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, the Government had to relocate those people somewhere, as it tries to look for land to resettle them.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I do not understand what the Minister is saying. I hardly imagine those people being far away would understand him, when even their own Member of Parliament cannot understand him. He says, that those people have been moved somewhere. Where is somewhere? Is it to an ADC farm, a common land somewhere or other people's land? You are going to cause more clashes. Tell us exactly where you are moving them to.

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, the Nandi District Disaster Team moved those people to a safe place as they look for land to resettle them.

Mr. Kapten: Mr. Temporary Deputy Speaker, Sir, the Minister has been asked a specific question. He has said, that he cannot settle these people on the tea estate, because it is private land. He has been told that, there is an ADC farm in that area. Could the Minister assure this House that, those people are going to be settled on that ADC farm which is Government land?

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, I cannot just go ahead and assure the House that they are going to be resettled there. I am aware that the Nandi District Disaster Management and Security Committee is looking for a safer place to resettle those families.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, why is the Nandi District Disaster Management and Security Committee looking for land, when there is Kimwani ADC Farm, where I know somebody was allocated 600 acres of land when he already owns another 2,000 acres nearby? There is still land on the plains of Kimwani ADC Farm. Could the Minister tell the House what is so difficult to move these people from the hills to that farm? He is alleging that they have been relocated to a safer place, yet they are still on the hills. I was there, even over the weekend and hon. Oburu who was also there, knows that they are still patched up the hills. If the Minister does not move them to Kimwani ADC Farm, we will ask them to invade the tea land, because after all that is Nandi Trust Land.

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, I do not know whether the Nandi Disaster Management and Security Committee might be looking into those possibilities. But as I said, they are seriously looking for land to settle those people.

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

FATAL ROAD ACCIDENTS IN NAIROBI

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Transport and Communications, the following Question by Private Notice:-

In view of the recent spate of fatal and tragic road accidents, especially in the City of Nairobi, caused by Stage coach Buses, could the Minister:

- (a) explain and investigate the root causes of those accidents?
- (b) suspend operations of Stagecoach buses, until a clean bill of health on their road worthiness and serviceability is issued?
- (c) take the necessary remedial measures including the insurance compensation to victims of the accidents?

The Assistant Minister for Transport and Communications (Mr. Obure): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The root causes of the accidents involving Stagecoach buses are many. Among them are: Human error, poor judgement and carelessness on the part of the drivers, negligence on the part of the passengers, pedestrians and other road users, poor road conditions, mechanical defects and sometimes, bad weather.

(b) While the Government would like to appeal to Stagecoach Bus Company to improve on the serviceability and roadworthiness of all their buses, it cannot suspend the operations of the buses, as serviceability and roadworthiness are not the only causes of the accidents.

(c) The Government, on a continuous basis takes remedial measures which include: Annual inspection of the buses, ensuring that the bus drivers comply with traffic rules and regulations and that, bus drivers are charged in court whenever they commit traffic offenses.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, part of the reason why this Government is in trouble is because we think in a stereotype manner. We never keep to the source of the issue. With due respect, all the arguments made by the Assistant Minister are general arguments which can be applied in any other situation.

Mr. Temporary Deputy Speaker, Sir, I am talking about a particular situation where Stagecoach Bus Company recently increased fares beyond what Kenyans could afford. The reason we were given was bad road conditions. Then slowly, we saw a quiet withdrawal of the double decker buses and a spate of road accidents. Right now, the roads of Nairobi are littered with Stagecoach buses which have broken down. We understand that this is a preparation to move out of Kenya and set up business elsewhere. Therefore, I am not talking about those general arguments he has given. I would like to know specifically, what has caused the current situation in Stagecoach Bus Company. I would like to tell the Assistant Minister that I understand part of the reason is, because they are moving outside, they would rather kill as many people as possible. What is the Assistant Minister going to do about that?

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, I am not aware of the allegations made by the hon. Member, as regards Stagecoach Bus Company intending to move out of this country. On the contrary, the information I have is that this company which has been operating in this country for over 60 years admits that, it has had operational problems, largely related to the recent traffic congestions and poor road conditions. That was partly aggravated by the *El Nino* induced rains, which we experienced recently. But we have a commitment from them, that despite all these problems, the management of the Company has said, and I quote:-

"The Company is confident that with the Government's emphasis on road building and maintenance, and with adequate control of road traffic supported by the appropriate authorities, that Stagecoach will be able to provide good public transport service for many years to come".

So, there is no intention of the Company withdrawing in the near future.

Mr. Shaaban: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister aware that most of the drivers for the Stagecoach buses have been replaced by matatu drivers, because the former drivers were driving slowly and could not compete with matatus? That is why they are causing a lot of accidents.

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, the Stagecoach Bus Company is a company with a right to operate like any other. We do not like accidents which cause loss of lives and property unnecessarily. We have appealed to the company to ensure that they improve their operations and the morale of their own staff, and they have undertaken to do so.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, as Kenyans and the House, we are very grateful to hear that assurance that Stagecoach Bus Company is not pulling out of Kenya. Part of our job here as national leaders is to encourage investments, and it will be very bad for us to lose a major investment like this one.

Mr. Temporary Deputy Speaker, Sir, be that as it may, could the Minister explain to this House why

Stagecoach Bus Company enjoys monopoly status in terms of operations of transport services in Nairobi, when under the provisions of Cap 504, Sections 4 and 6, it is contrary to the law to operate monopoly practices of that kind?

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, in this era of liberalisation, we are moving towards greater competition. We know that the Kenya Bus Services is facing stiff competition from indigenous companies owned by Kenyans, matatu operators and---

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am interested in an answer that makes sense. It is true that the company is facing stiff competition from matatus. The matatus operate because they defied the law. Instead of the Assistant Minister misleading the House, can he tell us of any other bus company that is allowed to operate in Nairobi? I do not know of any!

Mr. Obure: We have our own laws against monopolies. The provisions of those laws will be invoked to ensure that no organisation gets such kind of arrangement.

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that road accidents are the major causes of death in this country, is the Ministry considering starting a Road Safety Authority? Could the Assistant Minister confirm or deny whether the Kenya Bus Services is considering venturing into rail services?

Mr. Obure: I know what the hon. Member for Rangwe is getting at. But the Government is concerned about the safety of all the road users in this country. This is a very important question and the Minister is trying to improve the conditions of our roads. He is also trying to improve the attitudes and conduct of all the road users. We want to give a new approach to this question, and a Bill will be brought here. But at the moment, we are determined to reduce the number of road accidents which cost lives.

MINISTERIAL STATEMENT

CLARIFICATION ON QUESTION NO.031

The Minister for Co-operative Development (Dr. Anangwe): Mr. Temporary Deputy Speaker, Sir, I rise to clarify a matter that arose out of a Question raised by hon. Anyona, in respect of a society called Girango Farmers' Co-operative Society. For the benefit of hon. Members who may not recollect what the Question was all about, the hon. Member had sought to know:-

(a) whether the Minister was aware that between 30th of July, 1996 and 30th of April, 1997, the Chairman and Committee Members of Girango Farmers' Co-operative Society Limited in Kitutu Masaba misappropriated and misused Kshs643,464 belonging to coffee farmers in the area.

(b) what measures the Minister had taken against those involved in the fraud; and,

(c) when the farmers will be paid their money plus interest.

When I answered this particular Question, it raised a set of other questions and, on 29th of April, 1998, I promised that I will bring more information. I have looked at the evidence and beg to reply as follows.

(a) I am aware that the Chairman and Committee Members of Girango Farmers' Co-operative Society spent Kshs643,464, ostensibly on activities relevant to the society. Out of the sum, Kshs387,000 has been accounted for by documentary evidence, while Kshs256,464 is yet to be accounted for. In order to ensure that the Kshs256,464 is accounted for, I have taken the following measures, as per the new Co-operative Societies Act.

(i) A special general meeting of Girango Farmers' Co-operative Society has been called for 10th July, 1998, which will take a decision as provided for, by Section 73, Sub-Section 2 of the Co-operative Societies Act, 1997.

(ii) I have recommended to the said meeting, that the Committee Members of Girango Farmers' Co-operative Society, be asked to refund Kshs256,464 with interest at the rate of three per cent *per annum*, within three months from the date of the meeting.

(iii) The farmers will be paid their money with interest when the Kshs256,464 plus interest will be refunded in accordance with the answer that I have provided here, above.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I would like to say that I am profoundly grateful to the Minister for caring about the welfare of those farmers. I am grateful that he has been able to rise to the occasion because he was misled in the first place. I am very grateful that he has come to this kind of agreement.

I just want to raise two issues. First, I will be looking at the details the Minister has provided. I did also want to bring the attention of the Minister to the fact that, there were two figures which were given. The first figure was Kshs65,000 which was supposed to be used by the Committee Members to come to the Nairobi International

Show. If the Minister would like to check that further, he would discover that, what actually happened was that, they withdrew the money, divided it amongst, I think the five of them. Each one took Kshs16,125 and they never attended the show.

Secondly, there was a figure of Kshs35,000 which was supposed to have been used on an educational tour by the Committee Members. The position seems to be that, the Committee Members withdrew Kshs35,000 without any intention of going on the tour. There was an educational tour which was organised by the District, and five members from Girango were included. So, they withdrew Kshs35,000 to go on the tour, gave Kshs1,000 each, to those who were to go on that tour and took the balance of Kshs30,000. The Minister may want to check that as well.

Finally, I have looked at the new Act and it is very good. There is one thing that it does not have, I think, because of the duration involved. The Minister will notice that the new Act does not have rules on how committee members should be elected or removed. But when the Minister discovered that the Committee Members took him for a ride, and actually taken some money, is it really right for them to continue being in office? Are we not right to ask the Minister to organise an election? If they are re-elected, then those are some of the dangers of democracy. I would like to beg the Minister, inspite of the fact that rules may not have been made, to give the farmers an opportunity to elect a new committee to run the society. This will make us to have confidence on the figures that the Minister has given us.

Thank you.

The Minister for Co-operative Development (Dr. Anangwe): Mr. Temporary Deputy Speaker, Sir, in respect of the Kshs65,000 that the hon. Member has mentioned, the committee members have produced receipts, showing that they travelled from Kisii to Nairobi. For the purposes of accounting, that is satisfactory. However, there is a balance of Kshs57,400 which they have not been able to account for and I have asked them to reimburse it. About the members Education Day at Kisii FTC, it is true that they took Kshs35,000. Again, they have not been able to account for it. So, it is part and parcel of the Kshs256,464 which they would have to account for or repay, as I have already indicated above. But this is upon the annual general meeting to resolve or decide.

With respect to the rules, I am aware that we have not been able to follow up the new Act with new rules, but to the extent that the old rules still apply and are still relevant, they are still in force. I would like to assure this House that we are taking every step possible, to ensure that the rules are in place as soon as possible. In fact, we already have them, but it is a question of going through the procedures to ensure that everyone agrees with what we are trying to put in place. As to what will happen to this particular committee, the onus lies with the AGM. In the old Act, it would be possible for the Minister or the Commissioner of Co-operatives to order for a caretaker committee or commission; that is no more. Now it is upto the members themselves, through their AGM to so resolve. We hope when the time comes, they will decide the fate of this particular committee.

Thank you very much.

Mr. Kapten: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister has said that the old rules are still in force. The Act was repealed and the rules made. How could the old rules apply now, when the mother Act was repealed?

The Minister for Co-operative Development (Dr. Anangwe): Mr. Temporary Deputy Speaker, Sir, the fact that the old Act was repealed does not really mean that certain decisions that had been taken previously are null and void. We still encounter some issues that fall under the old Act, in relation to the appeals under the tribunal. In any case, it is not always possible to make a smooth transition. We hope that in due course, we should be able to fill up this particular lacuna with the new rules.

An hon. Member: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very serious matter---

The Temporary Deputy Speaker (Mr. Poghio): Order! Order! I think the Minister has explained very clearly the matters in question, because even the Questioner is satisfied with that response. Next order.

Mr. Anyona: I am very grateful, Mr. Temporary Deputy Speaker, Sir.

MOTION

ADOPTION OF SEVENTH PIC REPORT

THAT, this House adopts the Seventh Report of the Public Investments Committee (PIC) on the Accounts of State Corporations laid on the Table of the House on 22nd April, 1998.

(Mr. Kapten on 10.6.98)

(Resumption of Debate interrupted on 1.7.98)

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, I was on the Floor yesterday when the House rose, and I would like to continue with my contribution on the Report of the PIC. I was commenting on the issue of the National Social Security Fund (NSSF). My concern is that the NSSF, as I said, although it is supposed to care for the interests of employees, it has not done so effectively because the Trustees do not seem to take interest on the rights of the employees. The Central Organisation of Trade Unions (COTU) and the Federation of Kenya Employers (FKE) have failed the employees. The two organisations are supposed to be the watchdogs in the management of the NSSF. Although they are represented in the Board of the NSSF, they have perpetuated ills within the NSSF, instead of acting as good watchdogs for the public. The NSSF has been accused of buying highly overpriced properties and land all over the country, some of which have no returns at all. They are zero-yielding return investments and this is very disastrous for the employees, because their money is being invested in areas where they cannot gain any benefits at all.

It is also important to note that the NSSF money was invested in collapsed financial institutions. We have about Kshs1.4 billion which will be totally irrecoverable, because the institutions in which that money was invested have either collapsed, or are under receivership. That means that the NSSF would have to write-off Kshs1.4 billion. It is not an alarming statement to make, but it is important to note that, revolutions are caused when the public is disillusioned by the way the Government is running the affairs of the public. The Committee recommended the prosecution and surcharging of Mr. Martin Kunguru and Dr. Wilfred Koinange, but no action has been taken. At stake, is about Kshs2 billion or more, which has been mismanaged by those trustees, and yet, they are walking around enjoying their freedom with the money they looted from the NSSF. This is a disaster for this country. It is important for us to know that, even if we do not take action now, the public will one time, take up arms and contain the situation. The people who will face the wrath of the public are the ones whose names feature in this Report.

Looking at the extension of the NSSF Building, which was projected to cost Kshs467 million, it ended up spending Kshs3.2 billion, an excess of Kshs2.8 billion. Why was the building not properly planned? Why was the implementation done in such a shoddy manner? I think the whole thing was meant to be a conduit to siphon out as much money from the NSSF as possible, not to mention the fact that Mugoya Construction Company which features in almost every other corrupt deal, were the main contractors. The Mugoya Construction Company is owned by a Ugandan national and a son of a big man, and this is a common feature in many corrupt practices that have been reported in this country. It is a disaster that the Mugoya Construction Company continues to be awarded Government contracts, whereas they should have been delisted a long time.

Mr. Temporary Deputy Speaker, Sir, I would also like to comment on the issue of deposits that the NSSF made in several institutions. An amount of Kshs150 million was deposited with the Trust Bank, which I think is owned by Ajay Shah and others, and it was given away at 17 per cent for five years. I do not think anybody in his proper senses would give an institution a deposit for five years. Deposits are supposed to be on short-term basis, because in the long-run, it is very difficult to plan what will happen; yet, here is an institution being given Kshs150 million at 17 per cent. If that money was put in Treasury Bills, the opportunity cost would be around Kshs15 million per year, thus adding up to an amount of Kshs75 million in five years during which the money would be held by Trust Bank. It is a disaster that our own brothers are giving money out to institutions that they know very well, are supposed to perpetuate interests of foreigners and yet, we have institutions here which should be helped to survive because they belong to the local people. In fact, if anything, I think, the Government appears to be out to ruin indigenous-owned financial banks. Most of the banks that were closed down were all owned by local people. We now have banks which are owned only by multi-nationals and Asians. When will our African people enjoy the fruits of Independence, if at all these institutions are perpetually being crashed and killed by the Government and they are the ones who are supposed to be taxpayers? It is a disaster and we should ask ourselves whether we are following the right policies or when pursuing institutions like the NSSF.

Mr. Temporary Deputy Speaker, Sir, looking at the irrecoverable debts, you see that out of the Kshs1.4 billion, Kshs82 million got lost at the Postbank Credit Limited. Postbank Credit Limited of course, around 1992 was used to siphon out money through YK 92 for elections. That was a way of covering up that money. The Postbank Credit Limited was put under receivership. We will never know the truth of what transpired. However, we know that people like Mr. Chahonyo, who was its Managing Director was mentioned. We also that some other Members of Parliament were involved in Sololo Outlets and other companies which were used as organs of siphoning money out. They are now enjoying the loot by being elevated to the positions of chairmen of sugar

companies. I mean, what are we doing in this country? If somebody is a thief, then you promote him and give him chairmanship of another institution, then I do not know where we are heading. I think we have a major problem here of the Government not being serious at all. When we talk about corruption and people are known to be corrupt and yet they are promoted, I think, it is a disaster and this is a very vivid example of what has transpired in as far as this Report is concerned.

Mr. Temporary Deputy Speaker, Sir, we are also faced with bad accounting procedures and principles being followed by the NSSF. The NSSF has been known to delay submitting their accounts, not to mention that out of Kshs9 billion which happens to be members contributions, Kshs4.2 billion is under the suspense account. Suspense account in accounts and I happen to be an accountant by profession, is an inclination used as a way of hiding all types of messes keeping Kshs4.2 billion in a suspense account means that, that money is not known to belong to anybody. So, therefore, it is tucked somewhere at a corner and these are the types of money that can easily be looted by would-be thieves. Now, what can be done? The NSSF has money to make it one of the highly computerised institutions in this country. When you do not computerise institutions, you help institutions therefore, to have money which they can steal easily. Technology requires that the NSSF becomes one of the most highly computerised institutions, so that these suspense accounts can easily be put in the right accounts. So, it is important, therefore, for the Minister to note that of urgency, the NSSF be improved in the area of Information Technology (IT), so that it is able to draw its accounts in time and also be able to put its money where it should belong.

Mr. Temporary Deputy Speaker, Sir, I should also mention that the NSSF is run by civil servants and I have a lot of misgivings when I talk about civil servants, as far as professionalism is concerned. They cannot afford to pay professional people good salaries and therefore, you cut corners. The NSSF accounts department should have some of the best brains in accounts. They should be well paid and charged with the responsibility of taking care of employees' money. Currently, we do not have competent staff within the NSSF to be able to handle the colossal amounts of money that they are handling. I think it is important, that we have people who are qualified and charged with the responsibility of checking employees' money. The sooner we do that, the better; otherwise, we will have a very major problem as far as the NSSF is concerned.

Mr. Temporary Deputy Speaker, Sir, I would like to make general points before I go to other specifics. One is that, I have now noticed that the voluminous PIC Report which is bigger than the Bible plus, of course, the small categories that goes with the supplementaries, is all hullabaloo about thefts, corruption and over expenditure without approval. Nothing good is coming out of it. One wonders where we are going as a country. We seem to be going down the hill, other than up the hill. This is a disaster for our country. If we cannot do anything good as managers of this country and continue appointing people who are corrupt and in essence, let them run the show, then I think this is very disastrous for this country.

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

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

Mr. Temporary Deputy Speaker, Sir, my second point that I would like to make is that, this House has been totally disempowered. Decisions are made elsewhere. Overexpenditure is incurred because this House has no muscle. This House has teeth that cannot bite. Unless we empower this Parliament to be able to follow up the various cases of corruption, mismanagement and misappropriation, then this House will continue to be a toothless bulldog and has no contribution at all, to offer to the public. We would rather close down Parliament and go back to the constituencies and leave the Ministers to run the show, because we have no business being here. There is no purpose of having a Parliament.

In fact, I am disillusioned because for the six months that I have been in this House, I wonder what contributions I am making, because we talk and nobody hears. Look at the Bench over there which is supposed to be full of civil servants and yet, nobody is there. It is important that they follow these things. There should be somebody there, to listen to what we are talking. Some of them even do not read the HANSARD. I think it is important for us to have civil servants seated there and listening to some of these important contributions which are made, otherwise, we will have a problem of the public out there, telling us that we are not acting responsibly enough as a House. This House should not be a chit-chat House where we just come to talk to Benches and nothing is done and then at the end of the day, we walk out and earn our salaries. I think that is not enough. We should see that whatever decisions that are made in this House, are followed up and action is taken.

Mr. Temporary Deputy Speaker, Sir, I am wondering too, why some people are not pricked by conscience. I find some people who are now elevated to Ministers, including people like Kipng'eno arap Nge'ny, who appears repeatedly in the Report in areas where at the Kenya Posts and Telecommunications Corporation, there were misappropriations and fraudulent practices. He features there as a Minister and he has no conscience. He walks on the streets of Nairobi and yet, he is labelled and tagged as one of the most corrupt people in this Report. I am not saying it for the sake of it, but this is what is written in black and white. This type of people have no business being elevated to positions that they are occupying. I am questioning the prudence of having those type of people tainting the good name of the Government. The Government has got very good people like hon. Arap-Kirui who has been in the private sector as a former director---

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Kariuki. Under Standing Order No.73, you are imputing improper motives to an hon. Member and I caution you that, you are out of order. Could you please keep to the Standing Orders.

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, everything that I have said is contained in the Report and if you would want me to refer precisely to the sections that refer to those names, they are there in black and white. I have no ill malice against any Member of this august House.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Kariuki. Let me read for you the relevant Standing Order No.73 which reads as follows:

"No Member shall impute improper motives to any other Member except upon a specific substantive Motion calling in question the conduct of that Member".

You could still bring a substantive Motion on what you want to say, but at the moment, restrict yourself to the debate.

Mr. Kapten: On a point of information, Mr. Temporary Deputy Speaker, Sir. The Member is contributing on what was deliberated upon by PIC. He has mentioned what is written in the Report which is part of a document or resolution that has been accepted by this House. I really do not see the improper motives being imputed by the Member, if at all what he is saying is contained in the Report. It would be very difficult for us to contribute if the Chair says that, we cannot talk about the names which are contained in the Report. This is just like the other day when the names of Mr. Mwangale and others were raised because they were contained in the Report.

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, I would like to continue on page three of the PIC report. The Committee further recommends that, the chief executive should furnish the Attorney General with all relevant information regarding the purchase of two plots, in order to enable him initiate investigations into this case and institute criminal proceedings against all culprits. The then chief executive, Kipng'eno arap Ng'eny and any other officer involved in any fraudulent activities relating to this transaction--- I do not know why I am being ruled out of order. I am precisely quoting the PIC's report and I do not think it would be fair for me to be ruled out of order, when I am not quoting anything outside the contents of this report.

Mr. Temporary Deputy Speaker, Sir, with the indulgence of the Chair, I beg to continue. I was saying that KPTC is an institution which has been known to perpetuate corruption and misappropriation. It is important that, our people should have conscience to know when they have done something wrong. I want to say that, it is imprudent to promote a person who appears in this report. That is all I meant to say.

Mr. Temporary Deputy Speaker, Sir, the example we are setting to the public out there is very bad. We have seen situations in other parts of Africa, where reports of misappropriation have ended up resulting to havoc in countries like Somalia and Democratic Republic of Congo. We do not want to get into such a situation. If you look at the report on NSSF and NHIF, there is a problem there. Statutory deductions for the NSSF and NHIF are not being remitted to the rightful custodians. So, Government parastatals are intentionally withholding funds belonging to pensioners. But they are not supposed to be holding it. Those funds are supposed to be where they should be. Instead, they are being mismanaged by institutions which deduct them from employees. Deductions have already been made but remittances are not made in the rightful manner. This is bad because the pensioners will ultimately lose that money. This is true in the case of the Kenya National Assurance Company which was closed down and its former employees are now languishing in problems, because their money did not go through the rightful places. The Government should ensure that, any deductions made from employees are remitted to the rightful places.

Mr. Speaker, Sir, the other aspect which also worries us, is the issue of sale of Government land and buildings. The Upper Hill area of Nairobi used to be the exclusive area for Ministers and judges. Today, all that land has been sold out. Ultimately, you will see Ministers living in Dandora, Buruburu or Umoja because those properties have been given out. What are we doing as a country? I hope that through you, Mr. Temporary Deputy

Speaker, Sir, the Minister for Lands and Settlement will use his prudence and good judgement to ensure that houses belonging to the Government are not sold because we need them for posterity. If you go to Murang'a Town, the DC's plot has been divided and sold. Various district heads' properties have been sub-divided and sold. This is outrageous. I do not know what we are doing as a country. This practice of selling Government houses should stop.

There is also the tendency of the Government having a lot of property which are not properly maintained. Some lifts are not working. In fact, people are going to die in those lifts one of these days. Yesterday, I was in Nyayo House and the lift got stuck in the 20th floor. We were trapped in there for one and half hours. The same case applies to Kenya Reinsurance Plaza and any other tall Government building in this City. If the Government has to be a landlord, it has to be a good one, by maintaining property like lifts and ensuring the houses are painted quite often. The Government should not just build houses and leave them to rot over the years. They will collapse and fall on us, or we shall die in those lifts. Could we avoid it through proper maintenance?

Mr. Speaker, Sir, we must also speed up the process of privatisation. The Kenya Railways Corporation is dying because of lack of privatisation. The Kenya Ports Authority is also collapsing. We should privatise as much as possible and pull the Government out of running commercial enterprises. The Government has nothing to do with the running of businesses. We should privatise through the Nairobi Stock Exchange. I have been in it for 25 years. We privatised Housing Finance Company of Kenya and Kenya Commercial Bank and those institutions are now well managed and the public is benefiting in the process. We must also have the sanctity of title deeds. The Minister of Lands and Settlement should know the importance of title deeds. There are cases where titles deeds are being duplicated. The Ministry of Lands and Settlement has become a corrupt institution where, for instance, we have cases of allocation of river beds, which are supposed to be reserved, so that if a river floods like Nairobi River, people are not swept away. I have cases of about 100 acres of land in Lake Naivasha which is supposed to be shoreline reserves, being given out. I think the Commissioner of Lands with his wife and others are implicated. I will table documents here in due course, to show that there is no prudence in maintaining certain areas which are supposed to be reserved wetlands for posterity.

Mr. Temporary Deputy Speaker, Sir, the other issue is to stop sale of various properties by private treaty. I have a list here, of ICDC properties which were sold through private treaty, for instance, the Milling Corporation of Kenya.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Kariuki, your time is up.

Mr. Kariuki: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I beg to support.

The Minister for Home Affairs, National Heritage, Culture and Social Services (Mr. Nassir): Bw. Naibu Spika was muda, nakushukuru kwa kunipa nafasi ya kuzungumza juu ya mambo ambayo yaliyopita na pia yale yanayokuja. Nafikiria Waheshimiwa wetu wote, na hasa wa Pwani wangukuwa kama mhe. Nginyo Kariuki---

Mr. Kariuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. My name is not Nginyo Kariuki, but Ngenye Kariuki, Member for Kiharu.

The Minister for Home Affairs, National Heritage, Culture and Social Services (Mr. Nassir): Ngenye Kariuki, Member for Kiragwa. Well done.

Mr. Kariuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. I took the trouble to know that he is hon. Nassir and he should also do the same, to know that my constituency is Kiharu and not Karianyi or whatever he is calling it.

(Laughter)

The Minister for Home Affairs, National Heritage, Culture and Social Services (Mr. Nassir): Ningependa watu wote wa Kenya wawe kama yeye. Ardhi yao ikichukuliwa waseme. Wakati ule tulikuwa na chama kimoja, watu wengi hawakusema ardhi yao au ya serikali ikichukuliwa. Lakini leo, umefika wakati ambao waona uchungu. Kumbe, kisu ni kibaya kwa binadamu tu, lakini kwa nguruwe, ni halali. Mambo hayo yamefanyika katika Kenya na tumeumia sana. Lakini nataka huu mswada ulioko hapa uwe ni kielelezo cha watu wa Kenya, kujua vile watachungu mali yao. Kuna Mheshimiwa ambaye amezungumza juu ya mambo ya Nairobi, kwamba ardhi ya serikali imechukuliwa. Sisi wakati tulikuwa na chama kimoja, serikali moja, na tulipendana sana, ardhi ilienda yote. Hii ni kwa sababu ya udugu. Lakini leo, unamfungua macho aliyelala na yule aliyeamka, atakuwa na taabu. Mambo yanayofanyika sasa, ni yale yaliyofanyika zamani. Sasa tunarekebisha yale ambayo hayakufanywa. Yaliyofanywa vibaya, tuyatengeneze yawe mazuri.

Bw. Naibu Spika wa muda, leo watu wanasema mali yanunuliwe kila pahali, yaani privatisation. Kweli, kuna pahali pengine ambapo watu ni maskini lakini mali yakiuzwa, tuwaambie mambo yao. Kwa mfano kama ni

Waluhya, waambiwe mambo ya sukari yao; kama ni majani chai, ndugu zetu wa Mkoa wa Kati waambiwe vile yanauzwa. Ikiwa hata ni Ng'ombe, Maasai na Somali pia nao wasilie wakiuliza mbona mali yao yanauzwa na hawaambiwi. Tumefika wakati wa kisawa. Budget, Privatisation na mambo ya katiba, lazima kila mtu achunge kwake. Tuchunge tusilie tena. Na wale wanaonea wenzao, wakome. Hata kama watu ni wachache ni lazima maoni yao yazingatiwe.

Bw. Naibu Spika wa Muda, mambo yote yanayosemwa katika nchi hii ni ya kweli. Makosa yamefanyika na ni lazima yarekebishwe, ili wananchi wote waishi kwa amani. Sisi viongozi tunataka watoto wetu waishi maisha mazuri, hata kama tumenyimwa misaada na mataifa wafadhili. Kunyimwa misaada na mataifa wafadhili kuna nia ya kutia nchi hii adabu.

Ikiwa Serikali hii itauza mashirika yake, basi ni heri wananchi wetu wayanunue mashirika hayo. Kuna watu matajiri sana katika nchi hii ambao wangependa kuyanunua mashirika hayo yote. Ikiwa mtu mmoja atanunua bandari ya Kilindini, basi atazisimamia shughuli zote kama mali yake ya kibinafsi, na atawaajiri watu atakaowataka. Kwa mfano, kuna matajiri ambao wana mahoteli kule Mombasa ambao huwajiri ndugu zao kutoka bara. Tunaona ya kwamba watu wa Pwani wanabaki bila kazi. Watu wa bara ndio wanaofanya kazi zote katika mahoteli hayo. Je, ikiwa tajiri huyo atainunua Bandari ya Mombasa, si atawafukuza watu wetu kutoka Pwani?

Bw. Naibu Spika wa Muda, tuna furaha sana katika Kenya kwa sababu tunaweza kuzungumza juu ya ufisadi, watu wabaya na watu fulani ambao "wamekula". Ikiwa tutawataja watu ambao wamehusika na ufisadi, basi viongozi wengi wataona aibu kubwa. Mimi sipendi mambo ya aibu kwa sababu Kenya ni yetu sote na tunaishi kidugu.

Bw. Naibu Spika wa Muda, katika Mkoa wa Pwani tuna chumvi, samaki, bandari ya Kilindini na shughuli zote za kiutalii. Haya mambo yote ningependekeza yawe mikononi mwa watu wa Pwani. Haifai kusema watu wa Pwani ni wapumbavu. La, ujinga na kulala kwetu chini ya minazi umefikia kikomo. Hakuna "mjinga" katika nchi ya Kenya. "Wajinga" walikufa zamani. Haya ni mambo ya wazi. Sitaki kusema zaidi. Kwa hivyo, ikiwa viongozi fulani hawataki wananchi wa jamii fulani wayanunue mashirika ya Serikali katika maeneo yao, basi inafaa nao wawape nafasi watu wa Pwani kuyanunua mashirika hayo. Kule Mombasa, nyumba zote za Serikali zimenunuliwa, na sehemu za barabara zimetwaliwa na watu binafsi. Wakati mambo hayo ya ufisadi yalipokuwa yakiendelea Pwani, watu waliona ni sawa tu. Lakini yanapofanyika kwingineko katika Jamhuri yetu, viongozi fulani wanaona uchungu sana.

Bw. Naibu Spika wa Muda, tutaitengeneza Kenya kikatiba. Wale wananchi wanaopendana watakaa pamoja na kushauriana juu ya Katiba ya nchi hii, lakini wenye maringo ni shauri yao. Tunataka umoja katika mashauriano. Mambo haya ya Katiba yanatuhitaji sote tuseme ukweli katika Bunge hili kwa sababu Kenya ni moja, ingawa kila mmoja wetu ana nyumba na kitanda chake.

Kuna mambo mengi ambayo tunaweza kujadiliana katika Bunge hili. Wananchi wetu wanataka kusaidiwa kwa sababu wana taabu nyingi. Wananchi wengi hawana kazi na mashamba. Kuna matajiri ambao wana zaidi ya ekari 20,000 za ardhi, lakini hawawezi kuwapa maskini hata ekari mbili. Wanawaacha wananchi kuzurura barabarani ovyo ovyo. Umefika wakati wakusema ukweli. Siasa zetu ni kuhusu tajiri kuhifadhi mali yake kwa njia ya uwongo. Siasa zetu zimebaki tu wakati tunapofanya uchaguzi mkuu na kupigania uhuru wetu. Lakini viongozi wanataka kuwandanganya watu, ili wajirudikie mali kwa kutumia siasa duni.

Bw. Naibu Spika wa Muda, katika kubinafsisha mashirika ya Serikali ni wajibu wetu kuona kwamba kila mwananchi amepewa nafasi ya kununua hisa katika mashirika hayo ambayo yako nyumbani kwao. Hatuna haja ya kutengana, lakini inafaa tuwape wananchi wetu nafasi ya kwanza ya kuyanunua mashirika hayo ili wafaidike. Haifai mtu ambaye ana zaidi ya ekari 80,000 za ardhi na hali hawasaidii wananchi wengine. Wakenya hawataki tena siasa duni na zenye uongo. Wanataka kusaidiwa ili maisha yao yawe mazuri. Hakuna haja ya sisi kuzungumza juu ya watu fulani ambao wanajirudikia mali ya umma bila kujali. Kwa mfano, tunaambiwa ya kwamba mwaka jana, tajiri fulani alijirudikia nyumba ya Serikali, sehemu iliyotengwa kwa minajili ya kutengeneza barabara na kadhalika. Iwapo tutasema ukweli kuhusiana na ufisadi katika nchi hii, basi kuna viongozi ambao watakimbia mbio kwa sababu tunawajua. Mashamba ambayo yameporwa kule kwetu ni makubwa sana na hata matajiri hawa hawayalimi. Wanazitumia hati za mashamba hayo kupata mikopo kutoka benki ili wakuze mashamba yao ya kahawa. Watu wetu wameanza kukasirika kuhusiana na mambo haya, lakini tunawatuliza tu. Tunawaambia ya kwamba watu hao ni ndugu zetu Wakenya, na inafaa tuishi nao kwa amani. Lakini, tutafanya hivyo mpaka lini? Tuna bahati wakati huo tunapoyajadili marekebisho ya Katiba. Tunaomba Mungu atuweke hai ili tuweze kutoa maoni yetu kuhusiana na Katiba. Wakati huu tuna Rais Moi ambaye tunafanya kazi naye. Wakati mwingine yeye huwanyamasisha hawa watu wanaotaka tuharakishe marekebisho ya Katiba. Hata hivyo, sisi sote tutakufa. Ikiwa Katiba haitafanyiwa marekebisho, basi tutamalizwa na maadui zetu. Watu wengi wana kisasi. Kwa mfano, hapa Nairobi ukionekana na gari la Serikali ambalo lina bendera ya

taifa, wanakasirika sana.

Kwa hivyo, mambo haya yote ni lazima yarekebishwe kwa amani. Hakuna haja ya kuwadharau watu wa jamii fulani. Tunataka wananchi wote wa Kenya wapendane. Kuna viongozi matajiri ambao hawataki siasa za majimbo nchini. Watu hao wanapinga kila jambo katika taifa hili. Wanataka kuwadanganya watu, ili wajifaidi zaidi na wananchi wabaki maskini.

Kwa hayo machache, Bw. Naibu Spika wa Muda, ninaunga mkono.

Mr. Mwakiringo: Thank you Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to the Seventh PIC Report. One thing which is disappointing, is the delay in the submission of the accounts.

Mr. Temporary Deputy Speaker, Sir, after going through this Report, I came to the conclusion that, what we require now is a clear policy on what is to be done and who is to do what, whenever a recommendation is made. The Kenya Revenue Authority (KRA) overspent by Kshs272 million on ten items, without the Board's approval. Nobody, upto now, seems to know what happened and who has followed up what. The Report only says that action will be taken. But now, five years have passed and no action has been taken. The National Oil Corporation of Kenya (NOCK) overspent by Kshs55 million, without the Board's approval and nobody is taking action.

Mr. Temporary Deputy Speaker, Sir, we have to change. Political patronage must end. This is because people are appointed to the Boards of State Corporations, yet they do not seem to know why they were appointed. They just stay there to get allowances but do not understand what the chief executives do there. If we cannot demand monthly audit statements from State Corporations before we sit in a Board meeting, then the Board need not be there. This is because, if this is done--- Members of Boards of Governors in secondary schools know that the Board cannot sit without a balance sheet for the month. This is not happening in the State Corporations and that is why there are many cases of overspending there. Let us not appoint chairmen who have not gone to school, just because of political patronage. If we have to cross to the next millennium knowing which direction we are heading, political patronage must end. I recommend that the State Corporations Act, Cap 446, be amended to provide for strict measures to be taken against those who mismanage corporations' funds.

Mr. Temporary Deputy Speaker, Sir, the second issue is on Government land title deeds. I am foreseeing a situation whereby the Government will be landless in the next two to three years to come, with the persistent rampant land grabbing. If Government Ministries have not acquired title deeds for the compounds on which their offices have stood for the last 34 years since Independence, then why are they there? I tend to think that, each Ministry can be given a title deed. If an individual can be issued with a title deed for a piece of land, why not a Government Ministry? I think this is a deliberate way of leaving loopholes for some people to grab some vacant pieces of land lying next to Government buildings. The Ministry of Lands and Settlement should work very fast and issue each Ministry with a title deed. As I said earlier, somebody was allocated a piece of land belonging to the Coast Provincial Commissioner's office. The allottee, who is from the Rift Valley, did not know that the land belonged to the Government. One day, when he demanded to be given his title deed, he was told: "This is the Provincial Commissioner's Office". He asked: "Then why should I be allocated this one?" It is simply because the particulars of the land where the Provincial Administration headquarters are situated are not documented by the Ministry of Lands and Settlement.

I would also like to say something about the Kenya Ports Authority (KPA). Every Tom, Dick and Harry is complaining and eyes are on the KPA. There should be no wholesale condemnation of KPA. The Authority paid Kshs14,802,000 to the Commissioner of Lands for seven pieces of land. But the same office of the Commissioner of Lands re-allocated some pieces of the same land paid for by the KPA to the Export Processing Zone (EPZ). I do not understand why the Commissioner of Lands did this. Where are we heading to? I think that office needs some retrenchment, so that it can remain with a few officers so as to maintain efficiency. I think we should go to church on Sunday and pray for that Ministry to be more efficient. Upto now, no account as to why that happened, has been given. That means nobody is following it up. As we are talking here, nobody from that Ministry is here to take the comments being made by hon. Members. If we are blasting a certain Ministry, an official should be here to hear what hon. Members have to say about it. But nobody is here; we are just left with Assistant Ministers who are just there for the sake of being there.

Mr. Temporary Deputy Speaker, Sir, the KPA, on behalf of the Ministry of Transport and Communications, paid a dredging company Kshs287,231,401, expecting to be re-embussed by the Ministry, but that has not happened upto now.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear the hon. Member say that Assistant Ministers are just there for the sake of being there? I think that is a very unfriendly remark. Could he be asked to withdraw that particular remark?

Mr. Mwakiringo: Mr. Temporary Deputy Speaker, Sir, you know that these people have nothing to do in

their offices. That is why you always find them in the telephone booth--- But I wish to apologise.

The Temporary Deputy Speaker (Mr. Musila): Mr. Mwakiringo, it is not proper to say "I know that these people are just there". They are Government Assistant Ministers. Therefore, you can as well withdraw that remark and continue.

Mr. Mwakiringo: Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to withdraw the remark. They are hon. Members of Parliament. So, on behalf of the Ministry of Transport and Communications, the KPA paid over Kshs287 million, which has not been re-embursed upto now. If it was agreed that the parent Ministry would re-emburse the KPA, I think it is high time that the KPA received this money, so that they can develop their premises. The same thing applies to the National Cereals and Produce Board. The Board is owed Kshs1 billion by Government Ministries for food supplied to them. That money has not been paid upto now and this is very alarming. I do not know why the Ministries have not paid the money to NCPB. These Ministries have not even stated when they intend to pay this money back to the Board. The NCPB is a vital parastatal, because it receives maize on behalf of the Government whenever the country imports the grain and when there is an exportation; it also handles the grains on behalf of the Government. If it is owed a lot of money as is the case now, you should expect its operations to be paralysed.

Mr. Temporary Deputy Speaker, Sir, the Kenya Posts and Telecommunications Corporation invested Kshs161,678,039 in four financial institutions which collapsed. This is why I have said that we need to have a clear policy. These banks collapsed because they never followed the Central Bank of Kenya guidelines on investment. No action regarding this issue has been taken todate. If we have to proceed and enter the next millennium in a good financial state and good governance for the country as a whole, we need a clear policy. We have competent officers in the Government, but we have problems with implementation. There is political interference and lack of commitment on the part of some of our officers.

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

The Assistant Minister for Lands and Settlement (Mr. arap Leting): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion.

Mr. Temporary Deputy Speaker, Sir, I will start by giving a bit of background on how parastatals were started because I was in charge of parastatals sometime in the past. The initial aims of establishing these parastatals were very noble. When these parastatals were started, the aims were very good and, indeed, a lot of achievements were realised. I remember correctly, one of the reasons why we set up so many parastatals in the country was to transfer the economy from foreign hands to Kenyans. This is because at the time of Independence the entire economy was in the hands of people whom we considered not to be indigenous Kenyans. For the first 15 years after Independence, the parastatals achieved a lot in terms of employment, training of personnel, accessing of funds and establishing industries which were not in existence at that time. If one looks at the parastatals as they were earlier, each parastatal was covering an important aspect of the Kenyan economy. For example, we had parastatals that were geared towards research and scientific findings, educational, marketing, agricultural, loaning institutions, housing and tourism. So, each of those areas were covered by our parastatals, either to establish industries or to organise some marketing of locally produced products.

However, as time went by, these parastatals became too many and, therefore, difficult to manage and difficult to control. I am giving this background because I want to deviate from simply commenting on what Members of the Public Investments Committee put in their Report. There are other factors which contributed to the fall or weakening of parastatals other than the human element.

Mr. Temporary Deputy Speaker, Sir, despite the problems cited in the Report, the parastatals have done a commendable job in the past; especially in the area of scientific development. We are aware of the achievements that we have made through Kenya Agricultural Research Institute, Kenya Medical Research Institute and the National Housing Corporation. Yesterday, one hon. Member spoke at length about the activities of National Housing Corporation. I think initially, that parastatal---

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am invoking the Standing Order on relevance. The former Head of the Public Service and Secretary to the Cabinet is giving us a story of these State Corporations and telling us that, sometimes they made very good achievements. We are now concerned with the human element; the squandering of funds by chief executives. So, could he confine himself to the Report?

The Assistant Minister for Lands and Settlement (Mr. arap Leting): I am coming to that. From the way the Report has been written, it appears as if--- It is good to give the background of how---

Mr. Ngure: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to assume that hon. Members do not know the history of these parastatals?

The Assistant Minister for Lands and Settlement (Mr. arap Leting): I am not addressing only Members of Parliament! This is a Report to be read by Kenyans.

The Public Investments Report, as most hon. Members have indicated, has a lot of bad things to say. For example, there is an extensive mismanagement and misappropriation of public funds. In addition to that, I think it should also be borne in mind by those who read this Report that some of the contributory factors to the collapse of the parastatals are the appointments of the Chairman and Managing Directors. This has been discussed very extensively by hon. Members. It is true that some of the people who are appointed to run these Corporations help in running down the parastatals. Although most of them were not educated, there are some who were well educated and still, they run down the parastatals. They did this, not because they were not technically qualified or illiterate, but because they decided to be careless, malicious or negligent. Another factor which has contributed to the collapse of the parastatals is that we appoint managers who are not business minded and, therefore, they contributed towards running down the parastatals. Some of the parastatals failed because the Government kept salvaging them out of their financial troubles. If we did not have that safety net for parastatals whereby the Government always guaranteed their loans and whenever they were in financial trouble, they were given money by the Treasury, managing directors could have worked hard. If a parastatal is treated that way, what motivation will it give to the managing director to work hard and make the money? So, that is where we went wrong at the beginning by assuring them of protection from the Government.

Mr. Temporary Deputy Speaker, Sir, another factor which contributed to the collapse of parastatals is the non-repayment of their loans. Kenyans are very good in not repaying their loans. We have people who borrowed money from the Kenya Industrial Estates, Agricultural Finance Corporation, DFCK, National Housing Corporation and such money has not been re-paid. If the loans borrowed are not re-paid and the Government is no longer salvaging parastatals, how will they survive? These are issues that we should bring up in addition to the human carelessness and looting.

We must also accept that some of our own management styles of parastatals contributed to their collapse. There was also confusion on whom parastatals were to report to. You are aware that most of the Chief Executives of parastatals at one time were appointed by the Office of the President and yet, they were under the management of the Ministries. There was a problem here because the people managing the parastatals felt that they owed their allegiance to the Office of the President, and so long as the Office of the President was happy, they could do all that they want. Eventually, the management of the Corporations was returned to the Ministries. So, that reporting pattern, psychologically contributed to the fall of Corporations because a managing director felt that he did not owe allegiance to the Ministry which is supposed to be the closest supervisor of the parastatals. That also contributed to the collapse of the parastatals.

The last point about the failure is that the privatisation of parastatals has come too late. We have delayed too much. We should have privatised most of the parastatals much earlier. We delayed until we were caught up by the liberalisation problem. As you are aware, parastatals used to be guaranteed jobs through Government protection and preferential treatment in the assignment of jobs. But with the introduction of liberalisation, parastatals still had all these problems like over-protection from the Government and carelessness from the management. They are unable to compete because they were not used to competing previously. For example, they were all required to insure with the Kenya National Assurance (KNAC). Now what happened in the end? The KNAC died with a lot of investments from parastatals. That is why I brought up that background. The Report is for the Kenyan public, therefore, the people must be given a balanced assessment of the problems that parastatals are facing. The report is all about mismanagement; nobody is talking about the issues that are beyond the parastatals' control, like the non-payment of loans.

To conclude my remarks, I would like to state that I support the Committees recommendation on what should be done to individuals. I also support the proposals that have been put forward to correct whatever went wrong. However, we should move faster and privatise all the parastatals. I have dealt with parastatals in the past. If I was to decide, I would privatise all of them. None of them would remain because that is the only way the parastatals can continue expanding. They will be challenged to have their own initiative without psychologically feeling that somebody outside is protecting them. Parastatals were spoilt from the beginning and they became too spoilt as we went ahead. As I said, they did a very good job in the beginning, but things went wrong slowly both in terms of management and performance.

With those few remarks, I beg to support.

Mr. Ngure: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to comment on the Public Investments Report. Basically, looking at it, it is a sad story. I did not endeavour to really go through it. Reading this Report gives me the feeling that I am listening to eulogies at a mass-death funeral. When you read this Report, you see misappropriation of funds, unpaid debts, stalled services, incomplete projects. We are a dead

society if this is an epitome of our country Kenya. There are also recommendations in here of what the Attorney-General should do to people who have been part and parcel of this misappropriation. It is surprising that some of them were elected on the Government side. That is an escape because had they tried to seek a seat on an Opposition ticket, they would not be in this House. Instead, they would be in jail.

If we will to continue to have Reports like this one and to blame the *El Nino* induced floods, I do not think that we will move ahead. What we should do as a House is to adopt this Report and ask the relevant authorities to take action so that the Government funds that have been invested will help the public. The funds should not be mismanaged or misappropriated. I quite agree with the hon. Members, who have said that what is wrong is the choosing of the chief executives. When the parastatals were created, they were meant to help the public and to invest on behalf of the public, in bodies where the public would not have managed to get funds at the time of Independence. Indeed, at that time, many chief executives were appointed because of their experience and knowledge of business. But as time went on, parastatals turned out to be "thank you," houses for failed politicians who were in the good books of the Government. This is what has made them to fail. We know very well that at times if you think that you are in the good books of the Government, and you contest for a seat in the elections then fail, you are given the chairmanship of a parastatal so that you can consolidate your position for the next election. Surely such an individual will not run the parastatal. He will be there for five years, gather enough funds, go for elections and try to win again. This is the bad policy of the Government; using public investment as their own dumping houses.

I come from a constituency---

QUORUM

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

The Temporary Deputy Speaker (Mr. Musila): No, we do not have a quorum now. Please, ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, we have a Quorum now. Proceed, Mr. Nguire.

Mr. Nguire: Thank you, Mr. Temporary Deputy Speaker, Sir. I think, I will not go the full length, noticing the sort of interest, hon. Members are showing in this Report. It is not because they are not interested in what is written in this Report, but it is a sad story that has been happening year-in-year-out, and no action has been taken. That is why the Division Bell has been rung four times since this debate started.

It is sad that we are talking about privatising some of these parastatals. I come from an area where at times drought becomes very severe and it starts killing the cattle, and then people advise you to sell the animals. It is a sad story when somebody tells you to sell an animal that cannot even walk to the market. Some of these parastatals are sick and cannot be sold. It is time that the Government revived these parastatals, fattened them and made them sellable. It would be sad to sell Kenya Railways. Sell it after what improvement? We have had the railway line that was constructed by the colonialist. It is the same railway line and we saying that it has failed. You are saying that money is needed to expand it. Why has it not been able to expand on its own? We have enough goods coming through the Port. By this time, we would be having two or three railway lines; one for the passenger, which is high speed, and two for the goods. Then we will be saving even our roads. This is where we have a sad situation.

I do believe that if a wrong persists year-in-year-out and there is a Government that is in control and has given absolute power to the Chief Executive, then this wrong must be benefiting somebody somewhere. Otherwise, this wrong should have been rectified along time ago. That is why we have these parastatal failing. That is why we have the NSSF now being mentioned among the parastatals that are losing money.

We have the Cotton Lint and Seed Marketing Board. Surely, the cotton industry has failed in this country. Cotton was one of the cash crops of my constituency, but because of the mismanagement the cotton industry has failed and people have no cash crop at all. Even if you are privatising these parastatals, those interested in them will be unable buy them. Even if you are privatising the Cotton Board and the ginneries, they do not have the money to buy because some of these parastatals were managed by chief executives who did know what a grain of cotton looks like. This patronage of individuals because they come from particular areas, or because they support particular ideologies, which have not worked for 35 years, is wrong. Why should we talk of

failures of parastatals and Government investments?

Mr. Temporary Deputy Speaker, Sir, we are talking about a permanent way like the railway, 35 years after Independence! Something or somebody somewhere has failed. It is time that we people of Kenya owned up to our failures and said: "Mr. President, you are appointing me a Minister, but I am a failure, I had failed in that parastatal, now my people did not realise that I failed. Of course, I have come to Parliament but I cannot be a Minister." Let us own up. Let us not just take positions when we know we have failed from one angle. They know and they are mentioned in this Report. Why are they occupying some of these posts? This Report is public. When I go back to my constituency and I am asked why our roads are not developed and why we do not have medicines in the dispensaries--- If I am asked why our fish is rotting due to lack of transport, I will read them this Report and I will mention those names. But above all, we must tell them who appointed these failures. We live in this part of the world not because we are better citizens than others, but we live so that what is done in this country is left for the future generations. But we are not going to leave them some of these reports.

Mr. Temporary Deputy Speaker, Sir, if we as Parliamentarians and as leaders should own up our mistakes and read these Reports, revitalise some of these "tall" projects, and put them in a position so that the public can use them. What is the use of reading about stalled housing projects? The National Housing Corporation has stalled housing projects and Kenyans are living in squalor and paying a lot of money. We have these National Youth Service Houses. Why can something not be done? Why can they not be handed over to the City Council so that the City Council can renovate the houses and sell them to the people? For how long are we going to wait for Nyayo Buses to produce profits so that these houses can be built? Nyayo Buses are there no more! It is good business principle that if you cannot manage a project, you can ask for assistance so that this project can help the public. It was not just started to be stalled. Some of these projects were started with good intention; to help members of the public; to help Kenyans who do not have houses. I am not even afraid that, as they are, Kenyans can inhabit them because they are living in worse conditions than what we have in those houses.

Mr. Temporary Deputy Speaker, Sir, we have police houses in Nairobi West. Why can they not be completed and opened up for these police officers? They can complete them because they---

Mr. Kihoro: On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghiso): There is a point of information, Mr. Ngure. Will you take it?

Mr. Ngure: Yes, I will take the information, maybe he knows better.

Mr. Kihoro: On a point of information, Mr. Temporary Deputy Speaker, Sir. I am surprised the hon. Member is concerned about the stalled housing projects. I know that the big fish in this country are looking for an opportunity to eat. When the right time comes, some people on the Government side will buy these houses at a throw away price. There is nothing else that is being waited for.

The Assistant Minister for Finance (Mr. Arap-Kirui): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to impute improper motive to hon. Members of this House without offering any evidence whatsoever?

Mr. Ngure: Mr. Temporary Deputy speaker, Sir, I was being informed and I am obliged to be informed. Ten Nyayo buses in Kisumu were sold at throw away prices and we know that they were bought by a big man in the province.

The Minister for Local Authorities (Prof. Ongeri): On a point of order, Mr. Temporary Deputy Speaker, Sir. I would appreciate if the hon. Members treated this House with a great deal of decorum. Is the hon. Member in order to impute that this House was involved in the disposal of the Nyayo buses in Kisumu, while he knows that they were under receivership and the law is very clear on receivership?

Mr. Ngure: Mr. Temporary Deputy Speaker, Sir, the law is very clear on receivership, but receivers are appointed by the seller. The receivers were given instructions. The advertisement on the newspapers indicated that the auction was to start at 11.00 a.m, but it started at 9.00 a.m. The fall of the hammer was at 9.30 a.m. and only one bidder bought these buses.

Mr. Wafula: On a point of order, Mr. Temporary Deputy Speaker, Sir, the hon. Member on the Floor has made serious allegations. I know there are very clean Members on the other side who should be exonerated from any scandal. Will I be in order to ask that the hon. Member to substantiate his allegations by naming those to whom the Nyayo buses were sold, and then we can clear Prof. Ongeri from the sale?

The Temporary Deputy Speaker (Mr. Musila): Indeed, Mr. Ngure, you have made a very serious allegation and you might as well substantiate or withdraw it.

Mr. Ngure: Mr. Temporary Deputy Speaker, Sir, I said Nyayo buses were sold at throw away prices. They were sold to a company belonging to the former Nyanza Provincial Commissioner, Mr. Kaguthi.

(Loud consultations)

Well, Mr. Temporary Deputy Speaker, Sir, while I was continuing, I thought the Government side would rise on a point of order, but since they did not, I am satisfied that they are also satisfied.

The Minister for Environmental Conservation (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has said that the buses were sold to Mr. Kaguthi, but he has not provided information or documents to that effect. Is he in order to bring in information that would mislead the House without proper evidence?

Mr. Ngure: Mr. Temporary Deputy Speaker, Sir, I was asked to name, and I have named the person who bought the buses.

The Temporary Deputy Speaker (Mr. Musila): Order! What evidence do you have?

Mr. Ngure: Mr. Temporary Deputy Speaker, Sir, I know that the auction went on. I saw it and I read the name of the person who bought the buses.

The Minister for Environmental Conservation (Mr. Nyenze): Thank you very much, Mr. Temporary Deputy Speaker, Sir. The hon. Member alleges to have seen, but he has not provided convincing information to the effect that it was Mr. Kaguthi who bought the buses. We know Mr. Kaguthi was a very effective and able PC, but to malign him here is unacceptable. Unless, the hon. Member has some information to convince the House that Mr. Kaguthi bought the buses, he should withdraw the allegation. He should table the documents.

Mr. Ngure: Mr. Temporary Deputy Speaker, Sir, the Minister knows very well that a public auction is normally done for the benefit of the public. It was advertised and we attended it.

Dr. Wako: Mr. Temporary Deputy Speaker, Sir, can the hon. Member tell us whether or not the PC was not the highest bidder? He could have been the lowest bidder but just because he is a Kikuyu and was a PC in Nyanza, his name is dragged here, which is quite unfortunate. Can the hon. Member tell us whether Mr. Kaguthi was the highest bidder in that tender?

Mr. Ngure: Mr. Temporary Deputy Speaker, Sir, I started by saying that the time for the auction as advertised was not honoured. The auction started earlier than advertised and that is why there was only one bidder.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I thought the hon. Member was through with his contribution so that I could contribute.

The Temporary Deputy Speaker (Mr. Musila): He is not through.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, the rules and customs of this House say that if a Member sees or reads, that is enough substantiation. I do not know why hon. Nyenze is insisting that hon. Ngure should produce the evidence.

The Assistant Minister for Finance (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, the hon. Member started by saying that Members on the Government side were implicated. He has failed to substantiate that. Secondly, he has named a respected civil servant of this nation, and he has not told us whether he saw him bidding. He has not given any evidence. In the absence of that, can he withdraw and apologise?

Mr. Ngure: Mr. Temporary Deputy Speaker, Sir, I said the company belongs to Mr. Kaguthi and as hon. Obwocha has said, I have satisfied the House.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, you realise what brought about this issue. We were talking about projects that have stalled and projects that can even be sold to the City council or to individual open bidders, so that they can benefit the Kenyans and satisfy the purpose for which they were intended for. I do not want to be in a situation where I will go back to my constituents and tell them that we do not have medicine in hospitals because of the *El Nino* rains. I do not want to go to Rarieda and tell those people that X-rays machines are lying idle because the Government cannot buy a 12 volts battery because of the *El Nino* rains. I am not going to tell my constituents that we do not have an ambulance in that hospital because the Government does not have money due to the *El Nino* rains. I will have to carry this Report with me and name the people who have caused all these problems. I will tell them that they could have used the money taken to buy a refrigerator and use it along the lakeshore. They could then have used this facility to preserve their fish. This would have enabled them to realise money from the sale of fish. It is sad to see a Kenyan staying in the lake throughout the night to catch fish, and yet the Asian with the big refrigerated vehicle is the one who will determine the amount of money he will pay the fisherman.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, the hon. Member appears to be irrelevant. I do not know whether he is in order to continue talking about sleeping besides fish, while the Report before the House is from the Public Investment Committee. Is it in order for the hon. Member to continue being irrelevant to the business before the House?

Mr. Ngunjiri: Mr. Temporary Deputy Speaker, Sir, it requires much intelligence to understand those who have eaten fish. We are talking about public investments. Its effects should have permeated into Lake Victoria if state corporations were well managed.

The Assistant Minister for Agriculture (Mr. Karuri): On a point of order Mr. Temporary Deputy Speaker, Sir. I think hon. Ruto was right to say that the hon. Member is irrelevant. The hon. Member is not contributing to the Motion before the House, and he had better do so, because this is where the Government has invested public funds. He should not talk about the fish industry, unless the Government owns some fishing business.

Mr. Ngunjiri: Mr. Temporary Deputy Speaker, Sir, public investments were meant to help wananchi. They were not meant to employ individuals. I am talking about the mismanagement of state corporations. If they were well managed, they would have benefited us. I have talked about the cotton industry, and now I am talking about the fish industry. If the Kenya Meat Commission (KMC) was properly managed, we would still be selling our cattle to it. As a result they would not die because of drought. If these corporations were well managed, we would be having cold storage facilities and fish processing plants on the lakeshore. Instead, public money was invested in public institutions which have been mismanaged, and looted by some individuals. Who does not know in this country that there is no single person who has managed a public institution and who is poor. They are all rich people. It is as if they transferred those from the public institutions to their own businesses. They are rich people, and yet the Government still honours them. The Government has even appointed them to better positions. I do not want to call hon. Members thieves.

With those few remarks, I want this Report adopted and implemented.

Mr. Ruto: Thank you very much, Mr. Temporary Deputy Speaker, Sir. The Report before this House has got something to do with public investments. I will definitely be relevant to what is contained in the Report.

(Loud consultation)

The Public Investment Committee Report appears to be an analogy of theft and wanton waste of public property. When I read through this document, I was surprised to find that similar Reports have been brought to the House before, but no action seems to have been taken. I disagree with a case in the Report concerning the Kenya Railways Corporation (KR). After going through the various shortcomings in the KR, the Public Investments Committee recommended that the parent Ministry, in consultation with the Treasury, should allocate more money to the Corporation to help it streamline its passenger service.

Mr. Temporary Deputy Speaker, Sir, two weeks ago, the chief executive of the KR asked the Government to allocate more money from the fuel levy to the Corporation to be used for the improvement of the railway system. I differ with a situation where public funds are used to subsidise inefficient corporations. I was surprised to hear the chief executive of the KR requesting for money from the Government, when he is aware that the mood in this country is geared towards privatisation and proper management of state corporations. I wonder where this chief executive has been for the last three years. He should not have requested money from the Treasury to improve railway transport. I was further surprised to find that the PIC recommended in its Report that the parent Ministry and the Treasury should actually continue allocating money to the KR.

Mr. Temporary Deputy Speaker, Sir, this is a case where even Parliament appears not to be getting its act together. I will not agree that this House votes more money to be pumped into ailing corporations. The KR management appears not to have understood that they are in the transport business, where they are supposed to make profits, and not losses.

Mr. Temporary Deputy Speaker, Sir, when I went through this document, I realised that most of the chief executives of state corporations appear to have completely ignored the rules and regulations on public procurement. Apparently, decisions are made on an *ad hoc* basis, an utter disregard to public procurement procedures. I have a case in point which concerns the Kenya Tea Development Corporation (KTDA). The KTDA awarded the valuation of its assets to a consultant firm without identifying the lowest bidder. The KTDA is a farmers' body, which is charged with the responsibility of marketing tea. It is also makes sure that farmers get the best value for their produce. The KTDA has lost its direction. At the moment, it is busy impoverishing the farmers through this strange award of tenders. Another case in point is the expansion of tea factories by the KTDA. It is

indicated in the Report that the lowest bidders for the expansion of its tea factories were not considered. Instead, the chief executive of the KTDA went ahead to award the expansion contracts to some of the highest bidders. There was also variation of tenders for the purchase of tea carriers. Variation of contracts went up to 90 per cent of the original contracts.

Mr. Temporary Deputy Speaker, Sir, the PIC Report recommends that, in future, chief executives should stick to proper procurement procedures. I do not know whether this is in the right direction. I would suggest that all chief executives, who have been indicted in this Report, be asked to be personally liable. They should further be surcharged for any misappropriations and their jobs given to more competent people.

Mr. Temporary Deputy Speaker, Sir, at the moment, taxation in Kenya is extremely high. It is probably one of the highest in the world, and our economy has continued to suffer because of excessive borrowing by the Government.

Mr. Kapten: On a point of information, Mr. Temporary Deputy Speaker, Sir.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I am sure he has got nothing to inform me.

The Kenya Tea Development Authority went ahead to appoint a consultant firm and paid out over Kshs16 million without tendering. I wonder how KTDA can continue to have the moral responsibility and courage to masquerade as a body that is serving farmers. We have on several occasions come to this House and expressed our concern on the current set-up of the various corporations that are supposed to assist in the marketing of commodities that are very critical to the development of this country. For instance, we have been asking that KTDA to decentralise its services and farmers be allowed to manage various factories, process tea and sell it on their own. The Kenya Tea Development Authority is only enriching a few directors at the top.

Mr. Temporary Deputy Speaker, Sir, from page one of the Report to the end, it is the same story of misappropriations. This House should come up with a policy to punish those who have flouted matters of management, so that we can restore confidence in some of these corporations.

With those few remarks, I beg to support.

Mr. Ndicho: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute on this PIC Report.

Anybody going through the Report of the PIC would wonder whether during that period it covered, there was a lawful Government in place or whether there was anybody concerned with the issue of public money invested in these corporations.

Mr. Temporary Deputy Speaker, Sir, as detailed in the Report, I have noticed that chief executives copy what others before them have done. For example, how much they misappropriated and how they got away scot free. Then, what remains, is to compete and make more money than their predecessors. This is a very sad state of affairs. If money approved by this House for investment was properly managed, we would be talking of a country that is reaping the fruits of Independence, where every Kenyan is enjoying.

Mr. Temporary Deputy Speaker, Sir, these chief executives should not only be hanged and banned from holding any public offices, as has been recommended in various sections of this Report, but should be phased out of the face of the earth. Because, what they have done in effect is to cause---

Mr. Ruto: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to suggest that certain people be phased out from the face of the earth? Is this lawful?

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I have just taken over from where he stopped. He was also complaining about the same people. It is only that I am putting my language in a better format than his.

Mr. Temporary Deputy Speaker, Sir, these chief executives have even caused unemployment in this country. When they run-down corporations, in effect, they cause unemployment and when those people are sacked, they go back to the streets and form into gangs of unemployed youth. This increases crime rate. There is no way you are going to have somebody who was earning a salary, suddenly losing it and expect them to survive. Instead they try to find other dubious ways and means of survival, like engaging in robberies.

Mr. Temporary Deputy Speaker, Sir, I am happy with our laws, because even if you get away with public money now, because the political regime that you serve favours it, when another one comes, it does not matter how long it has taken, we shall still get you. This Report has mentioned names of people from the Government side of the House, and it is good that we are going to preserve these books in our archives, so that we shall be able to get to them one by one after the year 2002. There is no way they will escape that.

Mr. Shaaban: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Ndicho to say that all the parastatal heads are from the right side of the House, while we know that many of them are from the left side of the House? If he wants me to name them, I will give the names.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I did not say what the hon. Member is alleging. I

said that the people who are deployed in parastatals are KANU operatives. If you are known to be an Opposition sympathiser, you cannot get a job in any corporation. If one got such a job and he is a sympathiser of the Opposition, they will get him. He will have no way of escaping. We should have a clear signal sent out to all of them that we shall get them. Unfortunately, we even have them here. I was not a Member of the Public Investments Committee (PIC), but my friend, hon. Biwott and Prof. Saitoti's names are mentioned in the Report. They must know that we shall get them for the economic sins that they have committed in this country. When they are jailed, they might name others who might not be in this Report. But we shall hold them responsible for what they did.

Mr. Temporary Deputy Speaker, Sir, our Parliament does not have 'teeth' to bite the offenders. If the offenders knew that Parliament has powers, they would not have committed the offenses that are mentioned in the PIC Report. They could not have misappropriated the money belonging to the corporations. Anybody who is summoned before PIC does not care because he or she will be protected by certain Ministers and godfathers. This House has a responsibility to protect public money. It should pass laws to forbid theft of public money, and take action when such funds are misused. Hon. Members continue to ask questions about misdeeds that are highlighted in the Report. But every time they ask such questions, a Government Minister tries to defend the culprits. It is high time that we all work together to protect the interests of this nation. It is very disturbing to note that many Government representatives are here to protect renowned thieves of public money.

The Assistant Minister for Finance (Mr. Arap-Kirui): On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to object to the assertion that many of us are here to protect anybody. We are here to protect Kenyans.

Mr. Ndicho: Hon. Arap-Kirui has been the Chairman of the Housing Finance Company of Kenya (HFCK) for a long time. I do not know why he is getting shaky when we mention these things.

An hon. Member: How much did he steal?

The Assistant Minister for Finance (Mr. Arap Kirui): On a point of order, Mr. Temporary Deputy Speaker, Sir. I admit that I was the Chairman of the HFCK. Maybe I could also inform the hon. Member, for him to stop misleading this House, that the HFCK is not a parastatal, but a public company.

Mr. Munyasia: On a point of Information, Mr. Temporary Deputy Speaker, Sir. I wish to inform hon. Ndicho that we are so much concerned about the powerlessness of this House; that by the year 2002, we shall have instituted constitutional reforms, which are making the other side of the House to be frightened, and we shall have given Parliament so much power that any officer, who will swindle the Government will face it, and no Minister will be able to defend such officers in the House.

Mr. Ndicho: Thank you very much, hon. Munyasia for that information. I would like to talk about the effectiveness of this Parliament. You might be surprised that the Kenyan Parliament is the only one in the Commonwealth that has got no powers.

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. Are you satisfied that hon. Ndicho is in order to attack another Member, when our Standing Orders stipulate that you can only do so under a substantive Motion? I know hon. Arap Kirui as one of the leading accountants in this country. In fact, at one time, he was the Chairman of the Institute of Certified Public Accountants of Kenya. I do not expect him to do anything beyond what other people are doing. Are you satisfied that hon. Ndicho is in order?

Mr. Ndicho: Hon. Arap-Kirui is my friend, and in fact, you may be surprised to know that he is more closer to me than you. We have entered into some deals with him. Those are personal deals, of course!

(Laughter)

The Assistant Minister for Finance (Mr. Arap-Kirui): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Ndicho is misleading this House. He is my friend, but I have absolutely no deals of any sort with him.

Mr. Ndicho: It is important for him to deny that here, but all that I am saying, and this is not a laughing matter, is that what we are complaining about is listed in this Report. If the officers who misappropriated public funds knew that their names will be published in the Report and tabled in Parliament for discussion, and then action is taken against them, they would have stopped in their tracks. The Kenyan Parliament might be the only one in the Commonwealth where Members of Parliament raise issues concerning misappropriation of public funds, and evidence is adduced before this House, and nothing is done to the perpetrators of such acts. I call upon this House to understand that it is the most supreme body, and it is the highest of all courts in this country. It is the most highest body that can order the Government to arrest the

culprits and arraign them before a court of law to be charged. But we have no powers to do that, and I do not know why. We should not wait for the year 2002 as hon. Munyasia has said. If these people knew that we will wait until year 2002, they will fleece the whole country before then. They will just escape and live somewhere in Europe.

It is high time this Parliament became effective and punished these chief executives, and they should not be protected by the Government despite the fact they are operating under political patronage.

Mr. Kihoro: On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to inform the hon. Member on the Floor that the days of those people who were banking money acquired fraudulently in foreign countries are numbered because the door has been closed to all looters in Europe. Even the money that was taken from the Jews in 1945 has been recovered. The same applies to the late Mobutu, Shah of Iran and the former Philippines' President. So, the door has been closed to all thieves and their accounts will be frozen and the money repatriated to the countries of origin.

Thank you.

Mr. Ndicho: Thank you very much, hon. Kihoro for your information. In fact, that is not my information, but the information of those guys. They should also know that world is becoming a village and there is nowhere they will escape to.

(Laughter)

The Assistant Minister for Finance (Mr. Keah): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Ndicho in order to say that there are "guys" in this House when he knows very well that there are only hon. Members? Is he in order to refer hon. Members as "guys"? Could he withdraw that remark and apologise to hon. Members?

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, the hon. Keah has just walked into the House; he does not know what we are talking about. We are talking about the chief executives and not hon. Members.

The Assistant Minister for Finance (Mr. Keah): On a point of order, Mr. Temporary Deputy Speaker, Sir. I clearly heard him referring to "those guys" in this House.

The Temporary Deputy Speaker (Mr. Musila): Order! Order! I do not think hon. Ndicho referred to hon. Members as "guys", but he was referring to the chief executives who he has been talking about.

(Applause)

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir---

Dr. Wako: On a point of order, Mr. Temporary Deputy Speaker, Sir. After hon. Ndicho was informed by hon. Kihoro, he actually pointed to this side of the House and said: "Guys on that side". Members on this side are very clean.

The Temporary Deputy Speaker (Mr. Musila): Order! Order! I have been watching and listening very keenly, Mr. Ndicho was referring to the chief executives. Proceed, Mr. Ndicho.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir---

Mr. Kathangu: On a point of information, Mr. Temporary Deputy Speaker, Sir. The word "guy" as used to refer to those people who still and hide money was used for the first time in Africa during the Entebbe raid and the men and women involved in that great rescue, were referred to as the guys in that operation because they were very stealth in what they did. Therefore, when hon. Ndicho uses the word "guy", he is referring to the stealth in the chief executives and those who collaborate with them in the Government.

Thank you.

The Assistant Minister for Information and Broadcasting (Mr. Ekirapa): On a point of order, Mr. Temporary Deputy Speaker, Sir. I beg to disagree very strongly with the hon. Member, because he is misleading the House. The word "guy" was never used for the first time during the Entebbe raid. It had been used for a long time.

The Temporary Deputy Speaker (Mr. Musila): Order! Order, Mr. Ekirapa! Proceed, Mr. Ndicho.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I would have liked to take some more time to talk about this House, and the way it should help the Government and Kenyans in safeguarding public money, but there is not enough time to do so. I would like to turn to another area where the Government of Kenya continues to use public funds on a non-profit making company. I have evidence that the *Kenya Times*, which we all know is a non-profit making company, is making millions of shillings through advertisements from Government

departments and parastatals at inflated prices. This is where the chief executives of State corporations make a lot of money. I am a publisher and I know how much a space is sold in a newspapers, but you will find that what the *Kenya Times* sells for one-eighth, a quarter, half-page or full-page is not commensurate with the market rates. This is a conspiracy that was reached between the chief executives of these parastatals and the management of *Kenya Times*. This newspaper is not widely read, but the company, which is controlled by a family, does not care about their sales in one particular day, provided there are advertisements which are paid at inflated rates by the Government functionaries. It is very sad and anathema even for officers in the Government Ministries, because they are the ones who often place their advertisements in the *Kenya Times*, and deliberately do so to siphon out that money.

If we look at the books of accounts of the *Kenya Times*, they that it is a non-profit making company. That money is also used to protect the same people who are misappropriating public funds. Even at State House, the President does not know the operations of that company, yet, it is being financed from the public coffers. One would be surprised to hear that the top managers of *Kenya Times*, live in Nakuru Town, and come to work in Nairobi every morning. They go back in Mussos and Range Rovers, Troopers, Mercedes Benz 500 and so on yet, this is a company that nobody dares to audit its books of accounts.

The Assistant Minister for Finance (Mr. Arap-Kirui): On a point of order, Mr. Temporary Deputy Speaker, Sir. I hate to interrupt my colleague, but since he has been belabouring this point, I think it is only appropriate that I point out that he is misleading the House. I happen to know the Executive Chairman of the *Kenya Times* and he does not live in Nakuru, but Nairobi. He does not drive a Mercedes Benz, a Range Rover or a Musso. Furthermore, the rates of *Kenya Times* are the cheapest of all the daily papers.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has said that the Managing Director of Kenya Times does not drive a Mercedes Benz, a Range Rover or a Musso. In that case, then he is telling us that he flies to Nakuru using a helicopter. He should just have given us the alternative of his mode of transport. In any case, I am not talking about my friend, Kibet, but the other managers. I know about this company, because I have worked with them.

The Assistant Minister for Finance (Mr. Arap-Kirui): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think it is only fair that there should be some punitive measures against the hon. Member for misleading the House. If he is talking about Mr Kibet, I am not sure he flies in an helicopter anywhere, leave alone to Nakuru.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, the hon. Member should have given us an alternative mode of transport for the people I am talking about. I have given my personal views on their mode of transport. Is he implying that they drive Volkswagens?

PERSONAL STATEMENT

The Temporary Deputy Speaker (Mr. Musila): Order! Hon. Members, this being a Thursday, I am interrupting the Business of the House at 6.30 p.m. I have an application during the zero-hour for a matter to be raised. For all practical purposes, we have actually finished the business of the House today, but this being a Thursday and under Standing Order No.20A, I will give hon. Mwenje some two minutes to make his personal statement.

EVICTON OF TENANTS IN EMBAKASI VILLAGE

Mr. Mwenje: On a point of order, Mr. Temporary Deputy speaker, Sir. As I rise to make this statement, there is a big demonstration going on right now in Embakasi constituency. In 1963, the Nairobi City Council gave leases in respect of the Kenya Airport Authority houses in Embakasi Village. The leases ended in 1993 and the City Council started entering directly into agreements with the tenants at Embakasi Village, who have been paying rents directly to the City Council. I have got documents to this effect. However, what is happening right now is that the Kenya Airports Authority has started evicting those tenants despite the fact that they have been given letters of leases by the Town Clerk of Nairobi City Council and they have been paying rents to the Council. I have got the relevant receipts here. I also have got a copy of a letter showing the assurance which these tenants had been given. It was also copied by the Mayor to those tenants. It is in my possession here now. Despite of all these documents and arrangements, the Kenya Airports Authority has gone ahead to evict these people by force. This is a serious matter and I want to raise it so that the Minister in charge of the Kenya Airports Authority, who is the Minister of State, Office of the President should now order the Kenya Airports

Authority to stop evicting these people. What happened yesterday was more serious because they used water guns from fire-fighting engines to evict a tenant. All the household equipment of this tenant who was sprayed with water in front of his family was taken to the Kenya Airports Authority offices after being destroyed with water.

This is very serious and I want the Minister of State, Office of the President to assure us here that such evictions will not take place at all. We have got all the relevant documents and I am prepared to table them here. I want the Minister to assure us here that this eviction exercise is going to stop immediately and that he will order the Kenya Airports Authority to stop evicting these people and also that they will not use those inhuman means of using water guns to evict people. Surely, I wish I met the concerned people doing that. They would have been killed. The demonstration is going on right now. The situation is dangerous and we are likely to lose a lot of human lives if the situation is not checked.

Mr. Temporary Deputy Speaker, Sir, I want to request the Minister of State, Office of the President to order with immediate effect an end to these evictions in this kind of manner until this problem is solved. The City Council should get involved. I hope that he is prepared to respond because I am prepared to give him all these documents.

The Temporary Deputy Speaker (Mr. Musila): Mr. Mwenje, table the documents.

(Mr. Mwenje laid the documents on the Table)

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I want to clarify the position. I gave the assurance that the 52 employees, who had not been absorbed by the Kenya Airports Authority would not be evicted and that position still stands. What has happened is that there are 23 other employees of Kenya Airports Authority who have either retired or who had their services terminated, but refused to move out of those houses. If the issue concerns those 23 employees, then we cannot defend them. However, if it concerns those 52 employees, who would only be requested to move out after we have sorted out their payments, please inform them not to accept those eviction letters. However, I think he did mention that. So, if the tenants entered into an agreement with the City Council, the Kenya Airports Authority has no authority either to evict those people from City Council houses because these houses are not theirs. So, if they are doing that, I am prepared to look into the issue and I can assure this House that they will not do that.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 7th July at 2.30 p.m.

The House rose at 6.35 p.m.