

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 22nd October, 1998

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

The Local Government Elections (Amendment) Rules, 1998

(By the Minister for Local Authorities)

Annual Report and Accounts of the Kenya Dairy Board for the year ended 30th June, 1996 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Pyrethrum Board of Kenya for the year ended 30th June, 1994 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of the Pyrethrum Board of Kenya for the year ended 30th June, 1995 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of the Pyrethrum Board of Kenya for year ended 30th June, 1996 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of South Nyanza Sugar Company for the year ended 30th June, 1996 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Muhoroni Sugar company for the year ended 30th June, 1994 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Muhoroni Sugar Company for the year ended 30th June, 1995 and the Certificate thereon by the Auditor-General (Corporations).

(By the Assistant Minister for Agriculture

(Dr. Wamukoya) on behalf of the

Minister for Agriculture)

Annual Report and Accounts of the National Social Security Fund for the year ended 30th June, 1996 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of the National Social Security Fund for the year ended 30th June, 1997 and the Certificate thereon by the Auditor-General (Corporations).

(By the Assistant Minister for Agriculture

(Dr. Wamukoya) on behalf of the

Minister for Labour)

Monetary Policy Statement for Central Bank of Kenya for the period between July, 1998 to June, 1999.

(By the Minister for Finance)

ORAL ANSWERS TO QUESTIONS

Question No.321

EXPENDITURE ON HOLALE FRUIT TREE NURSERY

Mr. M.M. Galgalo asked the Minister for Agriculture:-

(a) how much money was spent on Holale fruit tree nursery; and,

(b) how far this project has met its intended objectives.

The Assistant Minister for Agriculture (Dr. Wamukoya): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Kshs274,000 was spent on the Holale fruit tree nursery.

(b) The project under reference has not fully met its intended objectives as only 50 per cent of it was completed. The main reason attributed to the non-completion of this project was lack of funds.

Mr. M.M. Galgalo: Mr. Deputy Speaker, Sir, since the Assistant Minister has accepted that the project has not met its objectives because of lack of funds, what is he going to do now to ensure that the project is funded, so that, that intended objective is achieved?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, still, we do not have the funds but on top of that, there is a dispute on the plot that was being used at that time. It is being claimed by Mr. Sheik Hassan that the land belongs to him. Therefore, if this dispute can be resolved while we are looking for funds--- Currently, the funds are not available,.

Mr. M.M. Galgalo: If the Assistant Minister says that over Kshs300,000 has been used on that project, and since there is nothing to show for it right now in that project area, what is the Assistant Minister going to do about that? This is total wastage of public funds!

Dr. Wamukoya: Mr. Deputy Speaker, Sir, there were problems right from the outset which could not allow the project to be implemented fully. The materials that were there were vandalised. They took everything, including tools, seedlings, doors of the house which had been built, and many other moveable items. With this, together with the land which was being claimed by somebody else, I do not think that the Ministry is going to undertake to do anything on the plot.

Mr. M.M. Galgalo: Mr. Deputy Speaker, Sir, if the land belongs to somebody else, how come that the process was started on that land without verifying the ownership of the land?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, when the project was started, it was agreed that this plot was to be used for fruit tree nurseries. But, unfortunately, as time went by, somebody else claimed it, not at that time, but at a later stage. So, there is nothing we can do about that.

Question No.445

REOPENING OF SCHOOLS IN NORTH THARAKA

Mr. Mwenda asked the Minister for Education and Human Resource Development:-

(a) whether he is aware that during the land clashes between the Tharaka and the Igembe communities in 1997, nine primary schools in Ntoroni Location, North Tharaka Division in Meru East District, had their classrooms destroyed and others burnt down;

(b) whether he is further aware that no learning has taken place in the last two terms in the said schools as they have remained closed; and,

(c) if the answers to "a" and "b" above are in the affirmative, what urgent steps he is taking to ensure that the schools are reopened, and whether he could consider assisting in the reconstruction of the burnt buildings.

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) Yes, I am aware

(c) The clashes between the Tharaka and the Igembe communities have left most parents and their children fleeing the affected area in North Tharaka Division of what is now Meru East District, leaving the nine schools with either very low enrolment or completely abandoned. The schools are, therefore, currently not operational because of lack of pupils. However, the Minister has made efforts to absorb most of the displaced pupils, where the parents have fled to. My Ministry is also in close liaison with the Provincial

Administration with a view to resuming normal operations in the affected schools once the parents and children return.

Mr. Deputy, Sir, my Ministry will further give the necessary assistance to help rehabilitate the affected schools and the hon. Member knows this because it was him who invited me to his constituency and, jointly, we were able to address this matter of the nine primary schools that were closed down. I remember vividly that we made an appeal, along with hon. Imanyara who was with us at Gatunga Secondary School, that pupils should return to their schools and their security will be guaranteed.

Mr. Mwenda: Mr. Deputy Speaker, Sir, the Minister has said that he will be liaising with the Provincial Administration and yet the nine schools have been closed for over one year now. These schools had a population of 1,250. The Provincial Administration, on the contrary, has been a hindrance to the rehabilitation of these schools. Can the Minister tell this House what concrete measures the Government is taking to ensure that peace prevails in this area, so that the schools can be rehabilitated and reopened?

Mr. Musyoka: Mr. Deputy Speaker, Sir, I am prepared to return to Gatunga as soon as possible, along with the hon. Member. I would like to invite all the other hon. Members to go out there and tell our people that fighting between themselves can only be retrogressive. I think the solution lies with the people themselves and not so much on the Provincial Administration.

Mr. Mutani: Mr. Deputy Speaker, Sir, on the 17th of this month, parents of Kariba Primary School, one of the nine primary schools which were burned, had gathered at their school in order to make arrangements to rebuild it. Is the Minister aware that those parents were chased away by police officers from Karimani Police Post at gun point and ordered to leave the place and never to go back there again? Is he aware?

Mr. Musyoka: Mr. Deputy Speaker, Sir, I am definitely not aware.

Mr. Mwenda: Mr. Deputy Speaker, Sir, what hon. Mutani says is actually correct. It is a matter that I have personally taken up with the Provincial Administration; the Provincial Commission, Eastern Province and both the DCs of Nyambene and Tharaka-Nithi districts know about it. When parents went to rebuild that school, they were actually chased away by the police officers from Karimani Police Post. Could the Minister undertake to investigate and find out why parents were chased away by the police when they went to re-construct that school? Can he also assure this House that appropriate disciplinary measures will be taken against those police officers who chased away those parents?

Mr. Musyoka: Mr. Deputy Speaker, Sir, I am prepared to have a discussion with the hon. Member over that matter because I am definitely not aware.

Question No.590

EXPANSION OF RESIDENTIAL AREA IN NAIROBI

Mrs. Mugo asked the Minister for Lands and Settlement:-

(a) what plans he has to expand the residential area for settlement in Nairobi in line with the rapid population increase, in order to ensure that there is enough area for habitation; and,

(b) if he could review the Land Act to ensure that people living in informal settlements (slums) are given tenure in order to legalise their tenancy status.

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

(a) My Ministry has no plans to expand the residential area for settlement in Nairobi or any other municipality.

(b) My Ministry has embarked on the exercise of planning informal settlements in various urban centres in order to give the people living in these settlements security of tenure to legalise their tenancy status.

Mrs. Mugo: Mr. Deputy Speaker, Sir, we know that more than 60 per cent of Nairobi residents are living in slum areas, or informal settlements that do not belong to them and where no planning can take place because of congestion. There are no schools, health facilities, roads, water and other social amenities. I would like to know what plans the Ministry has to ensure that so many citizens of Kenya are properly settled. Can the Ministry legalise their tenancy status so that Government can plan and have development for them?

Mr. Leting: Mr. Deputy Speaker, Sir, as I have indicated, the Government has plans to formalise settlements in slum areas in all major towns in Kenya. But the actual exercise of planning and settling people in urban areas is not under the Ministry of Lands and Settlement; it is normally under the Ministry of Local Authorities through their appropriate municipalities or urban councils. If a town is to be expanded, it has to

be done through the Ministry of Local Authorities. The land within, and around, the urban areas does not necessarily belong to the Government; it might be private land. Therefore, the most competent authority to handle the planning and expansion of urban centres is the Ministry of Local Authorities. My Ministry only comes in to offer technical advice and deal with other issues, like allotment and formalising of title deeds.

We have already started a big plan of formalising slum settlements in Nairobi. We have started with Kibera and Pumwani slum areas. In Kibera, the plans have not been approved because the Provincial Administration has not been able to identify the representatives of the local residents to look at the plans so that they can be approved. In Pumwani area, the planning was completed and over 300 letters of allotment prepared and will be issued as soon as all parties are ready for the exercise. Similar plans are being worked out for Kisumu, Meru, Mombasa, Eldama Ravine, Nakuru, Eldoret and other urban areas.

I must point out here that one of the hindrances in this exercise is financial provisions. We could move faster than this in this programme, but because of the limited funds available for the exercise, we are moving extremely slowly.

Mr. Mwenje: Mr. Deputy Speaker, Sir, if what the Assistant Minister has said is true, would the Ministry, therefore, consider giving these people living in slums letters of allotment and process title deeds immediately? At the same time, the Ministry should stop allocation of land in urban areas to people who do not live in the informal settlements.

Mr. Leting: Mr. Deputy Speaker, Sir, I cannot add more than what I have said. I said that we have started the exercise of legalising those settlements. First of all, we need to identify who is who in those areas, prepare plans for those areas, provide for various amenities, and so on. Once we have identified *bona fide* residents, then the exercise of allotment will be carried out and title deeds issued after that.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, the Assistant Minister is taking us for a ride. There is something called informal settlement co-ordination committee. There was also an initiative by his Excellency the President on social dimensions of development programme in 1994. We know there are 50 of these slum areas in Nairobi. There was also, by the Ministry of Lands and Settlement, Tanzania Bondeni Community Land Trust Act, which was funded by the Government and NGOs, and they got community title deeds. This was the first programme that was done in Kenya. When are you likely to do that with places like Kibera, which has more than 500,000 people, and is bigger than Kisumu? The population density is so high; it is 2,000 people per square kilometre as opposed to places where you live, where it is about 25 people per square kilometre. When will you be more active in this programme?

Mr. Leting: Mr. Deputy Speaker, Sir, you will agree with me that, that is tantamount to asking a new question. When the hon. Member brings a question in that form, we will answer him appropriately.

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is not answering the second question, which is very serious. What I asked is, can the Ministry stop allocating people land where these squatters are living?

Mr. Leting: Mr. Deputy Speaker, Sir, I am not aware that the Ministry is issuing letters to some people who are not genuine squatters. If that is being done, it is not my Ministry which is doing it.

Mr. Nyanja: Mr. Deputy Speaker, Sir, the Assistant Minister is digressing a bit. He is moving away from the primary Question. The hon. Questioner asked whether the Government has any plans to expand the residential areas.

Mr. Deputy Speaker: Hon. Nyanja, ask your supplementary question.

Mr. Nyanja: Mr. Deputy Speaker, Sir, I am giving the background to my question.

Mr. Deputy Speaker: No! No! Hon. Nyanja, the Question has already been put by the hon. Member.

Mr. Nyanja: Mr. Deputy Speaker, Sir, could the Ministry consider, because there is room for expansion, expanding this City by including Kitengela, Athi River and Ongata Rongai, where we have a few antelopes?

Hon. Members: No! No!

Mr. Kikuyu: That is a lie!

Mr. Nyanja: Mr. Deputy Speaker, Sir, the hon. Member does not come from those areas. That is my question.

(Laughter)

Mr. Deputy Speaker: Order! Order! Hon. Kikuyu, you should only address the Chair. Proceed, hon. Nyanja!

Mr. Nyanja: Thank you, Mr. Deputy Speaker, for protecting me from hon. Kikuyu. I am speaking here as an architect and a town planner. There is congestion of people in the City of Nairobi. We know what is happening in other cities like Los Angeles, *et cetera*. The only way we can expand Nairobi City in a healthy manner is for the Government to consider expanding the City towards Kajiado District. This is the only area where Nairobi City can be expanded to.

Mr. Deputy Speaker: Hon. Nyanja, ask your question.

Mr. Nyanja: Mr. Deputy Speaker, Sir, could the Government, through the Ministry of Lands and Settlement, and not the Ministry of Local Authorities, designate that area for the expansion of the City of Nairobi?

Mr. Leting: Mr. Deputy Speaker, Sir, it is very difficult to answer that question in the form it has been put, in that the Ministry cannot simply declare an area a Government or an urban area. The hon. Member is an architect and he knows that any attempt to encroach on private land---

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

Mr. Deputy Speaker: Order! Order! Hon. Nyanja, the Assistant Minister has not even answered your earlier question. How can you raise a point of order when he has not even answered your earlier question?

Mr. Leting: Mr. Deputy Speaker, Sir, in brief, my Ministry is assisting the Ministry of Local Authorities to settle some of the slum dwellers, where we have identified the land and the *bona fide* residents. The question of expanding Nairobi City is beyond my Ministry because there is an Act which empowers the Minister for Local Authorities to expand any urban area in this country.

Mrs. Mugo: Thank you, Mr. Deputy Speaker, Sir. We all know that it is a fact that most of that land, for example, Korogocho and Mukuru slums, is being dished out to private developers. Could the Assistant Minister for Lands and Settlement assure this House that he will liaise with the Ministry of Local Authorities because the land is given out by his Ministry? Could he also assure us that the land will not be dished out any more to private developers, and will be set aside for those people who are living there? They are also Kenyans, and they should not be displaced by a few land grabbers.

Mr. Leting: Mr. Deputy Speaker, Sir, indeed, I undertake that if the issue is brought to my Ministry in time, we will not issue anybody with an allotment letter in such a situation. Definitely, it is unfair if it is being done. We need to be alerted by hon. Members any time such a thing happens. I undertake that the Ministry will stop such allocation.

Question No.478

UPGRADING OF KIPANDINI-KITHUNGUINI ROAD

Mr. Kikuyu asked the Minister for Public Works and Housing:-

(a) whether he is aware that the road from Kipandini to Kithunguini in Machakos District is impassable;

(b) if the answer to "a" above is in the affirmative, what the Ministry is doing to make the road passable; and,

(c) what future plans he has to upgrade it to an all-weather road.

The Ministry of Public Works and Housing (Mr. Kones): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that the road from Kipandini to Kithunguini in Machakos is impassable because it is unclassified, and such roads are not the responsibility of the Ministry.

(b) The Ministry has no plans for this road because it is unclassified.

(c) The Ministry will conduct a nation-wide roads re-classification exercise, including classifying some of the unclassified roads, at which time roads in Machakos District will also be considered.

Mr. Ita: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to say that he is not aware when this Question has been with him for over three or four weeks? Is he really in order to come here and tell us that he is not aware, when he had this Question for more than three or four weeks to carry out investigation?

Hon. Members: In fact, he had many months to carry out the investigation.

Mr. Deputy Speaker: Order! Order! The Question which was asked by the hon. Member requires that kind of answer. So, the hon. Member should ask the Question differently if he wants a different type of answer.

(Mr. Ita stood up in his place)

Mr. Deputy Speaker: Order! Order, hon. Ita! You are not going to engage in an argument with the Chair.

Mr. Kikuyu: Mr. Deputy Speaker, Sir, I am very surprised by the Minister's answer. The Ministry's workers at the district, and even the District Commissioner (DC), have been to that place. My personal safety is in danger because I have to leave my car about four kilometres from my home. This has endangered my life three times. The cost of putting up that small washed away bridge is just Kshs0.7 million. The villagers have raised Kshs0.3 million through a Harambee. Could the Minister give us the remaining Kshs0.5 million? I know that if I am killed, the Government will waste another Kshs2 million to conduct a by-election. Why should it wait for me to be killed, so that it can waste Kshs2 million for a by-election?

(Laughter)

Mr. Kones: Mr. Deputy Speaker, Sir, I sympathise with the insecurity of the hon. Member, but the fact does not change. This road is unclassified and the Ministry does not deal with unclassified roads. However, as I said earlier, the best thing the District Development Committee (DDC) can do is to recommend for the classification of the road. Thereafter, the Ministry will take up the responsibility of repairing it. As of now, my hands are tied because this road is not classified and the Ministry cannot allocate funds to it.

Mr. Kikuyu: Mr. Deputy Speaker, Sir, we are not asking about the road being classified. The Ministry of Public Works and Housing is supposed to repair roads all over Kenya. It should not repair roads which are classified. This road leads to my home, leave alone the eight secondary schools around, which are also served by the same road. My security, as an hon. Member, is at stake. Why does the Government want me to be killed while walking home, if it cares for the life of its citizens?

Mr. Kones: Mr. Deputy Speaker, Sir, as I said earlier, I sympathise with the hon. Member. I do not think that anybody will kill the hon. Member along this road while he is walking home. I realise that this road is important, but the only way for the Ministry to move in and repair it is to have it classified. The Ministry of Public Works and Housing works only on classified roads in this country and not on any other roads. It must be understood that there are certain roads that are taken care of by the county councils and the communities. But those ones which are classified fall under my Ministry. The Ministry only deals with those roads which are classified.

Mr. Katuku: Thank you very much, Mr. Deputy Speaker, Sir. You must have noted that hon. Kikuyu always leaves the Chamber very early, because he has to travel in time to get home before the thugs are on the road. So, could you assist us solve this problem, because we want the services of hon. Kikuyu in this House? Could you guide us, Mr. Deputy Speaker, Sir? The road is not classified as the Minister said, but as hon. Kikuyu is a Member of Parliament, can it be classified for the purpose of enabling him to get home safely?

Mr. Kones: Indeed, I have just said the work of classifying these roads starts with the DDC. So, actually, the job is on them. If the DDC agrees to classify the roads I will have no objection in accepting that classification. But if there is a big security risk when the Member is going home, I think this should be addressed to the Office of the President and the police, so that they can deal with that issue immediately and not my Ministry. I accept that his life could be in danger, but for the moment, I think this issue should be addressed to the police.

Mr. Kikuyu: Mr. Deputy Speaker, I think the Minister has tried to defend the situation by saying that if I am insecure I should approach the Office of the President. Insecurity is being caused by his Ministry. It is not being caused by the Office of the President. I have explained very well that all we need in order to protect a Member of Parliament from being killed is Kshs500,000. Can his Ministry, even if it does not work on unclassified roads, contribute, in the spirit of Harambee, Kshs500,000 so that we can repair that road manually? People are prepared to do it because they love their Member of Parliament. The problem is that we do not have money. Can you contribute Kshs500,000 in the spirit of Harambee?

Mr. Kones: Mr. Deputy Speaker, you realise that the Member is just going round and round in circles. I have answered this question. I would, first of all, like the Member to appreciate the fact that it is not my responsibility to give money for the repair of this road. If that is accepted, first and foremost, then we will talk.

Question No.409

CONSTRUCTION OF OVERHEAD BRIDGE AT KINUNGI

Mr. Kihara asked the Minister for Public Works and Housing:-

- (a) if he could consider constructing an underpass or an overhead bridge across the Nairobi-Nakuru Road in Kinungi Town, Naivasha Constituency, where many fatal accidents have occurred due to pedestrians crossing from one side of the town to the other; and,
- (b) if he could in the meantime order the construction of bumps to check the speed of motor vehicles passing through the town as a temporary measure.

The Minister for Public Works (Mr. Kones): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Already, an underpass exists at Kinungi which pedestrians ignore, preferring to cross the road across the high speed main road. The Ministry will not construct an overhead bridge in the same area because it is uneconomical and the pedestrians may ignore it the way they have done on the underpass. Instead, pedestrians should be educated on the dangers that can arise as they cross the highway instead of using the provided underpass.

(b) The road at present is under rehabilitation and construction of bumps at Kinungi will be considered when the on-going works approach the town.

Mr. Kihara: Mr. Deputy Speaker, Sir, I definitely would not be asking this Question if there was an underpass at Kinungi. The underpass that the Minister is talking about is about a kilometre away. So, my question still stands, that this is a very dangerous crossing because there are two towns, one the right, and the other on the left side of the road. Can the Minister, please, see to it that the an underpass or an overhead bridge is constructed? The underpass is a kilometre away, and so it does not serve the purpose.

Mr. Kones: Mr. Deputy Speaker, Sir, the underpass is not exactly half a kilometre away; it is slightly away from the town that the Member is talking about. But our worry is that the underpass is totally under-utilised. In fact, it is not used at all, so that even if we put in another underpass, the case could be the same because pedestrians may ignore using it. So, what I am trying to say is that, probably, the best way now is to carry out an educational exercise to try and educate the pedestrians on the need to use the underpass that is already existing, because we cannot continue building underpass if pedestrians are not utilising what we have already put in place.

Mr. Gitonga: Mr. Deputy Speaker, Sir, I wonder if the Minister could consider installing an overhead bridge instead of an underpass because the underpass is not used by the people there because of insecurity?

Mr. Kones: I appreciate that, but even where we have overhead bridges, still, the case is the same. People do not want to use them. I think an exercise on educating people should be carried out. I appreciate that it is more dangerous for people to use an underpass than an overhead bridge, but all the same, they seem to ignore all this. So, all I am trying to say is, let us carry out an exercise of educating people first.

Mr. Kihara: Mr. Deputy Speaker, Sir, I agree that an underpass exists about a kilometre away. This underpass was actually constructed for motor vehicles crossing from one side to the other. A lot of lives have been lost in this area. One, the shoulders of this road are worn out. There are cliffs of about one foot long, hanging all the way from the flyover to Naivasha. There is not a single bus stop from the flyover to Naivasha. Very many people have been killed. Mr. Minister, can you do something about this part of the road?

Mr. Kones: Mr. Deputy Speaker, Sir, I appreciate that because the town of Kinungi has grown so rapidly. It has grown a great deal since the last time the road was constructed. Now that there is reconstruction work going on there, we will, definitely, look into the safety of those pedestrians crossing this town.

Question No.543

EMPLOYMENT CONDITIONS IN NAKUMATT LIMITED

Mr. Donde, on behalf of **Mr. Orengo**, asked the Minister of Labour:-

- (a) if he is aware that the workers employed at Nakumatt Limited are subjected to conditions and terms of employment that are not consistent with the Employment Act and international instruments recognised by Kenya, particularly regarding working hours, disciplinary measures, tenure, leave, membership to trade unions and hostility at the work place; and,
- (b) If the answer to "a" above is in the affirmative, what measures he will undertake to ensure

that these workers do not remain permanent casual workers.

The Minister for Labour (Mr. Ngutu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware. The findings of our recent comprehensive labour inspection have revealed that there are no labour contraventions at Nakumatt Limited.

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

Mr. Donde: The Minister has just confirmed my belief that the Ministry of Labour is the most badly run Ministry in this country. I am talking about Nakumatt Limited and the human beings working there, and not donkeys. We have relatives and friends working in Nakumatt and we know under what conditions they are working. For the Minister to bring this kind of answer is a disgrace. I would like the Minister to provide this House with the names and list of those who are working in Nakumatt and their conditions of service, so that we can be satisfied that the answer he has given is anything near what he is talking about.

Mr. Ngutu: Mr. Deputy Speaker, Sir, as I have already said, the recent labour inspection carried out at the firm covered all the issues raised in the Question, among others. As regards the background, Nakumatt Limited operates a chain of supermarkets within the city and collectively employs a sizable number of employees. The company does not have a collective bargaining agreement with any trade union. The remunerations and terms of service covering the employees are governed by both the Employment Act, and the Statutory Minimum Wages Regulations. Orders are established under the Employment Act particularly for those workers who are engaged in wholesale and the retail businesses. These conditions were spelt out in Legal Notice No.249/1973, and the Regulation of Wages General Order 1982 as contained under Legal Notice No.120/1982---

Mr. Deputy Speaker: Order, hon. Minister! Are you answering the question he asked or are you giving information?

Mr. Ngutu: I am answering the question, Mr. Deputy Speaker, Sir.

Mr. Donde: Mr. Deputy Speaker, Sir, I would rather he tables what he is reading. Also, I would like him to confirm or deny that we have relatives and friends working in Nakumatt who have permanently been on casual labour for the last several years. So, would he, please, lay on the Table what he is reading so that we can confirm it? I would like him to deny the fact that there are many workers who have been permanently on casual labour since they were employed by Nakumatt, contrary to the laws that govern the labour movement.

Mr. Ngutu: Mr. Deputy Speaker, Sir, if that is what the hon. Member wants, I will lay what I have; that is, the details of this inspection report, on the Table. This gives all the details concerning employment, wages, leave and everything else. So, I hope the contents of this inspection report will satisfy the hon. Member.

(Mr. Ngutu laid the document on the Table)

Mr. Deputy Speaker: Hon. Ngutu, the hon. Member also asked you to bring a list of the workers and their conditions of service. When can you do that?

Mr. Ngutu: Mr. Deputy Speaker, Sir, there are many people who work for Nakumatt. It is a long list. I have already covered the necessary details. Whatever was asked for has already been included in the report. I have already given all the necessary information as requested by the hon. Member. All the details are there, and if there is anything else that he wants, I will be able to provide it. But as far as I am concerned, I have given all the necessary information. There are many workers who work for Nakumatt and the list will be too long to provide.

Mr. Deputy Speaker: Order! What is it, hon. Ndwiga?

Mr. Ndwiga: Mr. Deputy Speaker, Sir, it is common knowledge that the Ministry of Labour is, perhaps, the most corrupt Ministry in this Government. Whenever the so-called inspectors go to inspect the Asian businesses, nothing happens there. A report is given by the Asians and the Minister is satisfied. He actually dares to come and read that thing here! If these inspectors existed, the Ministry would already have known that the Asians are importing labour from Pakistan and India.

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

Mr. Ndwiga: Mr. Deputy Speaker, Sir, I do not want any information. I just want to ask a question. If these inspectors existed, the Minister would have known that labour is being imported from Pakistan and India. You will find in Nakumatt and other places some fellows there who are Indians, and they are darker than the Minister! The ones that are called the untouchables are working here.

Mr. Deputy Speaker: Order! Hon. Ndwiga, ask your question! A question ends with a question

mark! You are giving a long statement ending with a full stop.

Mr. Ndwiga: Mr. Deputy Speaker, Sir, could the Minister, therefore, tell this House that he is going to be a Minister, and institute a proper inspection of the Asian companies, starting with Nakumatt and the others? Would he confirm to this House that he is going to do that and get rid of these untouchables?

Mr. Ngutu: Mr. Deputy Speaker, Sir, I would like to deny that my inspectors are corrupt.

(Loud consultations)

That is a general statement. If you have evidence, then produce it in this House. That will be the best thing to do. On the question of importation of labour from India, we have no evidence. Could he also produce evidence in that respect?

Mr. Nyanja: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead the whole nation, through this august House, that his officers and the Ministry are very clean, when we know, and this is pure knowledge, that a former occupant of that seat he is occupying now, by the name of hon. Mbathi, and the then Attorney-General, hon. Kamere, were bribed Kshs3 million? We are being wasted here by Asians. There is evidence from the Bank of Baroda.

Mr. Deputy Speaker: Order! Hon. Nyanja, you know very well that you are out of order, first, to impute improper motives to somebody who cannot come in and defend himself, and to make allegations on matters that you cannot prove. Can you now produce evidence here that they were corrupt?

Mr. Nyanja: Yes.

Mr. Deputy Speaker: No, you cannot.

Mr. Wamae: Mr. Deputy Speaker, Sir, the Minister has said that there are no Asians who have been brought here and are working in jobs that should be done by Africans. Is he aware that in Parklands, there is a whole building called Diamond Plaza which is occupied by Asians from India, who do not speak English or Kiswahili, and they are here working in Kenya?

Mr. Ngutu: Mr. Deputy Speaker, Sir, that should have been part of the Question. At the moment, I can only answer the Question as put forward by the hon. Member.

Mr. Deputy Speaker: On Question No.471 by hon. Karua, the Attorney-General who was supposed to respond to this Question is engaged elsewhere, and we agreed that this Question be deferred to Tuesday or Wednesday next week, with the agreement of hon. Karua.

Question No.471

STATUS OF STANDING COMMITTEE
ON HUMAN RIGHTS

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

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

(a) Is the Minister aware that Hortech Company Limited. in Naivasha and the Kenya Seed Company are multiplying seeds in Loitokitoki Division of Kajiado District?

(b) Is he further aware that the said companies do not sign contracts with farmers, thereby fleecing them of their produce?

(c) If the answers to "a" and "b" are in the affirmative, what action is the Minister taking to ensure that farmers' interests are protected?

The Assistant Minister for Agriculture (Dr. Wamukoya): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Hortech Kenya Limited and Kenya Seed Company are multiplying seeds in Loitokitoki Division of Kajiado District.

(b) I am aware that Hortech Company Limited contracts farmers through verbal agreements. I am also aware that Kenya Seed Company operates through both verbal and written agreements. However, I am not aware that the companies are fleecing farmers of their produce.

(c) My Ministry is out to ensure that fair business arrangements between all parties are in place. In this regard, the seed companies are being encouraged to enter into written contracts in future. These agreements have to be certified by the Horticultural Crop Development Authority (HCDA) where multiplication of horticultural seeds is concerned.

Mr. Parpai: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to say that he is not aware that these two companies are fleecing farmers, while in actual fact, Hortech Naivasha, has actually fleeced, or rather, refused to give a Mr. Charles Mashua Kshs1,076,000, and for a Mr. Mambo Ng'ang'a, they refused to collect his sunflower after they harvested? A Mr. Milton Losojo was also not paid Kshs400,000. Are you, surely, serious when you are talking about this? Kenya Seed Company this season has refused to collect from farmers after planting a specific variety of seed. Are you aware of that?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, as I said, I am not aware that the companies are fleecing the farmers. If that information, was laid on the Table, the Ministry of Agriculture would be able to take action.

Mr. Ndwiga: Mr. Deputy Speaker, Sir, I think sometimes you should insist that real Ministers answer Questions here. This Question has been in this House for many years. Hortech has been discussed in this House on many occasions. What these people are doing is that they are contracting farmers in Kajiado, and then

they refuse to collect the seeds. The farmers have no opportunity to plant alternative crops because Hortech has already contracted them. Then, even when they do collect, they do not pay. The question here is this: If the Assistant Minister is not aware, and now he has been made aware, is he going to take steps? Is he going to tell the real Minister to take steps?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, if the Member has papers or documentation to show that they are being fleeced, I am prepared to take action. He does not expect me or Hortech to reveal their secrets. If he has those secrets from his constituency, I am ready to have them and utilise them.

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. This country has been deteriorating in food production. Farmers have become impoverished because of the presence of the likes of these companies. This Government has research institutions for multiplication of certified seeds. What is the Government doing - considering Kenya is an agricultural country - to make sure that Kenya has got good seeds for farmers, and farmers are paid by the institutions established by the Government in this country, and not to leave this essential sector to foreigners?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I think we are confusing two things. We are confusing research and multiplication of seeds. Research is being done by an able institution called KARI. They are doing research even on horticulture. This company, Hortech, is only doing multiplication of seeds.

Mr. Parpai: Mr. Deputy Speaker, Sir, the Assistant Minister talks of encouraging the companies to enter into written contracts with the farmers. What mechanism is he using to make sure that those companies enter into written contracts with the farmers, and why has he forgotten the suffering farmer? If he has anything for him, what is it that he has for him to ensure that he is not going to be cheated next time?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, this company, Hortech, and the farmers that the hon. Member is referring to, have been doing business in trust for the last 16 years, verbally. Now that the hon. Member is asking for a written agreement, there are mechanisms to do that.

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. It appears now, very clearly, that the Assistant Minister does not have the right information and that is why he is asking for it. Could he be given time to come and answer the Question after we have given him details which will help him to follow that matter?

Mr. Deputy Speaker: Order! Order! Please, remove that piece of paper from the Table.

(Laughter)

Mr. Mwenje: It contains the details.

Dr. Wamukoya: Mr. Deputy Speaker, Sir,---

Mr. Deputy Speaker: Order! Order! Hon. Mwenje, we must know what you are introducing to the House. What is that? It looks like a piece of rough paper.

Mr. Mwenje: Mr. Deputy Speaker, Sir, these are the real complaints from the farmers from Kajiado who have given him all the details that he requires.

Mr. Deputy Speaker: Order! Order, hon. Mwenje. That cannot be complaints from all the farmers.

Farmers must write their complaints individually.

Mr. Mwenje: Correct, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: So, hon. Mwenje, if you want to lay documents on the Table, they must be genuine and original.

Mr. Ndwiga: On a point of order, Mr. Deputy Speaker, Sir. I quite agree that the list that hon. Mwenje is holding is what the hon. Assistant Minister is asking for. He is asking for information, searching for concrete information so that he can take action. What hon. Mwenje is saying is that since this information is here, could the Assistant Minister now be given time to come back and answer and say what action he has taken?

Mr. Deputy Speaker: Pass the information to the Minister!

(Mr. Mwenje laid the document on the Table)

Dr. Wamukoya: Mr. Deputy Speaker, Sir, there is only one section of the Question which talks about fleecing of the farmers. I have answered the whole Question. The only section I am saying that I be given the paper to refer to, is the list of farmers whom the hon. Member referred to as being fleeced. I will do the investigation and find out the truth about it. Thank you.

Mr. Deputy Speaker: That is the end of Question Time. The Question by hon. Katuku has been deferred. Mr. Matu Wamae?

EVICTION OF NJUKINI RESIDENTS

(Mr. Katuku) to ask the Minister for Lands and Settlement the following Question by Private Notice.

- (a) Is the Minister aware that over 800 families in Njukini Location of Taveta Sub-District occupying land reference L.R.6730/1 and 6730/2 are being evicted from their land which they have been occupying since the 1950s;
- (b) Is he further aware that the Provincial Administration is allegedly involved in the burning and demolition of the houses and farms belonging to the affected residents, and;
- (c) If the answers to 'a' and 'b' are in the affirmative, and given that there is a pending court case regarding the issue, would the Minister order the on-going illegal eviction stopped until the case is heard and determined?

(Question deferred)

POINTS OF ORDER

MINISTERIAL STATEMENTS SOUGHT: EVICTION OF FOREST FARMERS

Mr. Wamae: On a point of order, Mr. Deputy Speaker, Sir. I wish to ask the Minister for Natural Resources to make a Ministerial Statement with regard to the report in today's dailies. The report states that from 1st January, 1999, forest farmers farming and planting trees in the forest will be thrown out and will not be allowed to continue doing so.

These farmers have been giving the Government free service. They cultivate for one year, plant trees during the second year; the third year, they cultivate those trees and the fourth year they leave that section of the forest. So, the Government is able to get tree plantations at very little cost. Will the Minister for Natural Resources make a Ministerial Statement in this regard?

INSECURITY PROBLEM IN GARISSA

Mr. Shidie: On a point of order, Mr. Deputy Speaker, Sir. I wish to request the Minister of State, Office of the President, in charge of internal security, to give a Ministerial Statement regarding the insecurity problem in Garissa. The last two weeks have been a big tragedy for my constituency. Ten people have perished; five were killed in Lagdera and five in Garissa, in cold blood. I, therefore, request the Minister to

come with a comprehensive statement to this House regarding the insecurity problem in that area.

CRITERIA FOR PRIVATE SECURITY

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. I stand to ask the Minister of State, Office of the President, in charge of internal security to inform this House the criteria that the Government uses in deciding which private Kenya citizen is to have the services of private security at the cost of the taxpayers? I ask this because a couple of weeks ago, my wife nearly lost her car to carjackers. They only stopped robbing her of the car because I was driving behind her and the robbers recognised me. They said they cannot take Mr. Muite's wife's car.

I went to the Commissioner of Police the following day, pleading for my gun to be returned to me. I had had this gun from 1974 to 1990 without any incident of abuse. Up to now, I have not had any response from the Commissioner of Police. What criteria does this Government use to decide which private citizen is going to have security? We heard of a Nominated Member - not elected like me - being given security with police communication radio! What criteria does this Government use to decide which member of the public is going to have security and who is not going to have it?

RECENT FIRES IN NAIROBI AND KISUMU

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. As we try to recover from the economic slumber, unfortunately, the efforts are being negated by constant arson; the fires that have been gutting property throughout the country.

I wish to request for a Ministerial Statement from the Minister for Local Authorities, to give assurance and an explanation as to the causes, the devastation in terms of the amount of property lost, and the number of lives lost, in the recent fires in Nairobi and in Kisumu. I raise these concerns because the issue of property being lost through arson acts that are unexplained and uncontrollable is a widespread one. I therefore would appreciate if the Minister for Local Authorities gave a Ministerial Statement on that.

Mr. Deputy Speaker: Order! Order! Order, hon. Members, the next Order is Committee of the whole House. Can we now go to the Supplementary Order Paper which gives the order of Business.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

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

THE FINANCE BILL

Clause 2

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 2 be amended in paragraph (a) by inserting the words "(excluding a motorcycle)" immediately after the word "vehicle" appearing in the first line of the proviso to the proposed subparagraph (i).

(Question of the amendment proposed)

*(Question that the words to be inserted
be inserted, put and agreed to)*

(Clause 2 as amended agreed to)

(Clauses 3, 4, 5, 6, 7 and 8 agreed to)

Clause 9

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 9 be amended by deleting the expressions "2000 cc" and "3000 cc" and substituting "3000 cc" and "4000 cc" respectively.

(Question of the amendment proposed)

Mr. Ndwiga: Mr. Temporary Deputy Chairman, Sir, in Clause 9, I think during the discussion of the Finance Bill yesterday, hon. Members raised a lot of concern about the limitations of the "cc" for Members of Parliament. I do hope that instead of 4000 cc, in Clause 9, we will have 4500 or no limits. We will have no limit on 4000 cc.

Hon. Members: No limits! No limits!

The Minister for Finance (Mr. Nyachae) Mr. Temporary Deputy Chairman, Sir, Clause 9 is a general clause. The section affecting hon. Members will come later, under Clause 14.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 9 as amended agreed to)

(Clauses 10, 11, 12, and 13 agreed to)

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Chairman, Sir. I just want clarifications here. For the clauses which are not here, where there is no amendment being done, why do we have to repeat them, because there is no amendment on them here?

The Temporary Deputy Chairman (Mr. Musila): The clauses are in the Bill. It is advisable that you have the Bill, along with the Supplementary Order Paper.

Clause 14

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Speaker, Sir, I beg to move:- THAT, Clause 14 be amended- (a) in paragraph (a) as follows-

(i) in subparagraph (iii) thereof, by deleting the expression "2000 cc" and "3000 cc" in the proposed subparagraph (c) and inserting "3000 cc" and "4000 cc" respectively;

(ii) in subparagraph (iv) thereof, by deleting the expressions "2000 cc" and "3000 cc" and inserting "3200 cc" and "4600 cc" respectively;

(iii) in subparagraph (v) thereof, by deleting the expression "2000 cc" and inserting "3000 cc".

(iv) in subparagraph (vi), by deleting the existing subparagraph and inserting the following -

(vi) by deleting item 35 thereof and inserting the following new item-

35. Permanent Secretaries, the Financial Secretary, Provincial Commissioners, the Chief of General Staff and Service Commanders of the Armed Forces, the Controller and Auditor-General, the Comptroller of State House, the Commissioner of Police, the Commissioner of Prisons, the Clerk of the National Assembly and Judges

One Motor Vehicle (excluding buses and mini-buses of more than 13 passengers, load carrying vehicles of a load carrying capacity exceeding two tonnes or a passenger motor-vehicle of an engine capacity exceeding 3000 cc) imported or purchased prior to

clearance through the Customs by a Permanent Secretary, the Financial Secretary, a Provincial Commissioner, the Chief of General Staff or a Service Commander of the Armed Forces, the Comptroller of State House, the Controller and Auditor-General, the Commissioner of Police, the Commissioner of Prisons, the Clerk of the National Assembly or a Judge, subject to a written recommendation of the Permanent Secretary, Secretary to the Cabinet and Head of the Public Service, and the Chief Justice in the case of a Judge.

Provided that the exemption granted under this item shall apply once every four years.

(b) in paragraph (b), -

(i) by deleting the word "item" appearing in subparagraph (i) thereof and inserting "items"; and

(ii) by inserting the following new item immediately after the proposed item 1B -

"IC Jet fuel (Kerosene type) purchased by an aircraft owner or operator for use in an aircraft engine".

(iii) by inserting the following new item immediately after the proposed item 39 in subparagraph (iv)

40. Refined Sugar for Industrial Use

Refined Sugar having a polarimeter reading of 99.8 degrees or more, colour in solution ICUMSA Units (Max) 60, Invert sugar content, % mm. (Max.) 0.04 and moisture, % mm. (Max.) 0.07, imported by an industrial manufacturer gazetted by the Minister (or such manufacturer's duly contracted supplier), for use as raw material in industry shall be exempt from suspended duty subject to such quantities and on such conditions as the Commissioner may specify.

Mr. Muite: Mr. Temporary Deputy Chairman, Sir, I would like, through you, to plead with the Minister of Finance to reconsider the amendment in (vi) where he is proposing to give the privileges of importing motor vehicles to Permanent Secretaries, the Financial Secretary, Provincial Commissioners and Service Commanders. We have made very strong submissions and statements here that these public officers already have official vehicles. To extend the privilege of importing duty-free personal cars at a time when Kenya is talking about austerity measures; at a time when the Minister himself is aware that the IMF team is going to come here, this sort of thing is going to send a very negative signal. Can the Minister, please, reconsider that these people already have official vehicles and, therefore, delete extension of this privilege to them? Let us think about the unemployed people and those without these sort of privileges.

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, while appreciating the points being put across, I would like to clarify the position, that these privileges are intended in the reform programme as a replacement to the privilege of using the current official cars given to these civil servants. So, it is a reform process, where we do not want senior civil servants--- Their terms and conditions of employment in the past allowed them to take Government cars to their homes in the villages. We want those cars to be used for official work only, and let them have cars which can enable them to go to their homes. So, it is an adjustment. It is a reform we are doing.

Ms. Karua: Mr. Temporary Deputy Chairman, Sir, the explanation given by the Minister is not satisfactory. This is intended to be a reform programme. An officer who has imported a duty-free vehicle, should be able to use it for work as well as going home, but should have the leeway of claiming mileage when he uses it for official purposes, the same way hon. Members of Parliament are using their personal vehicles for official duties but claiming mileage. As it is, the senior civil servants are being allowed to have their cake and eat it. What is the use of the Government importing large vehicles; the latest Mercedes Benz and the latest Four-Wheel Drive vehicles, and then giving the same officers duty-free facilities? Can the Minister assure us that, if these officers get the duty-free facility, the Government will no longer import official vehicles for the same officers, and they will only be paid mileage? Otherwise, this is a double loss to the Government.

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I think hon. Karua is raising a point which on a long-term basis, would require consideration. But, in the reform process that we are doing now, I think we should be allowed to retain the right officers in the service with this kind of privilege. If we are going to get performance in future, so that they are more productive, then you have to retain people who are also capable of giving jobs even in the private sector. We want to retain those people.

Mr. Raila: Mr. Temporary Deputy Chairman, Sir, we are not convinced. It is true that we want to create attractive conditions so that we can retain quality service in the Government, but this is not one of the ways to do it at the time when the Minister is calling for austerity measures; when the Minister is asking other Kenyans to tighten their belts. Frugality is the name of the game. The Government should try to raise as much

revenue as possible. These officers are already enjoying some other privileges. High Court Judges live in Nairobi and work in the High Court here, yet they are being given the latest Mercedes Benz cars to drive from their homes to the High Court. They have no constituency to attend to. When they travel to Mombasa on duty, they are flown down there, collected from the airport and taken to wherever they are going to work. So, it is not fair to deny this country this duty because, it is not that these people need these cars. They enjoy free cars. They are going to import these vehicles duty-free so that they can sell them, thus denying the Government revenue.

Mr. Temporary Deputy Chairman, Sir, so if we agree that this privilege is going to be introduced, then the vehicles that they are given should be withdrawn.

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I believe very strongly that the approach we are putting forward to this House is the best way in trying to create savings. But let us not look at the aspect of the revenue on imports. Let us look at the expenditure, if we allowed Government vehicles to continue going to places where they have nothing to do with official work. We have done the calculations and discovered that it is a saving to do this, than allowing the current system of using these vehicles. In any case, it is part of their employment terms. You cannot take away what you have been given.

Mr. Temporary Deputy Chairman, Sir, again, there is a difference here. Let us, as hon. Members, not be selfish because we are the only people who are getting this privilege at a much higher "cc". The "cc" for civil servants who are being listed here is lower than what hon. Members are being given. I think, let us be fair.

Mr. Temporary Deputy Chairman, Sir, let us also not look at other civil servants and exclude me as a Minister. I enjoy the privilege of being a Member of Parliament here; I am given an official car for doing my official work, but I also have a car as a Member of Parliament which takes me to my constituency. Why do we want to confine ourselves to our Judges and civil servants in Nairobi? Are they not part of the Kenyans who go to the rural areas? How do they get there?

Mr. Wamae: Mr. Temporary Deputy Chairman, Sir, we would like to persuade the Minister to look at it this way: You have already said in your Financial Statement that you want to reduce the fringe benefits, and that is the reason why you said the fringe benefits enjoyed by the bank employees will have to be taxed. For civil servants, you are now introducing additional fringe benefits. And also, even when Permanent Secretaries and so forth, were told not to be using those official cars, what they did was to have private registration numbers. So, they have GK registration numbers and private registration numbers so that they can use the vehicles as they want. What would prevent them from doing the same?

I think the Judges' case is special. I think, in order to create integrity in their duty, I would support them to be included. But I do not think it is justifiable to include Permanent Secretaries, Service Commanders and so on.

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, let us also be clear about what we are talking about here, because, first, for people like the Judges and Permanent Secretaries, you had approved that a long time ago. I am only showing you the other categories who have got to come in.

Mr. Karume: Mr. Temporary Deputy Chairman, Sir, it is true, nobody can be convinced that this is going to happen. Unless the vehicles they are using now are withdrawn, they are definitely not going to use their private ones. They will give their private ones to their wives, and they will continue using these ones. It is a known fact that nobody controls Permanent Secretaries. They control themselves. I can tell you, nobody is going to control them by telling them: "You cannot use this one, because you have got this one". I think the Minister is aware that this is not practical and it cannot happen, even if it was him.

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I think the hon. Member should be assured that under the new approach, we are reviewing the financial regulations as well, and Permanent Secretaries will be controlled. The hon. Member knows that at one time, when I was the Head of the Civil Service, I controlled them.

Mrs. Mugo: Mr. Temporary Deputy Chairman, Sir, I would like to appreciate the Minister's efforts, but, surely, recently you just took away from the teachers what was due to them. The senior civil servants have a very good life compared to that of the teachers. Surely, if you took away from the teachers, to prove to these big chaps that we are all treated equally, I feel it is a bit unfair to take away with one hand and give with the other hand. I think you should reconsider these points.

The Minister for Finance (Mr. Nyachae): Mr. Chairman, I would like to assure the House that if it is a question of savings, we have done our calculations and we have said that as regards the few civil servants

who have been included here, the amount of revenue we will forego is less than the amount of money we are spending in allowing them to use official cars for their private journeys. It is a question of savings and we are looking for savings. This alternative is better in terms of expenditure, than allowing them to have a free hand on Government vehicles.

The Temporary Deputy Chairman (Mr. Musila): The very last one, Mr. Kariuki.

Mr. Kariuki: Mr. Chairman, this is a very contentious issue. We are trying to retrench areas that could cause excess expenditure in the Government, and here is an item that glaringly shows about exorbitant expenditure on the side of the Government; an area where the Government would be making a lot of money through duty. It makes a lot of sense to even deny Members of Parliament these duties if only you were to give us free cars. These people have free cars, yet they want another free benefit. It does not augur very well. The public out there would not be convinced of what we are trying to do. On the other hand, you are also giving these people a facility to buy matatus or passenger cars of up to 12 passengers carrying capacity. That is a matatu! What has the Comptroller of State House or a Permanent Secretary got to do with a 12-passenger vehicle? The only thing we should do is to require them to have a normal saloon; a four-passenger carrier. That is what we should be looking for.

We should also be looking at the type of benefit that cuts across the board. I am not sure that Deputy Secretaries and Senior Assistant Secretaries are not the people who do the donkey work compared to Permanent Secretaries sitting in offices and not doing very much. So, really, civil servants generally would want to access this kind of facility, and if we do that, everybody else would want to get on board. I think the most important thing here is for us to try as much as possible to look at the constituencies that are addressed by these people. Judges have constituencies only within the areas they work. If a Judge is based in Nairobi, he works within Nairobi, and if he is based in Mombasa, he works within Mombasa. If you are again going to give him a free car, what is his constituency? Parliamentarians are the ones who travel a lot. We have large constituencies. We have to be here on Tuesday and report back to our constituencies on Thursday, whereas these others are enjoying the life of Nairobi. So, really, I would vote against this recommendation and only consider Parliamentarians.

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, I would like to clarify one point here. These days, and if you go back to the legislation, you will find that there is nobody in employment who is not meeting their obligation in terms of taxation on fringe benefits. These civil servants, let us not make--- This is not free, because when it comes to fringe benefits, they pay tax.

The Temporary Deputy Chairman (Mr. Musila): Although I had said that was the last question, I am persuaded to allow more time. Let us hear Mr. Ndicho.

Mr. Ndicho: Mr. Temporary Deputy Chairman, let me say the following. The concept of duty-free vehicles being given in this country was introduced during the Sixth Parliament. I have seen the HANSARD of the Sixth Parliament, and it was via a Motion filed by the hon. Chris Kamuyu, the former Member for Dagoretti. The purpose of that Motion was to help Members of Parliament reach their constituencies using big vehicles, which many of them could not afford. Later on, Permanent Secretaries, PCs and university lecturers were included in the bracket of those who were going to enjoy duty-free vehicles. But these three categories of people were enjoying that facility because the President accepted to give it to them. Now, you can see that it has now been brought to Parliament so that it is also passed by an Act of Parliament. It defeats all reason to hear the Minister convince the whole world that there is a problem in Kenya concerning the economy, and trying to bring every measure to make sure that the economy is maintained, and we stop excessive use of Government money. I stand to oppose this because if you look at all these people, these are people who are going to enjoy themselves. If it is the Commissioner of Police, he can even have a helicopter. He can go to any part of this country in a helicopter; even the Chief of General Staff. But Members of Parliament have no access to such privileges. So, my contention is; we should oppose this. But for Members of Parliament, it is to help them reach their constituents who live in the very farthest part of their constituencies; a place that a Peugeot 504 cannot reach; a place that any other vehicle cannot reach, except for a 4WD.

So, we are telling the world that you are not serious at all, because this is now going to be a precedent. Next year, we are going to see this list being extended and have college principals, chiefs, headmen and everybody else. So, we are setting a very bad precedent. Let it be on record that we are opposing this because it is not reflecting the seriousness in making sure that the economy is safeguarded.

Mr. Temporary Deputy Chairman, the last point is on the issue of the "cc". I still oppose the idea that a Member of Parliament should be restricted on the capacity of the vehicle that he should buy. It is high time this is amended, and there should be no limit.

(Applause)

The 4.6, which we presume to be the 4WD, is the Range Rover, and currently the newest model in the market that has just been produced is 4.8. That means, my friend, hon. Biwott, here cannot go to Kerio South because the Minister has refused him this capacity. I may not afford it, but he will afford it. So, I am imploring upon my fellow Members of Parliament from across this side, let us refuse and say this restriction must be removed, so that we can enjoy the facility.

(Applause)

With that, I beg to move an amendment in, this title (ii) (b) in sub-paragraph 4 thereof, by deleting the expression "2000cc" and "3000cc" and inserting "without any limitation at all," and removing this one completely. I also move that the whole total of 35 be deleted.

With those remarks, I beg to move.

The Temporary Deputy Chairman (Mr. Musila): Order! I would like to refer you to Standing Order Number 132, which says that you cannot proceed and try to introduce the amendment that you are trying to introduce in the manner in which you are doing. So, I am going to put the Question and we vote on the proposed amendment.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Chairman, Sir. If you allow me, I will substitute my amendment with one that was possibly brought by hon. Obwocha, which is giving us 5000 cc for any kind of motor-vehicle be it a saloon or a four-wheel drive because that amendment is already here. I would like to ask the hon. Obwocha---

The Temporary Deputy Chairman (Mr. Musila): It is not here. That is out of order, Mr. Ndicho.

Mr. Ndicho: Mr. Temporary Deputy Chairman, hon. Obwocha presented it yesterday. I am on a point of order. There is nothing we are enjoying here. There is nothing here to say that the Opposition or the ruling party is getting it. This is something that is going to help Members of Parliament reach their constituents and the constituency here does not come either for the Opposition or for KANU. Next time these people will be on this side and we will shall be on that side. We shall be exchanging places. So, I beg to move that we completely reduce this limitation. You should not be limited. If you want to buy a 10000 cc--- If anybody can buy a 10000 cc, he is going to be giving the Minister money because the fuel that he is going to use in that vehicle will be going to the Fuel Levy. So, if I want to buy a 10000 cc vehicle, why should you prevent me if I can afford it? So, I call upon you that we should refuse this---

The Temporary Deputy Chairman (Mr. Musila): Mr. Ndicho, you stood on a point of order, and now it has gone on and on, and I did mention that you were not in order.

Mr. Obwocha: Mr. Temporary Deputy Chairman, Sir, I am shocked beyond repair because I forwarded an amendment to this clause to the Clerk of the National Assembly in writing. Going through the Order Paper today, that amendment on this clause is missing, and I am being told that the Speaker did not approve the amendment. How, and yet Standing Order No. 132 (a) (1), empowers a Member, not impose taxation or alter taxation; otherwise, than reduction and I was reducing. The only tax that you cannot impose, is one where you get the consent of the President. That is the law. If we can go according to our Standing Orders, you cannot impose any additional tax without the consent of the President, but you can reduce it and that is what I was doing. So, if it is acceptable to you, now that hon. Ndicho can move an amendment--- I do not know whether he has submitted that amendment earlier but I would rather move my amendment because I had given notice to that clause---

The Temporary Deputy Chairman (Mr. Musila): Order, hon. Obwocha. You referred us to Standing Order No. 132 (a) (1) which states that:

"In the opinion of the person presiding, make provisions for any of the following purposes".

Now, the person presiding is the Speaker, and my information is that he did not approve the amendment.

Mr. Muite: On a point of order, Mr. Temporary Deputy Chairman, Sir. We want your guidance here because we are all guided by the Standing Orders. On what basis would the Speaker refuse to approve the amendment in writing, which is in accordance with the Standing Orders which governing this House? I ask you now, with respect as the person who is presiding over the Committee Stage, to accept that amendment by hon. Obwocha, because it is in accordance with the law, and we debate it; otherwise, we are violating our own Standing Orders.

The Temporary Deputy Chairman (Mr. Musila): But I do not have it in front of me.

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Chairman, Sir. Let me echo the words of hon. Obwocha and say how disappointed I am. I have already given to the Clerk, my amendment as stipulated by the Standing Orders. However, here we have the problem of the interpretation of the Standing Orders, and in that amendment, I have formally made this amendment to an amendment; that on line number 4, where it says "Exceeding 3000 cc", that is 3000 cc be made to read "2000 cc" and also, "provided that the exemption granted under this item shall apply---"

The Temporary Deputy Chairman (Mr. Musila): Mr. N. Nyagah, could you go slowly, so that we can comprehend what you are saying. Where are we?

Mr. N. Nyagah: Mr. Temporary Deputy Chairman, Sir, the amendment that I am putting to yet another amendment that was brought in yesterday concerns 635 on lines 1 2 3 4 and 5 where I am deleting 3000 cc to read 2000 cc and if you look at the end of that, which is 6, it says "Provided that the exemption granted under this item shall only apply every four years", and I am saying it should read "every five years" as an amendment to the amendment already made by hon Obwocha.

Thank you.

Mr. Michuki: Mr. Temporary Deputy Chairman, Sir, I think the problem that we are facing here is the interpretation of Standing Orders. The Standing Orders of this House allow any Member to rise in this House and propose a reduction in taxation in the estimates of expenditure. What the Standing Orders do not allow, to my understanding, is to increase taxation. Therefore, we are within our own rights and competence, and I see nothing wrong in looking at these things where the exemption of duty amounts to a reduction. That is my first point.

Mr. Temporary Deputy Chairman, Sir, my second point is this: With regard to the amendment that is being sought here, particularly in relation to civil servants, Judges and others, I think, as a House, we must be guided by what is taxed inequitably, because if we are not guided in what is equitable, we have no yardstick for the future, and what hon. Ndicho was saying here will eventually happen. We shall be exempting assistant chiefs in this House by including them on the list. Now, I am saying this: It does not make any sense, and neither does it introduce just treatment within the law by exempting from payment of duty, people who are already provided with public transport. It is either that they have to provide transport for themselves, in which case they can be duty-exempted, if it is found appropriate, but you cannot supply them with public transport, which is a public expense, and then grant them duty-free vehicles when, in fact, as has been stated, their area of requirement to travel is so limited and defined as opposed to that of Members of Parliament, who are facing a lot of problems in visiting their constituencies.

Therefore, could this matter be looked at from the point of view of equity? If anybody is going to be provided with free transport through public expenditure, why are you proposing to exempt him when he buys his own private car? Where is the equity, justice and criteria for doing these things? Therefore, I am proposing that the amendments required here should be such that, at least, there is equal treatment. We are not, as Members of Parliament, asking for duty-free vehicles in addition to any other public transport provided by the State, and since we originated this idea of exemption and there has been a bandwagon building onto this, why can we not work it out as opposed to what is objective? We are subjecting this matter to individuals. We are parting from the objectivity which brings justice. So, I see no reason why the Minister for Finance cannot actually introduce this equitability by making sure that the treatment is equal. We are voting money here to buy for him a car, as a Judge. Why should we exempt him from paying tax for his private car? We either take away the free car we have given him, or we exempt him from paying the tax. But we cannot give him both, because it is not just; it is not equitable. Therefore, I am proposing that the amendment that has been brought here by hon. Nyagah and hon. Obwocha be considered. Secondly, we should not deal with anything that will give double advantage when, originally, it was a hardship measure.

Thank you, Mr. Temporary Chairman.

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I would like to ask the hon. Member to consider all the views that have been expressed by hon. Members. I would also like him to understand what we are doing in terms of what they are calling double-privileges. This is not double-privileges because, we are stopping the use official cars on private business.

Mr. Temporary Deputy Chairman, I think we would save a lot of money if we stopped the use of official cars on private business by these officers rather than allowing them to keep cars and then they pay for their fringe benefits. Therefore, I would suggest that the clause reads as follows:-

"3200 cc" and "unlimited"

I hope that with this amendment, I have tried to explain my position about the others. Hon. Members should also bear with me in the adjustments I am making to try and save public funds.

Mr. Obwocha: Mr. Temporary Deputy Chairman, while we appreciate what the Minister is trying to insert, it is not coming out clearly. My amendment reads as follows:-

THAT, Clause 14(ii) should read in paragraph (iv) thereof, "by deleting the expression "2000 cc" and 3000 cc and inserting with no limitation as to engine capacity".

If that is what the Minister has said, and as you know he is a great friend of mine, then I agree with him.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Chairman, Sir. Should proposed amendments not be specified as the Question is put? For example, I thought you would propose, Clauses 14(a)(i) and (ii) separately. You should not put a whole clause generally. I do not think it is proper. I think we are supposed to go through one item after another.

The Temporary Deputy Chairman (Mr. Musila): Hon. Mwenje, with due respect, I think I have given you ample time to express your opinion. You can notice that even the Minister has agreed with you on this particular amendment moved by hon. Obwocha. I think now we have to move on. Therefore, I will now put the question.

Hon. Members: No, there is a catch!

Mr. Nyanja: On a point of order, Mr. Temporary Deputy Chairman.

Mr. Ndwiga: Just a minute; what is the catch, Mr. Nyanja?

Mr. Nyanja: Thank you, Mr. Temporary Deputy Chairman. We cannot give a blanket approval. For example, will item 35 of Clause 14(vi) also be approved when you put the question on this clause? So, we are not in agreement, and that is why hon. Nyachae and hon. Obwocha have differed on the amendment of this particular clause.

The Temporary Deputy Chairman (Mr. Musila): That is why I am putting the question so that I can hear the side that has the majority. So, I will now put the question.

Hon. Members: What question?!

The Temporary Deputy Chairman (Mr. Musila): Listen to the question, hon. Members.

Mr. Nyanja: Mr. Temporary Deputy Chairman, Sir, I think you have to read the amendment because once you put the question for a blanket approval, we are not in agreement. We must go clause by clause, so that we can deal with specific amendments. Otherwise, it will appear as if you want us to refuse giving the tax-free cars to these officers. Who will arrest the Commissioner of Police when he is driving the private car to his house? That is where there is a catch, Mr. Temporary Deputy Chairman.

An hon. Member: Go item by item!

The Temporary Deputy Chairman (Mr. Musila): I think we have listened---

Mr. Otula: On a point of order, Mr. Temporary Deputy Chairman, Sir. The problem here is that there is lack of consensus. I am saying so because the Minister is talking about "3200 cc" in Clause 14(a)(ii), and "unlimited", yet Mr. Obwocha is talking about "with no limitation as to engine capacity". Obviously, there is lack of agreement on this amendment. We must sort this out before we continue.

The Temporary Deputy Chairman (Mr. Musila): Order! I think I will make this clear. Mr. Obwocha's amendment, to which the Minister has agreed, reads as follows:-

THAT, Clause 14(ii) be amended by deleting the expressions "2000 cc" and "3000 cc", and inserting "with no limitation as to engine capacity".

Therefore, I will now put the question.

Mr. Ndwiga: On a point of order, Mr. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Mr. Musila): Order, Mr. Ndwiga! I think I have given you time to express your views.

Mr. Ndwiga: Mr. Temporary Deputy Chairman, Sir, something is wrong.

The Temporary Deputy Chairman (Mr. Musila): What is wrong?

Mr. Ndwiga: Mr. Temporary Deputy Chairman, in the past, this House has been used to rubber-stamp things. Hon. Members used to pass things here, only for them to realise the next day that they did not actually know what they had done. The sentiments hon. Members have expressed here arise from Item 35 of Clause 14. It took us a lot of time to debate this Bill the whole of yesterday, and this afternoon.

The amendment that has been proposed by hon. Obwocha, which was acceded to by the hon. Minister, is in sub-paragraph (ii). However, the hon. Members have not agreed on Item 35 of this clause. I am proposing that Item No.35 be dealt with separately. If you put a question, we are going to pass this clause

together with a very sinful thing here. This is sinful and I think this House is being taken for a ride. This must be dealt with separately.

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Chairman, Sir. As a matter of principle, I did bring in an amendment pertaining to this clause that is contentious, and it was supported by hon. Mwenje. What has happened to that? We seem to be now in hurry to pass the various clauses including this particular one.

Hon. Members: Put the question on Clause 14!

The Temporary Deputy Chairman (Mr. Musila): Hon. Members, it is true that hon. Nyagah had submitted an amendment to an amendment on Clause 14(vi) which reads as follows:-

"Delete in line 5 the expression "3000cc" and replace it with "2000cc", and further provided that the exemption granted under this item shall apply once every five years."

Mr. Mwenje: No! No!

The Temporary Deputy Chairman (Mr. Musila): Mr. Mwenje, I am reading hon. N. Nyagah's amendment, so you cannot tell me no.

Mr. Mwenje: Hon. Nyagah said that I supported his amendment, but I did not support it at all. I want to say clearly that what we are saying here is that we want to go item by item. We have agreed with Clause 14(i), (ii) and (iii), but we are not approving subclause (vi) Item No.35. It should be removed. So, let us not be put into a trick where we approve the whole game and we are also used as a rubber-stamp to approve what we do not want to approve.

The Temporary Deputy Chairman (Mr. Musila): I am now putting the question and you cannot stop me from putting the question.

Hon. Members: No! No! No!

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Chairman. I am pleading with you, the Members are voting for an amendment you have not told them. We are pleading with the Chair that in order to have an orderly debate and approval, please, on Clause 14, let us go item by item up to Item No.35, and if the majority say yes, then we will agree; if they say no, we will also abide.

The Temporary Deputy Chairman (Mr. Chairman): What amendment are we now on because the amendment of Mr. Nyagah was not supported?

Mr. Ndicho: Mr. Temporary Deputy Chairman, there is confusion here. There are two amendments, one from hon. Obwocha and the other one from---

The Temporary Deputy Chairman (Mr. Musila): We have passed hon. Obwocha's amendment and hon. Nyagah's amendment was not supported. So, let us go back and be orderly, hon. Members.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Chairman, Sir. There are two amendments, one from hon. Obwocha and the other one from hon. Nyagah. Let us deal with one amendment and dispose it of, and then we come to Item No.35, and as hon. Obwocha says, if the majority of the Members want to pass it the way it is here, then they will carry the day. But let us

[Mr. Ndicho]

dispose of Clause 14(ii) first, and then there will be no problem.

The Temporary Deputy Chairman (Mr. Musila): Hon. Ndicho, I think you appreciate that we have already finished with hon. Obwocha's proposed amendment. I would like to refer you to Standing Order No.105 which talks of the sequence to be observed on a Bill in Committee, where we are now. It reads as follows:-

In considering a Bill in Committee, the various parts thereof shall be considered in the following sequence:-

- (a) clauses as printed, excluding the clause---
- (b) new clauses
- (c) schedules *et cetera*".

We went to Clause 14 as printed.

An hon. Member: Kama hamtaki, simtakataa?

Mr. Muite: Mr. Temporary Deputy Chairman, Sir, in order to avoid confusion and we want your guidance here, on the proposal by hon. Obwocha to Clause 14(a)(ii), if you are saying that we voted on the amendment proposed by hon. Obwocha and that it was carried, then that is okay. What we are requesting, and we want your guidance here, is that because we have got different views on each of these subclauses, you propose a question on Clause 14(a)(ii) and we dispose it of. Then, you propose a question on Clause 14(vi), Item No.35, because we have no quarrel with the rest of Clause 14. The only views we have are on Clause

14(a)(ii) and (iv)(35). So, can we deal with those separately? If you propose a question on Clause 14(a)(ii), we can dispose it of, then we go to (vi)(35) and we deal with it.

I see my good friend, the Clerk to the National Assembly, who does not have a constituency like I have, is one of the beneficiaries here. We do not want him to influence the Chair.

The Temporary Deputy Chairman (Mr. Musila): Mr. Muite, you are definitely out of order on that score.

Ms. Karua: Mr. Temporary Deputy Chairman, Sir, I am a little bit disturbed and I need your guidance. I heard you say that we voted on hon. Obwocha's amendment. I understood the question you proposed was with regard to the entire clause, and I want to join my colleagues in pleading that this is an unusual clause, which has more than one amendment proposed. We normally deal with the clause entirely once when there is only a single amendment. When there is a series of amendments, it is desirable they be taken separately to avoid subverting the will of some few people. We should go clause by clause.

The Temporary Deputy Chairman (Mr. Musila): Very well. We will move ahead then. Let us go clause by clause.

Let us move to sub-paragraph (iii) as you requested.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Deputy Chairman (Mr. Musila): We are now on Sub-paragraph (iv) is being amended by hon. Obwocha, which states as follows:

That sub-paragraph 4 (iv) be amended thereof by deleting the expressions "2000 cc" and "3000 cc" and inserting "with no limitations as to the engine capacity."

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Minister for Finance (Mr. Nyachae): Musiuze hayo magari halafu---

The Temporary Deputy Chairman (Mr. Musila): We are now on sub-paragraph (v).

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Deputy Chairman (Mr. Musila): Now, we go to sub-paragraph (vi).

Hon. Members: No! We have not dealt with paragraph (iv)!

The Temporary Deputy Chairman (Mr. Musila): But we have just voted and approved it!

Hon. Members: No, no!

The Temporary Deputy Chairman (Mr. Musila): Hon. Mwenje, please, listen. I did put the question

and this can be confirmed by the HANSARD; I did talk specifically on sub-paragraph (iv).

Hon. Members: No! No!

The Temporary Deputy Chairman (Mr. Musila): Order! Order, Members! Could all of you sit down? Apparently, there is no sub-paragraph (vi).

Mr. Nyanja: Mr. Temporary Deputy Chairman, how could we have approved sub-paragraph (vi) before sub-paragraph (ii)?

The Temporary Deputy Chairman (Mr. Musila): I beg your pardon; I meant sub-paragraph (iv). Now, we will deal with sub-paragraph (vi).

Mr. Nyanja: Mr. Temporary Deputy Chairman, why are you hesitant to put the question?

Mr. Temporary Deputy Chairman (Mr. Musila): Order, I am not hesitant.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and negated)

(Applause)

An hon. Member: Where are the KANU people?

Mr. Temporary Deputy Chairman (Mr. Musila): Order, Members! Can we go on to the next paragraph?.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 14 as amended agreed to)

(Clauses 15, 16, 17, and 18 agreed to)

Mr. Temporary Deputy Chairman (Mr. Musila): Order, Members!

Mr. Muite: On a point of order, Mr. Temporary Deputy Chairman, Sir. We would like to ask, as Members of the National Assembly, why we have stopped? We are like a train when it is stopped in the middle of two stations!

Clause 19

The Minister for Finance (Mr. Nyachae): Mr. Chairman, Sir, I beg to move:- THAT, Clause 19 be amended by deleting the expressions "2000 cc" and "3000 cc" and inserting "3000" and "4000 cc" respectively.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 19 as amended agreed to)

(Clauses 20, 21, 22 and 23 agreed to)

Clause 24

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 24 be amended in paragraph (c) by inserting the words "and funeral" immediately after the word "death" in the last line of the proposed item 16.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 24 as amended agreed to)

(Clauses 25, 26, 27 and 28 agreed to)

Clause 29

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 29 be amended:-

(a) in paragraph (a):-

(i) by deleting the expression "sub-paragraph (c)" appearing in the subparagraph (ii) thereof and inserting "paragraph 1(c) of item 9";

(ii) by deleting the expression "2000 cc" and "3000 cc" appearing in the same paragraph and inserting "3000 cc" and "4000 cc" respectively;

(iii) by deleting the expressions "2000 cc" and "3000 cc" appearing in subparagraph (iii) and inserting "3000 cc" and "4000 cc" respectively.

(iv) by deleting the existing subparagraph (v) and inserting the following new subparagraph:-

(v) by deleting item 28 and inserting the following new item:-

28. Permanent Secretaries, the Financial Secretary, Provincial Commissioners, the Chief of General Staff and Service Commanders of the Armed Forces, the Comptroller of State House, the Controller and Auditor-General, the Commissioner of Police, the Commissioner of Prisons, the Clerk of the National Assembly and Judges.

One motor vehicle (excluding buses and mini-buses of more than 13 passengers, load carrying vehicles of a load capacity exceeding two tonnes or a passenger motor vehicle of an engine capacity exceeding 3000 cc) imported or purchased prior to clearance through the Customs by a Permanent Secretary, the Financial Secretary, a Provincial Commissioner, the Chief of General Staff or a Service Commander of the Armed Forces, the Comptroller of State House, the Controller and Auditor-General, the Commissioner of Police, the Commissioner of Prisons, the Clerk of the National Assembly or a Judge, subject to the written recommendation of the Permanent Secretary, Secretary to the Cabinet and Head of the Public Service, and the Chief Justice in the case of a Judge.

Provided that the zero-rating under this item shall apply once every four years.

(b) in paragraph (b):-

(i) by inserting the words "in item 1" immediately after the expression "subparagraph (3)"

(ii) by inserting the following new subparagraph (4) immediately after the proposed subparagraph (3):-

(4) Jet fuel (Kerosene type) purchased by an aircraft owner or operator for use in an aircraft engine.

(Question of the amendment proposed)

Mr. Kibaki: On a point of order, Mr. Temporary Deputy Chairman. There is an amendment to Clause 28 as shown on the Order Paper. I think, when you will be putting the question, you should exclude

Clause 28.

The Temporary Deputy Chairman (Mr. Musila): Mr. Kibaki, that will come under Clause 29.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 29 as amended agreed to)

(Clause 30 agreed to)

Clause 31

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 31 be amended in the proposed Section 12B by renumbering the proposed subsections (4), (5), (6) and (7) as subsections (3), (4), (5) and (6).

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Chairman, Sir. Can we get some direction from the Chair? We are talking about Clause 31 together with the amendment of the Minister. Are we supposed to dispose of the amendment by the Minister before I propose my amendment?

The Temporary Deputy Chairman (Mr. Musila): We will first dispose of the amendment by Minister before you propose your amendment.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, but he has already given his contribution.

The Temporary Deputy Chairman (Mr. Musila): But I am now going to put the Question.

Mr. Obwocha: Mr. Temporary Deputy Chairman, Sir, if you put the question, then you have disposed off Clause 31.

The Temporary Deputy Chairman (Mr. Musila): Then you will now come and propose your amendment on that clause. I will give you an opportunity to do so.

(Question, that the words to be left out be left out, put and negated)

Mr. Obwocha: Mr. Temporary Deputy Chairman, Sir, I am grateful to hon. Members for opposing that amendment by the Minister. In my contribution, I pleaded with the Minister for Finance on this issue of fringe benefits tax. It has brought a lot of heat to the country and we want to lower the temperature. So, I am proposing an amendment to Clause 31.

I beg to move:-

THAT, Clause 31 be amended in subclause 12B, by-

- (a) deleting the words "market interest rates" appearing in subparagraph A(i) and B(i) of subsection II thereof and inserting "the rate of 10 per cent."
- (b) deleting the definition of "the market interest rates."

Mr. Temporary Deputy Chairman, Sir, the purpose of this amendment is that this Fringe Benefits Tax, as proposed by the Minister, is going to be taxed at the current Treasury Bills rate, which is 27 per cent. The difference between what bankers, for example, are being charged on their loans and the rate of 27 per cent, is too big. If you have taken a loan to buy a house, you knew the interest was 5 per cent; all of a sudden, this has been pushed to 25 per cent then. There is no way, you can still maintain that house; it will be auctioned. Kenyans cannot survive on their current salaries.

The purpose of this amendment is if the Minister feels that the banks are charging very low interest rates, then I am proposing that they should pay for the difference between what they are currently being charged by the banks and 10 per cent. We have no quarrel with the tax. We agree with the concept. But the rate at which the Minister has fixed it is our quarrel. We feel it is too high. The Minister knows that the economy is in a very bad shape and Kenyans are suffering, and we cannot make ends meet. You can even see from the bankers themselves, the kind of heat, that has been generated by the strike.

So, really, in trying to propose this, we are assisting the Government to try and be reasonable in

approaching this issue of the Fringe Benefits Tax, such that the bankers, if the bank is charging them 12 or 13 per cent, then they do not have to pay the interest. But if they are charged 5 per cent on those loans, then they should pay tax on the difference between 5 and 10 per cent, because we believe it is manageable.

With those few remarks, Mr. Temporary Deputy Chairman, Sir, I beg to move.

(Question of the amendment proposed)

Mr. Muite: Mr. Temporary Deputy Chairman, Sir, I rise to support that very reasonable amendment, and through you, to plead with the Minister of Finance to see that we are not opposing the principle of taxation on these fringe benefits. What we are doing is to point out a way; an amicable resolution to the bankers' strike. During the days that the bankers were on strike, if the Minister for Finance actually calculates the loss that this country incurred in terms of income from the business, he is not going to recover that loss by taxing the bankers for the next three or four years. Next year or the year after, the Minister can go on raising the rate we are proposing of 10 per cent.

This is a basis that we are laying that is going to give a breathing space; a soft-landing for taxation to the bankers, so that if the Minister wants to raise the level of taxation, perhaps, in the next financial year, he can then step up the rates from 10 to 15 per cent. He can do it gradually. We do not want labour unrest in this country. I think this proposal is eminently reasonable and it will ensure that the bankers will not go on strike again. It will also give the Minister a window of raising it gradually in future. I will really plead, through you, that we please the Government, the bankers and Kenyans by supporting this amendment. I really ask the Minister, through you, to support this amendment. Thank you.

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, as much as I would like to take into account the views expressed by hon. Obwocha and seconded by hon. Muite, let us now face the reality in this country. Do we want this economy to turn around and grow, or are we going to listen to a few individuals who want to enrich themselves at the expense of the masses? Hon. Obwocha is talking about the interest rate being 27 per cent, but the latest information shows that it is low. I would like to confirm here, because of the austerity measures we took in the Budget and in this Finance Bill, the interest rate has come down. As I am standing here right now, it is only 20 per cent on Treasury Bills. So, I do not see why we should be grumbling.

Secondly, we should not be taken for a ride. We should consider those people who are borrowing money from banks for farming and doing other business, and yet they are charged 30 or 40 per cent on loans. For example, bank managers in particular - not those bank workers who went on strike - borrow money from banks and buy Treasury Bills with the same money. How can we help a few individuals in the country to enrich themselves with our money? These people take the deposits of customers, borrow it cheaply and buy Treasury Bills. It is very unfair. For example, if I had money and I put it in a fixed deposit account, I would insist to be paid interest rate of 20 per cent. If the same money is lent out at low interest--- When I come for my fixed deposit, the borrower has to meet, not only the cost of the cheap money which was borrowed by the bank managers, but also carries a burden. The farmers are carrying the burden on behalf of the bank managers, who are earning good money through Treasury Bills.

Mr. Temporary Deputy Chairman, Sir, equity must be seen to be working here. I am giving out this information because I believe that hon. Obwocha has come up with these amendments because he did not have these facts. If you want the economy to grow, then the bankers should be taxed on their fringe benefits. I would like to say that the hon. Member cannot talk about fringe benefits of the bankers and ignore other people who are working in other companies and who are paying full tax. For example, if somebody is working for Shell or BP or Caltex Oil Company, he pays tax for the free fuel he gets. Anybody who enjoys some privileges, like a managing director or manager whose children are being educated by the company, pays tax for that privilege. Even civil servants who have been enjoying free transport are paying tax on that. I understand that the principle of taxation is not the issue. I appreciate that, but what is the issue here? When you calculate what hon. Obwocha is talking about, when looked at against the level of the interest--- I am praying very hard that by next week we should be somewhere around 19 per cent on Treasury Bills. I am working on that, but in this House, hon. Members do not want to encourage us to work for that.

Mr. Kibaki: Mr. Temporary Deputy Chairman, Sir, we appreciate what the Minister is doing and the measures taken to improve our economy. The point we are making in this House is very simple and it has something to do with equity. The Minister is pursuing very meaningful changes which are valid. But there are two ways in which this matter could have been dealt with. There are some bankers who drew these benefits when the tax had not been introduced. For instance, they utilised those benefits to buy houses, which they

have been living in with their families. Those people were to pay up the loan for a certain period of time. If that privilege is now withdrawn, those people will have to look for money which they cannot find and their houses will be sold.

While the Minister is trying to do long-term good, he will also be destroying the lives of some individual Kenyans. There are two ways to overcome the problem. Those who had borrowed money from the banks to buy houses should be exempted from paying this tax. Why should they suffer, while they did not make any mistake? They did something which was perfectly legal, and ordinary, and was being practised. Why should they be made to suffer by paying this tax? Equity requires the Minister not only to equalise the future, but also not to make those who had acted within the law in the past suffer. One good way of going about it, so that the Minister does not come back here, is by implementing what hon. Obwocha is proposing. Alternatively, if the Minister wants the bankers to pay the tax on fringe benefits, he should exempt those who had borrowed money previously from this scheme. The tax should not apply to everybody, including those who utilised those benefits to build their own homes. That is what the Minister should follow. The Minister should not imagine that we are trying to block the changes which he is introducing. We support the changes. All that we are saying is that, that particular problem has to be addressed. This is a serious problem. We have Kenyans who have children in school. These people will be thrown out of their houses and will be sleeping in the streets, which will not be right. The amendment proposed in this House by the hon. Members will deal with that particular problem.

I beg to support the amendment.

Mr. Mwenje: On a point of Order, Mr. Temporary Deputy Chairman, Sir. Is it in order for the Minister to mislead us that this money which bank officials borrow, is for speculative purposes; for buying Treasury bills when, indeed, you only borrow this money for a specific purpose, either to buy a house or it is really controlled? You cannot do it. I was a banker for 15 years, and I know that the only loans they are given are for that purpose. Is it really in order to mislead the House that you can take the money and speculate with it?

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, let hon. Mwenje speak for himself. He should not speak of what we know. There are so many things. If you wanted me to reveal those things, I would. Even these cars which you people have talked about here, and you have parked them here, I have a long list of hon. Members who bought cars in the last Parliament under this privilege, and those cars are now being driven by Indians. So, do not ask for the list.

The Temporary Deputy Chairman (Mr. Musila): Hon. Members, I think we have had enough debate on that. I will now put the question of the amendment.

*(Question, that the words to be left out
be left out, put and negatived)*

Hon. Members: Division! Division!

Mr. Temporary Deputy Chairman: Ring the Division Bell.

(The Division Bell was rung)

DIVISION

(Question put and the House Divided)

The Temporary Deputy Chairman (Mr. Musila): Order, hon. Members. Please, sit down so that we can proceed.

Order, hon. Michuki!

Now, the Division Bell having been rung, before I announce the Tellers, I think the hon. Minister has something to say. So, let us hear from the Minister before I announce the names of the Tellers.

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, firstly, I would like to draw the attention of the House about the implications of what is being proposed. It would mean a substantial upset to the Budget if we make any serious amendments as we are proposing. However, I would like to draw the attention of hon. Members to page 218 of the Bill, which covers separately the old loans and the new loans. If the way the Bill is, which separates the old and the new loans, is not satisfying the House,

then the only alternative we have, in order to avoid serious upsets to the Budget--- This is because you are here to help the economy grow. If you upset the Budget, obviously, you are not helping the economy grow. So, I would like to suggest that we refer ourselves to this, and see the separation of the new and the old loans. If that is not acceptable, I am prepared to seek approval of this House for the purpose of saying this particular section be given a chance to be amended, so that it is the old loans that are given exemption.

Mr. Sambu: On a point of order, Mr. Temporary Deputy Chairman, Sir. The Division Bell has been rung and the Bar has been drawn. According to the Standing Orders, we should simply proceed to the Division. That is the procedure.

The Temporary Deputy Chairman (Mr. Musila): I think it had been agreed by consensus that the Minister be given a chance to address the House before we proceed. It is on that basis that the Chair agreed that the Minister should continue. I think I have given the Minister the chance to speak.

Mr. Obwocha: We would like to work for the interest of Kenyans. If the Minister is prepared to exempt the old loans, and come up with a new proposal for the new loans, that is acceptable to us. We do not want acrimony, and we do not want to upset the Budget. But we want something that will not oppress Kenyans. Kenyans are so oppressed that with that amendment on the previous loans on Clause 31, the loans given before 11th June, 1998 will be exempted, and a new clause be brought to this House on the new loans.

The Temporary Deputy Chairman (Mr. Musila): It is agreed that consultations should continue when voting is suspended. Is that not so?

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Chairman, Sir. In view of what the Minister for Finance has said, and in view of the consensus that this House is now waiting to see what results the Minister will to come up with, may I then request that this House does patiently wait for the House to report on the progress made by the Minister.

The Temporary Deputy Chairman (Mr. Musila): Mr. Nyagah, can you repeat what you have just said?

Mr. N. Nyagah: Mr. Temporary Deputy Chairman, Sir, I am basically seeking leave of the progress of the House so that the Minister can come back and report to the House, and beg to speak.

The Temporary Deputy Chairman (Mr. Musila): He is working on it. You want to adjourn the debate or you want to wait for the two minutes? Carry on with some consultations.

Mr. Maore: If the House is in some unanimity, I would like to propose that we skip Clause 31 and come back to it while we give the Minister the chance.

The Temporary Deputy Chairman (Mr. Musila): No, we have to go clause by clause. Let us hear whether the Minister is ready to say something now.

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, may I ask the hon. Members to refer to page 218, sub-section 2 of the Bill. For the purpose of this section, the taxable value of the fringe benefits shall be--- That subsection 2 would only apply to (b). So, (a) shall read this way:-

That, Clause A is amended to read; loans provided on, or before 11th June, 1998, shall not be subject to the fringe benefits tax.

Mr. Obwocha: Mr. Temporary Deputy Chairman, I agree totally with that. The only portion he has omitted is---

(Loud Consultations)

The Temporary Deputy Chairman (Mr. Musila): Hon. Members, let him finish!

Mr. Obwocha: Mr. Temporary Deputy Chairman, that amendment is agreed to.

The Temporary Deputy Chairman (Mr. Musila): Have you now withdrawn your proposed amendment?

Mr. Obwocha: Yes, Mr. Temporary Deputy Speaker, Sir.

(Mr. Obwocha withdrew his Amendment)

Mr. Murungi: On a point of order, Mr. Temporary Deputy Chairman. Is it in order for the Minister to appeal to hon. Obwocha in Kikisii?

The Temporary Deputy Chairman (Mr. Musila): I did not hear that.

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Kisiis have as much right in this House as any Kenyan who is proud of this House.

The Temporary Deputy Chairman (Mr. Musila): In view of the fact that hon. Obwocha has withdrawn the amendment and that was the basis on which we called for a Division, can I now ask the Bars to be withdrawn? The Division now becomes null and void. I am going to propose the amendment as proposed by the Minister; that, Clause 31, as appearing in the Bill, be amended to read that, "Loans provided on or before 11th June, 1998, shall not be subjected to the fringe benefits tax".

(The Division was declared null and void)

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 31 as amended agreed to)

(Clauses 32, 33, 34 and 35 agreed to)

Clause 36

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 36 be amended in paragraph (c) by inserting the word "resident" in the proposed paragraph (g) immediately after the expression "shall be charged at the".

(Question of amendment proposed)

(Question, that the word to be inserted be inserted, put and agreed to)

(Clause 36 as amended agreed to)

(Clause 37 agreed to)

Clause 38

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 38 be amended -
(a) by deleting paragraph (a); and,
(b) by deleting paragraph (b).

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 38 as amended agreed to)

Clause 39

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
 THAT, Clause 39 be amended -
 (a) by deleting paragraph (a);
 (b) by deleting paragraph (b); and,
 (c) by deleting paragraph (c).

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 39 as amended agreed to)

Clause 40

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
 THAT, Clause 40 be deleted and the following new clause inserted -

Repeal and 40. Section 92A of the Income Tax Act is replaced and amended by deleting the existing provision of section 92A and inserting the following:
 of Cap. 470.

Due date for 92A. Where any person is required to pay tax, he shall furnish a return under Section 52B, under self-assessment, and the tax chargeable thereunder shall be assessed and payable on the last day of the fourth month following the end of his year of income or accounting period.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 40 as amended agreed to)

(Clauses 41, 42, 43, 44, 45, 46, 47 and 48 agreed to)

Clause 49

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
 THAT, Clause 49 be amended in the proposed section 5(3) by deleting the words "twenty" and "is collected" and inserting the words (twenty-five" and "becomes payable" respectively.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 49 as amended agreed to)

(Clauses 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70 and 71 agreed to)

Clause 72

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 72 be amended -

(a) in paragraph (a) -

(i) by inserting the following subparagraph immediately after subparagraph (a) of the proposed subsection (2) -

(b) the Commissioner-General; and

(ii) by renumbering subparagraphs (b), (c) and (d) of the proposed subsection (2) as subparagraphs (c), (d) and (e) respectively.

(b) by deleting the expression "paragraph (d)" appearing in the proposed subsection (3) and inserting the expression "paragraph (e)".

(c) by deleting the expression "(b) and (c)" appearing in the proposed subsection (5) and inserting "(b), (c) and (d)".

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 72 as amended agreed to)

Clause 73

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 73 be amended by deleting paragraph (a) and inserting the following new paragraph -

(a) by inserting a comma and the words "other than an *ex-officio* member" immediately after the words "a member".

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 73 as amended agreed to)

First Schedule

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT the First Schedule to the Bill be amended by inserting the amendments set out hereunder in their appropriate numerical sequence -

<i>Heading No.</i>	<i>H.S.Code</i>	<i>Tariff No.</i>	<i>Amendments to Text</i>	<i>Import S.I.T.C.</i>	<i>Unit of Quantity</i>
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(i) by inserting the following
new item (b) -

(b) additional national note
1. For the purpose of Tariff
No. 1701.99.90 the expression
"refined sugar for industrial
use" means refined sugar which
meets the following quantitative
criteria -

(i) Polarimeter reading of
99.8 degrees or more.

(ii) Colour in solution
ICUMSA Units (Max) 60.

(iii) Invert sugar content,
% mm (Max) 0.04.

(iv) Moisture, % mm (Max)
0.07.

(ii) by renumbering the current
paragraph (b) as (c).

Delete all reference to Tariff
No. 4804.19.00 and insert the
following -
48.04

4804.19 Other
4804.19.10 Other kraftliner of a kind 15%641 419 10Kg.
used for dry battery
lining (battery separator)

4804.19.90 Other 15%641 419 90Kg.

Delete all reference to Tariff
No. 4811.39.00 and insert the
following -

48.11
4811.39 Other
4811.39.10 Other paper, coated, impregnated 15%641 720 10Kg.
or covered with plastics (excluding
adhesives) of a kind used for
dry cell battery labelling

4811.39.90 Other 15%641 720 90Kg.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(First Schedule as amended agreed to)

Second Schedule

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT the Second Schedule to the Bill be amended by inserting the following tariff numbers,
descriptions and rates in their proper sequence -

Tariff No.	Description	New Rate of Duty
1005.10.00	Maize (corn) seed	25%
1005.90.00	Other maize (corn)	25%
2103.10.00	Soya Sauce	25%
2103.20.00	Tomato Ketchup and other Sauces	25%
2103.30.00	Mustard flour and meal and prepared mustard	25%
2103.90.00	Other sauces and preparations therefor, mixed condiments and mixed seasonings	25%
4804.19.10	Other Kraftliner of a kind used for dry cell battery lining	10.5%
4804.19.90	Other Kraftliner	15%
4811.39.10	Other paper coated, impregnated or covered with plastics (excluding adhesives) of a kind used for dry cell battery labelling	10.5%
4811.39.90	Other paper and paperboard coated, impregnated or covered with plastics (excluding adhesives)	15%

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Second Schedule as amended agreed to)

Third Schedule

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT the Seventh Schedule to the Bill be amended -

(a) by renumbering the existing amendment as item (1);

(b) by inserting the following new item -

(2) Insert the following tariff numbers, the corresponding descriptions, quantity or value and rate of tax -

Tariff No. Tariff Description Quantity or Value Rate of Tax

8702.10.21 Unassembled vehicles (e.g. buses) Taxable value Zero
with a seating capacity of more
than 25 passengers, for assembly
into complete vehicles by an
approved vehicle manufacturer
(diesel or semi-diesel).

8702.90.21 Unassembled vehicles (e.g. buses) Taxable value Zero
with a seating capacity of more
than 25 passengers, for assembly
into complete vehicles by an
approved vehicle manufacturer
(other than diesel or semi-diesel).

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted, put
and agreed to)*

(Schedule 3 as amended agreed to)

(Schedules 4, 5 and 6 agreed to)

Seventh Schedule

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT the Third Schedule to the Bill be amended -

(i) by deleting all references to tariff numbers 4804.19.00 and 4811.39.00;

(ii) by inserting the following new tariff numbers, descriptions and rates in their proper
sequence.

Tariff No.	Tariff Description	Suspended Duty	
		Amount Provided	Amount Imposed
1003.00.00	Barley	30%	15%
1005.10.00	Maize (corn) Seed	70%	50%
1005.90.00	Other maize (Corn)	70%	50%
1006.40.00	Broken rice	70%	50%
1101.00.10	Wheat Flour	70%	70%

1101.00.20	Meslin Flour	70%	70%	
1102.20.00	Maize (Corn) flour	70%	50%	
1515.90.90	Other fixed vegetable fats and oils and their fractions.		30%	15%
1516.20.00	Vegetable fats and oils and their fractions.		30%	15%
1517.10.00	Margarine, excluding liquid margarine.		30%	15%
1518.00.00	Animal or vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading No. 15.16; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, not elsewhere specified or included.		30%	15%
1701.91.10	Other sugar of a polarimeter reading of 99.5 degrees but less than 99.8 degrees containing added flavouring or colouring matter.	70%		70%
1701.91.90	Other sugar of a polarimeter reading of 99.8 degrees or more containing added flavouring or colouring matter.	70%		70%
1701.99.10	Other sugar of a polarimeter reading of 99.5 degrees but less than 99.8 degrees.	70%		70%
1701.99.90	Other sugar of a polarimeter reading of 99.8 degrees or more.	70%		70%
2001.10.00	Cucumbers and gherkins, prepared or processed by vinegar or acetic acid.		30%	15%
2001.20.00	Onions, prepared or processed by vinegar or acetic acid.		30%	15%
2001.90.00	Other vegetables, fruit, nuts and other edible parts of plants prepared or preserved by vinegar or acetic acid.		30%	15%
2002.10.00	Tomatoes, whole or in pieces, prepared or preserved otherwise than by vinegar or acetic acid.		30%	15%
2002.90.10	Tomato puree, prepared or preserved otherwise than by vinegar or acetic acid.		30%	15%
2002.90.90	Tomatoes in other forms, prepared or preserved otherwise than by vinegar or acetic acid.		30%	15%
2003.10.00	Mushrooms, prepared or preserved otherwise than by vinegar or acetic acid.		30%	15%
2003.20.00	Truffles, prepared or preserved otherwise than by vinegar or acetic acid.		30%	15%
2004.10.00	Potatoes, prepared or preserved otherwise than by vinegar or acetic acid, frozen.		30%	15%
2004.90.00	Other vegetables and mixtures of vegetables, prepared or preserved otherwise than by vinegar or acetic acid, frozen.		30%	15%
2005.10.00	Homogenised vegetables, prepared or preserved otherwise than by vinegar or acetic acid, not frozen.		30%	15%
2005.20.00	Potatoes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen.		30%	15%
2005.40.00	Peas (<i>Pisum sativum</i>), prepared or preserved otherwise than by vinegar or acetic acid,		30%	15%

	not frozen.		
2005.51.00	Beans, shelled, prepared or preserved otherwise than by vinegar or acetic acid, not frozen.	30%	15%
2005.59.00	Other beans, prepared or preserved otherwise than by vinegar or acetic acid, not frozen.	30%	15%
2005.60.00	Asparagus, prepared or preserved otherwise than by vinegar or acetic acid, not frozen.	30%	15%
2005.70.00	Olives, prepared or preserved otherwise than by vinegar or acetic acid, not frozen.	30%	15%
2005.80.00	Sweet corn (<i>Zea mays var. saccharata</i>), prepared or preserved otherwise than by vinegar or acetic acid, not frozen.	30%	15%
2005.90.00	Other vegetables and mixtures of vegetables, prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading No. 20.06.	30%	15%
2006.00.00	Vegetables, fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glaze or crystallised).	30%	15%
2007.10.00	Homogenized preparations of fruit jellies, fruit or nut puree and fruit or nut pastes, whether or not containing added sugar or other sweetening matter.	30%	15%
2007.91.10	Citrus fruit marmalades.	30%	15%
2007.91.90	Other preparations of citrus fruit, cooked, whether or not containing added sugar or other sweetening matter.	30%	15%
2007.99.10	Jams, whether or not containing added sugar or other sweetening matter.	30%	15%
2007.99.90	Other fruit jellies, fruit or nut, puree and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter.	30%	15%
2008.11.00	Ground-nuts otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit.	30%	15%
2008.19.00	Other nuts and other seeds whether or not mixed together, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit.	30%	15%
2008.20.00	Pineapples, prepared or preserved, whether or not containing added sugar or sweetening matter or spirit.	30%	15%
2008.30.00	Citrus fruit, prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit.	30%	15%
2008.40.00	Pears, prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit.	30%	15%
2008.50.00	Apricots, prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit.	30%	15%
2008.60.00	Cherries, prepared or preserved, whether or not containing added sugar or other	30%	15%

	sweetening matter or spirit.			
2008.70.00	Peaches, prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit.	30%		15%
2008.80.00	Strawberries, prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit.	30%		15%
2008.91.00	Palm hearts, prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit.	30%	15%	
2008.92.00	Mixtures of fruit and other edible parts of plants, prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit.	30%		15%
2008.99.00	Other fruit, nuts and other edible parts of plants, prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit.	30%		15%
2009.11.00	Frozen orange juice.	30%		15%
2009.19.00	Other orange juice.	30%		15%
2009.20.00	Grape fruit juice.	30%		15%
2009.30.00	Juice of any other single citrus fruit.	30%	15%	
2009.40.00	Pineapple juice.	30%		15%
2009.50.00	Tomato juice.	30%		15%
2009.60.00	Grape juice (including grape must).	30%	15%	
2009.70.00	Apple juice.	30%		15%
2009.80.10	Passion fruit juice.	30%	15%	
2009.80.90	Juice of any other single fruit or vegetable.	30%		15%
2009.90.00	Mixtures of juices.	30%	15%	
2103.10.00	Soya Sauce	30%		15%
2103.20.00	Tomato Ketchup and other Sauces	30%	15%	
2103.30.00	Mustard flour and meal and prepared mustard	30%		15%
2103.90.00	Other sauces and preparations therefor, mixed condiments and mixed seasonings	30%	15%	
4418.20.00	Doors and their frames and thresholds of wood.	10%		10%
4418.30.00	Parquet panels of wood.	10%		10%
4801.00.00	Newsprint, in rolls and sheets.	10%		10%
4802.40.00	Wallpaper base in rolls or sheets.	20%		20%
4802.52.00	Other paper and paperboard, not containing fibres obtained by a mechanical process or of which not more than 10% by weight of the total fibre content consists of such fibres weighing less than 40 g/m ² or more but not more than 150 g/m ² in rolls or sheets.	25%		25%
4802.53.00	Other paper and paperboard, not containing fibres obtained by a mechanical process or of which not more than 10% by weight of the total fibre content consists of such fibres weighing more than 150 g/m ² in rolls or sheets.	25%		25%
4802.60.00	Other paper and paperboard, of which more than 10% by weight of the total fibre content consists of fibres	25%		25%

	obtained by a mechanical process in rolls or sheets.			
4804.11.00	Unbleached kraftliner.	20%		20%
4804.19.10	Other Kraftliner of a kind used for dry cell battery lining	20%	Nil	
4804.19.90	Other Kraftliner	20%	20%	
4804.21.00	Unbleached sack kraft paper in rolls or sheets, uncoated.	20%		20%
4804.29.00	Other sack kraft paper in rolls or sheets, uncoated.	20%		20%
4804.31.00	Other kraft paper and paperboard weighing 150 g/m ² or less, unbleached in rolls or sheets, uncoated.	20%		20%
4804.39.00	Other kraft paper and paperboard weighing 150 g/m ² or less, in rolls or sheets, uncoated.	20%		20%
4804.41.00	Other kraft paper and paperboard weighing more than 150 g/m ² but less than 225 g/m ² , unbleached, in rolls or sheets, uncoated.	15%		15%
4804.42.00	Other kraft paper and paperboard weighing more than 150 g/m ² but less than 225 g/m ² , bleached uniformly throughout the mass and of which more than 95% by weight of the total fibre content consists of wood fibres obtained by a chemical process, in rolls or sheets, uncoated.	20%		20%
4804.49.00	Other kraft paper and paperboard weighing more than 150 g/m ² but less than 225 g/m ² , bleached, in rolls or sheets, uncoated.	20%		20%
4804.51.00	Other kraft paper and paperboard weighing 225 g/m ² or more, unbleached, in rolls or sheets, uncoated.	20%		20%
4804.52.00	Other kraft paper and paperboard weighing 225 g/m ² or more, bleached uniformly throughout the mass and of which more than 95% by weight of the total fibre content consists of wood fibres obtained by a chemical process, in rolls or sheets, uncoated.	20%		20%
4804.59.00	Other kraft paper and paperboard weighing 225 g/m ² or more, bleached, in rolls or sheets, uncoated.	20%		20%
4805.10.00	Semi-chemical fluting paper (corrugating medium).	25%		25%
4805.21.00	Multi-ply paper and paperboard with each layer bleached, in rolls or sheets, uncoated.	15%		15%
4805.22.00	Multi-ply paper and paperboard with only one outer layer bleached, in rolls or sheets, uncoated.	15%		15%
4805.23.00	Multi-ply paper and paperboard having three or more layers, of	15%		15%

	which only the two outer layers are bleached, in rolls or sheets, uncoated.		
4805.29.00	Other multi-ply paper and paperboard, in rolls or sheets, uncoated.	15%	15%
4805.30.00	Sulphite wrapping paper.	15%	15%
4805.50.00	Felt paper and paperboard, in rolls or sheets, uncoated.	15%	15%
4805.60.00	Other paper and paperboard, weighing 150 g/m ² or less, in rolls or sheets, uncoated.	20%	20%
4805.70.00	Other paper and paperboard, weighing more than 150 g/m ² but less than 225 g/m ² , in rolls or sheets, uncoated.	15%	15%
4805.80.00	Other paper and paperboard, weighing 225 g/m ² or more, in rolls or sheets, uncoated.	20%	20%
4807.10.00	Paper and paperboard, laminated internally with bitumen, tar or asphalt, in rolls or sheets.	20%	20%
4807.90.00	Other composite paper and paperboard (made by sticking flat layers of paper and paper-board together with an adhesive), not surface-coated or impregnated, whether or not internally reinforced, in rolls or sheets.	20%	20%
4808.10.00	Corrugated paper and paperboard, whether or not perforated, in rolls or sheets.	20%	20%
4808.20.00	Sack kraft paper, creped or crinkled, whether or not embossed or perforated, in rolls or sheets.	20%	20%
4808.30.00	Other kraft paper, creped or crinkled, whether or not embossed or perforated, in rolls or sheets.	20%	20%
4808.90.00	Other paper and paperboard, (with or without glued flat surface sheets), creped, crinkled, embossed or perforated, in rolls or sheets, other than that of heading No. 48.03 or 48.18.	20%	20%
4809.20.00	Self-copy paper in rolls of a width exceeding 36 cm in rectangular (including square) sheets with at least one side exceeding 36 cm in unfolded state.	20%	20%
4809.90.00	Other copying or transfer papers (including coated or impregnated paper for duplicator stencils or offset plates), whether or not printed, in rolls or sheets.	10%	10%
4810.11.10	Paper and paperboard of a kind used for writing, printing or other graphic purposes not containing fibres obtained by a mechanical process or of which not more than 10% by weight of the total fibre content consists of such fibres weighing not more than 120 g/m ²	10%	10%
4810.11.90	Paper and paperboard of a kind used for writing, printing or other graphic	20%	20%

	purposes, not containing fibres obtained by a mechanical process or of which not more than 10% by weight of the total fibre content consists of such fibres weighing more than 120 g/m ² , but not more than 150 g/m ² .		
4810.12.00	Paper and paperboard of a kind used for writing, printing or other graphic purposes, not containing fibres obtained by a mechanical process or of which not more than 10% by weight of the total fibre content consists of such fibres weighing more than 150 g/m ² in rolls or sheets, coated.	15%	15%
4810.21.00	Light-weight coated paper of a kind used for writing, printing or other graphic purposes, of which more than 10% by weight of the total fibre content consists of fibres obtained by a mechanical process, in rolls or sheets.	15%	15%
4810.29.00	Other paper and paperboard of a kind used for writing, printing or other graphic purposes, of which more than 10% by weight of the total fibres content consists of fibres obtained by a mechanical process, in rolls or sheets.	25%	25%
4810.31.00	Kraft paper and paperboard, other than that of a kind used for writing, printing or other graphic purposes, bleached uniformly throughout the mass and of which more than 95% by weight of the total fibre content consists of wood fibres obtained by a chemical process, and weighing 150 g/m ² or less.	25%	25%
4810.32.00	Kraft paper and paperboard, other than that of a kind used for writing, printing or other graphic purposes, bleached uniformly throughout the mass and of which more than 95% by weight of the total fibre content consists of wood fibres obtained by a chemical process and weighing more than 150 g/m ² , in rolls or sheets, coated.	20%	20%
4810.39.00	Other kraft paper and paperboard, other than that of a kind used for writing, printing or other graphic purposes, in rolls or sheets, coated.	20%	20%
4810.91.00	Other paper and paperboard, multi-ply in rolls or sheets, coated.	15%	15%
4810.99.00	Other paper and paperboard, coated, in rolls or sheets.	15%	15%
4811.10.00	Tarred, bituminised or asphalted paper and paperboard, in rolls or sheets other goods of heading No. 48.03, 48.09, 48.10 and 48.18.	20%	20%
4811.21.00	Self-adhesive paper and paperboard,	20%	20%

	in rolls or sheets other than goods of heading 48.03, 48.09, 48.10 or 48.18.		
4811.29.90	Other gummed or adhesive paper and paperboard in rolls or sheets other than goods of heading 48.03, 48.09, 48.10 or 48.18 in rolls or sheets, unprinted.	20%	20%
4811.31.00	Bleached paper and paperboard, coated, impregnated or covered with plastics weighing more than 150 g/m ² in rolls or sheets, other than goods of heading No. 48.03, 48.09, 48.10 or 48.18.	25%	25%
4811.39.10	Other paper, coated, impregnated or covered with plastics (excluding adhesives) of a kind used for dry cell battery labelling	15%	Nil
4811.39.90	Other paper and paperboard coated, 15% impregnated or covered with	15%	
4811.90.00	Other paper, paperboard, cellulose wadding and webs of cellulose fibres, coated, impregnated, covered, surface-coloured, surface-decorated or printed, in rolls or sheets, other than goods of heading No.48.03, 48.09, 48.10 or 48.18.	20%	20%
4814.10.00	"Ingrain" paper.	10%	10%
4814.20.00	Wallpaper and similar wall coverings, consisting of paper coated or covered, on the face side, with a grained, embossed, coloured, design-printed or otherwise decorated layer of plastics.	10%	10%
4814.30.00	Wallpaper and similar wall coverings, consisting of paper covered, on the face side, with plaiting material, whether or not bound together in parallel strands or woven.	10%	10%
4814.90.00	Other wallpaper and similar wall coverings; window transparencies.	10%	10%
4815.00.00	Floor coverings on a base of paper or of paperboard, whether or not cut to size.	10%	10%
4816.10.00	Carbon or similar copying papers, whether or not put in boxes.	20%	20%
4816.20.00	Self-copy paper, whether or not put in boxes.	20%	20%
4816.30.00	Duplicator stencils, of paper, whether or not put in boxes.	20%	20%
4816.90.00	Other copying or transfer papers and offset plates, of papers, whether or not put in boxes.	15%	15%
4817.10.00	Envelopes.	15%	15%
4817.20.00	Letter cards, plain postcards and correspondence cards.	15%	15%
4817.30.00	Boxes, pouches, wallets and writing	15%	15%

	compendiums, of paper or paperboard, containing an assortment of paper stationery.		
4818.10.00	Toilet paper.	10%	10%
4818.20.00	Handkerchiefs, cleansing or facial tissues.	10%	10%
4818.30.00	Table cloths and serviettes.	10%	10%
4818.40.00	Sanitary towels and tampons, napkins and napkin liners for babies and similar sanitary articles.	10%	10%
4818.50.00	Articles of apparel and clothing accessories.	10%	10%
4818.90.00	Other articles of paper pulp, cellulose wadding or webs of cellulose fibres, of a kind used for household or sanitary purposes, in rolls of a width not exceeding 36 mm or cut to size or shape.	10%	10%
4819.10.00	Cartons, boxes and cases of corrugated paper or paperboard, of a kind used in offices, shops or the like.	20%	20%
4819.20.00	Folding cartons, boxes and cases, of non-corrugated paper or paperboard.	20%	20%
4819.30.00	Sacks and bags, having a base of a width of 40 cm or more, of paper or paperboard.	20%	20%
4819.40.00	Other sacks and bags, including cones, of paper, paperboard, or cellulose wadding.	20%	20%
4819.50.00	Other packing containers, including record sleeves, of paper or paperboard.	20%	20%
4819.60.10	Box files, of paper, or paperboards of a kind used in offices, shops or the like.	20%	20%
4819.60.90	Letter trays, storage boxes and similar articles, of a kind used in offices, shops or the like, of paper, paperboard or cellulose wadding or webs of cellulose fibres.	20%	20%
4820.10.00	Registers, account books, note books, order books, receipt books, letter pads, memorandum pads, diaries and similar articles.	20%	20%
4820.20.00	Exercise books.	20%	20%
4820.30.00	Binders (other than book covers), folders and file covers, of paper or paperboard.	20%	20%
4820.40.00	Manifold business forms and interleaved carbon sets.	20%	20%
4820.50.00	Albums for samples or for collections.	20%	20%
4820.90.00	Other articles of stationery and blotting-pads, of paper and paperboard.	20%	20%
4821.10.00	Paper or paperboard labels of all kinds, printed.	15%	15%

4821.90.00	Other paper and paperboard labels of all kinds.	15%	15%
4823.20.00	Filter paper and paperboard.	10%	10%
4823.40.00	Rolls, sheets and dials, printed for self-recording apparatus of paper, paperboard or cellulose wadding.	10%	10%
4823.51.00	Other paper and paperboard, of a kind used for writing, printing or other graphic purposes, printed, embossed or perforated.	10%	10%
4823.59.00	Other paper and paperboard of a kind used for writing, printing or other graphic purposes.	15%	15%
4823.60.00	Trays, dishes, plates, cups and the like, of paper or paperboard.	15%	15%
4823.70.10	Egg trays.	10%	10%
4823.70.90	Other moulded or pressed articles, of paper pulp.	15%	15%
4823.90.00	Other paper, paperboard, cellulose wadding and webs of cellulose fibres cut to size or shape; other articles of paper pulp, paper, paperboard, cellulose wadding or webs of cellulose fibres.	15%	15%
5004.00.00	Silk yarn (other than yarn spun from silk waste), not put up for retail sale.	80%	20%
5005.00.00	Yarn spun from silk waste, not put up for retail sale.	80%	20%
5006.00.00	Silk yarn and yarn spun from silk waste, put up for retail sale; silk-worm gut.	80%	Nil
5106.10.00	Yarn of carded wool, not put up for retail sale, containing 85% or more by weight of wool.	70%	20%
5106.20.00	Yarn of carded wool not put up for retail sale, containing less than 85% by weight of wool.	70%	20%
5107.10.00	Yarn of combed wool, not put up for retail sale containing 85% or more by weight of wool.	70%	20%
5107.20.00	Yarn of combed wool, not put up for retail sale, containing less than 85% by weight of wool.	70%	20%
5108.10.00	Yarn of fine animal hair, carded.	70%	20%
5108.20.00	Yarn of fine animal hair, combed.	70%	20%
5109.10.00	Yarn of wool or fine animal hair, containing 85% or more by weight of wool or fine animal hair, put up for retail sale.	70%	20%
5109.90.00	Yarn of wool or of fine animal hair, put up for retail sale containing less than 85% by weight of wool or of fine animal hair.	70%	20%
5110.00.00	Yarn of coarse animal hair or of horse-hair (including gimped horse-hair yarn), whether or not put up	70%	20%

	for retail sale.		
5204.11.00	Cotton sewing thread, not put up for retail sale, containing 85% or more by weight of cotton.	70%	20%
5204.19.00	Other cotton sewing thread, not put up for retail sale.	70%	20%
5204.20.00	Cotton sewing thread, put up for retail sale.	70%	20%
5205.11.00	Single cotton yarn, of uncombed fibres, containing 85% or more by weight of cotton, measuring 714.29 decitex or more (not exceeding 14 metric number).	70%	20%
5205.12.00	Single cotton yarn, of uncombed fibres, containing 85% or more by weight of cotton, measuring less than 714.29 decitex but not less than 232.56 decitex (exceeding 14 metric number but not exceeding 43 metric number).	70%	20%
5205.13.00	Single cotton yarn, of uncombed fibres, containing 85% or more by weight of cotton measuring less than 232.56 decitex but not less than 192.31 decitex (exceeding 43 metric number but not exceeding 52 metric number).	70%	20%
5205.14.00	Single cotton yarn, of uncombed fibres, containing 85% or more by weight of cotton, measuring less than 192.31 decitex but not less than 125 decitex (exceeding 52 metric number but not exceeding 80 metric number).	70%	20%
5205.15.00	Single cotton yarn, of uncombed fibres, containing 85% or more by weight of cotton measuring less than 125 decitex (exceeding 80 metric number).	70%	20%
5205.21.00	Single cotton yarn, of combed fibres, containing 85% or more by weight of cotton, measuring 714.29 decitex or more (not exceeding 14 metric number).	70%	20%
5205.22.00	Single cotton yarn, of combed fibres, containing 85% or more by weight of cotton, measuring less than 714.29 decitex but not less than 232.56 decitex (exceeding 14 metric number but not exceeding 43 metric number).	70%	20%
5205.23.00	Single cotton yarn, of combed fibres containing 85% or more by weight of cotton measuring less than 232.56 decitex but not less than 192.31 decitex (exceeding 43 metric number but not exceeding 52 metric number).	70%	20%
5205.24.00	Single cotton yarn, of combed fibres, containing 85% or more by weight of cotton measuring less than 192.31 decitex but not less than 125 decitex (exceeding 52 metric number but not	70%	20%

5205.26.00	exceeding 80 metric number). Single cotton yarn, of combed fibres, containing 85% or more by weight of cotton measuring less than 125 decitex but not less than 106.38 decitex (exceeding 80 metric number but not exceeding 94 metric number).	70%	20%
5205.27.00	Single cotton yarn, of combed fibres, containing 85% or more by weight of cotton measuring less than 106.38 decitex but not less than 83.33 decitex (exceeding 94 metric number but not exceeding 120 metric number).	70%	20%
5205.28.00	Single cotton yarn, of combed fibres, containing 85% or more by weight of cotton measuring less than 83.33 decitex (exceeding 120 metric number).	70%	20%
5205.31.00	Multiple cotton (folded) or cabled yarn of uncombed fibres containing 85% or more by weight of cotton measuring per single yarn 714.29 decitex or more (not exceeding 14 metric number per single yarn).	70%	20%
5205.32.00	Multiple cotton (folded) or cabled yarn of uncombed fibres containing 85% or more by weight of cotton measuring per single yarn less than 714.29 decitex but not less than 232.56 decitex (exceeding 14 metric number but not exceeding 43 metric number per single yarn).	70%	20%
5205.33.00	Multiple cotton (folded) or cabled yarn of uncombed fibres, containing 85% or more by weight of cotton measuring per single yarn less than 232.56 decitex but not less than 192.31 decitex (exceeding 43 metric number but not exceeding 52 metric number per single yarn).	70%	20%
5205.34.00	Multiple cotton (folded) or cabled yarn of uncombed fibres, containing 85% or more by weight of cotton measuring per single yarn less than 192.31 decitex but not less than 125 decitex (exceeding 52 metric number but not exceeding 80 metric number per single yarn).	70%	20%
5205.35.00	Multiple cotton (folded) or cabled yarn of uncombed fibres, containing 85% or more by weight of cotton measuring per single yarn less than 125 decitex (exceeding 80 metric number per single yarn).	70%	20%
5205.41.00	Multiple cotton (folded) or cabled yarn of combed fibres, containing 85% or more by weight of cotton measuring per single yarn 714.29 decitex or more (not exceeding	70%	20%

5205.42.00	14 metric number per single yarn). Multiple cotton (folded) or cabled yarn of combed fibres, containing 85% or more by weight of cotton measuring per single yarn less than 714.29 decitex but not less than 232.56 decitex (exceeding 14 metric number but not exceeding 43 metric number per single yarn).	70%	20%
5205.43.00	Multiple cotton (folded) or cabled yarn of combed fibres, containing 85% or more by weight of cotton measuring per single yarn less than 232.56 decitex but not less than 192.31 decitex (exceeding 43 metric number but not exceeding 52 metric number per single yarn).	70%	20%
5205.44.00	Multiple cotton (folded) or cabled yarn of combed fibres, containing 85% or more by weight of cotton measuring per single yarn less than 192.31 decitex but not less than 125 decitex (exceeding 52 metric number but not exceeding 80 metric number per single yarn).	70%	20%
5205.46.00	Multiple cotton (folded) or cabled yarn of combed fibres, containing 85% or more by weight of cotton measuring per single yarn less than 125 decitex but not less than 106.38 decitex (exceeding 80 metric number but not exceeding 94 metric number per single yarn).	70%	20%
5205.47.00	Multiple cotton (folded) or cabled yarn of combed fibres, containing 85% or more by weight of cotton measuring per single yarn less than 106.38 decitex but not less than 83.33 decitex (exceeding 94 metric number but not exceeding 120 metric number per single yarn).	70%	20%
5205.48.00	Multiple cotton (folded) or cabled yarn of combed fibres, containing 85% or more by weight of cotton, measuring per single yarn less than 83.33 decitex (exceeding 120 metric number per single yarn).	70%	20%
5206.11.00	Single cotton yarn of uncombed fibres containing less than 85% by weight of cotton, measuring 714.29 decitex or more (not exceeding 14 metric number).	70%	20%
5206.12.00	Single cotton yarn of uncombed fibres containing less than 85% by weight of cotton, measuring less than 714.29 decitex but not less than 232.56 decitex (exceeding 14 metric number but not exceeding 43 metric number).	70%	20%
5206.13.00	Single cotton yarn of uncombed fibres	70%	20%

	containing less than 85% by weight of cotton, measuring less than 232.56 decitex but not less than 192.31 decitex (exceeding 43 metric number but not exceeding 52 metric number).		
5206.14.00	Single cotton yarn of uncombed fibres containing less than 85% by weight of cotton, measuring less than 192.31 decitex but not less than 125 decitex (exceeding 52 metric number but not exceeding 80 metric number).	70%	20%
5206.15.00	Single cotton yarn of uncombed fibres containing less than 85% by weight of cotton, measuring less than 125 decitex (exceeding 80 metric number).	70%	20%
5206.21.00	Single cotton yarn of combed fibres containing less than 85% by weight of cotton, measuring 714.29 decitex or more (not exceeding 14 metric number).	70%	20%
5206.22.00	Single cotton yarn of combed fibres containing less than 85% by weight of cotton, measuring less than 714.29 decitex but not less than 232.56 decitex (exceeding 14 metric number but not exceeding 43 metric number).	70%	20%
5206.23.00	Single cotton yarn of combed fibres containing less than 85% by weight of cotton, measuring less than 232.56 decitex but not less than 192.31 decitex (exceeding 43 metric number but not exceeding 52 metric number).	70%	20%
5206.24.00	Single cotton yarn of combed fibres containing less than 85% by weight of cotton, measuring less than 192.31 decitex but not less than 125 decitex (exceeding 52 metric number but not exceeding 80 metric number).	70%	20%
5206.25.00	Single cotton yarn of combed fibres containing less than 85% by weight of cotton, measuring less than 125 decitex (exceeding 80 metric number).	70%	20%
5206.31.00	Multiple (folded) or cabled cotton yarn, of uncombed fibres containing less than 85% by weight of cotton measuring per single yarn 714.29 decitex or more (not exceeding 14 metric number per single yarn).	70%	20%
5206.32.00	Multiple (folded) or cabled cotton yarn, of uncombed fibres containing less than 85% by weight of cotton measuring per single yarn less than 714.29 decitex but not less than 232.56 decitex (exceeding 14 metric number but not exceeding 43 metric number per single yarn).	70%	20%
5206.33.00	Multiple (folded) or cabled cotton yarn, of uncombed fibres containing less than 85% by weight of cotton, measuring per	70%	20%

	single yarn less than 232.56 decitex but not less than 192.31 decitex (exceeding 43 metric number but not exceeding 52 metric number per single yarn).		
5206.34.00	Multiple (folded) or cabled cotton yarn, of uncombed fibres containing less than 85% by weight of cotton measuring per single yarn less than 192.31 decitex but not less than 125 decitex (exceeding 52 metric number but not exceeding 80 metric number per single yarn).	70%	20%
5206.35.00	Multiple (folded) or cabled cotton yarn, of uncombed fibres containing less than 85% by weight of cotton, measuring per single yarn less than 125 decitex (exceeding 80 metric number per single yarn).	70%	20%
5206.41.00	Multiple (folded) or cabled cotton yarn of combed fibres, containing less than 85% by weight of cotton measuring per single yarn 714.29 decitex or more (not exceeding 14 metric number per single yarn).	70%	20%
5206.42.00	Multiple (folded) or cabled cotton yarn of combed fibres, containing less than 85% by weight of cotton measuring per single yarn less than 714.29 decitex but not less than 232.56 decitex (exceeding 14 metric number but not exceeding 43 metric number per single yarn).	70%	20%
5206.43.00	Multiple (folded) or cabled cotton yarn of combed fibres, containing less than 85% by weight of cotton measuring per single yarn less than 232.56 decitex but not less than 192.31 decitex (exceeding 43 metric number but not exceeding 52 metric number per single yarn).	70%	20%
5206.44.00	Multiple (folded) or cabled cotton yarn of combed fibres, containing less than 85% by weight of cotton measuring per single yarn less than 192.31 decitex but not less than 125 decitex (exceeding 52 metric number but not exceeding 80 metric number per single yarn).	70%	20%
5206.45.00	Multiple (folded) or cabled cotton yarn of combed fibres, containing less than 85% by weight of cotton measuring per single yarn less than 125 decitex (exceeding 80 metric number per single yarn).	70%	20%
5207.10.00	Cotton yarn (other than sewing thread) put up for retail sale containing 85% or more by weight of cotton.	70%	20%

5207.90.00	Other cotton yarn (other than sewing thread) put up for retail sale.	70%	20%
5401.10.10	Sewing thread of synthetic filaments not put up for retail sale.	70%	20%
5401.20.10	Sewing thread of artificial filaments, not put up for retail sale.	70%	20%
5402.10.00	High tenacity yarn of nylon or other polyamides.	70%	20%
5402.20.00	High tenacity yarn of polyesters.	70%	20%
5402.31.00	Textured yarn of nylon or other polyamides, measuring per single yarn not more than 50 tex.	70%	20%
5402.32.00	Textured yarn of nylon or other polyamides, measuring per single yarn more than 50 tex.	70%	20%
5402.33.00	Textured yarn of polyesters.	70%	20%
5402.39.00	Other textured yarn.	70%	20%
5402.41.00	Other yarn, single, untwisted or with a twist not exceeding 50 turns per metre of nylon or other polyamides.	70%	20%
5402.42.00	Other yarn, single, untwisted or with a twist not exceeding 50 turns per metre of polyesters, partially oriented.	70%	20%
5402.43.00	Other yarn, single, untwisted or with a twist not exceeding 50 turns per metre of other polyesters.	70%	20%
5402.49.00	Other yarn, single, untwisted or with a twist not exceeding 50 turns per metre.	70%	20%
5402.51.00	Other yarn, single, with a twist exceeding 50 turns per metre, of nylon or other polyamides.	70%	20%
5402.52.00	Other polyester yarn, single, with a twist exceeding 50 turns per metre.	70%	20%
5402.59.00	Other yarn of other synthetic filament yarn.	70%	20%
5402.61.00	Other yarn, multiple (folded) or cabled of nylon or other polyamides.	70%	20%
5402.62.00	Other yarn multiple (folded) or cabled, of polyesters.	70%	20%
5402.69.00	Other synthetic filament yarn, multiple (folded) or cabled.	70%	20%
5403.10.00	High tenacity yarn of viscose rayon.	70%	20%
5403.20.00	Artificial filament textured yarn.	70%	20%
5403.31.00	Other yarn, single, of viscose rayon, untwisted or with a twist not exceeding 120 turns per metre.	70%	20%
5403.32.00	Other yarn, single, of viscose rayon, with a twist exceeding 120 turns per metre.	70%	20%
5403.33.00	Other yarn, single, of cellulose acetate.	70%	20%
5403.39.00	Other artificial filament yarn, single.	70%	20%
5403.41.00	Other yarn, multiple (folded) or cabled, of viscose rayon.	70%	20%
5403.42.00	Other yarn, multiple (folded) or cabled, of cellulose acetate.	70%	20%

5403.49.00	Other artificial filament yarn, multiple (folded) or cabled.	70%	20%
5404.10.00	Synthetic monofilament, of 67 decitex or more and of which no cross-sectional dimension exceeds 1 mm.	70%	20%
5404.90.00	Strip and the like of synthetic textile materials of an apparent width not exceeding 5 mm.	70%	20%
5405.00.00	Artificial monofilament of 67 decitex or more and of which no cross-sectional dimension exceeds 1 mm; strip and the like (for example, artificial straw) of artificial textile materials of an apparent width not exceeding 5 mm.	70%	20%
5508.10.10	Sewing thread of synthetic staple fibres, not put up for retail sale.	70%	20%
5508.20.10	Sewing thread of artificial staple fibres, not put up for retail sale.	70%	20%
5509.11.00	Single yarn containing 85% or more by weight of staple fibres of nylon or other polyamides not put up for retail sale.	70%	20%
5509.12.00	Multiple (folded) or cabled yarn containing 85% or more by weight of staple fibres of nylon or other polyamides.	70%	20%
5509.21.00	Single yarn containing 85% or more by weight of polyester staple fibres.	70%	20%
5509.22.00	Multiple (folded) or cabled yarn containing 85% or more by weight of polyester staple fibres.	70%	20%
5509.31.00	Single yarn containing 85% or more by weight of acrylic or modacrylic staple fibres.	70%	20%
5509.32.00	Multiple (folded) or cabled yarn containing 85% or more by weight of acrylic or modacrylic staple fibres.	70%	20%
5509.41.00	Single yarn containing 85% or more by weight of synthetic staple fibres.	70%	20%
5509.42.00	Multiple (folded) or cabled yarn containing 85% or more by weight of synthetic staple fibres.	70%	20%
5509.51.00	Other yarn of polyester staple fibres, mixed mainly or solely with artificial staple fibres.	70%	20%
5509.52.00	Other yarn of polyester staple fibres, mixed mainly or solely with wool or fine animal hair.	70%	20%
5509.53.00	Other yarn of polyester staple fibres, mixed mainly or solely with cotton.	70%	20%
5509.59.00	Other yarn of polyester staple fibres.	70%	20%
5509.61.00	Other yarn of acrylic or modacrylic staple fibres, mixed mainly or solely with wool or fine animal hair.	70%	20%
5509.62.00	Other yarn of acrylic or modacrylic staple fibres, mixed mainly or	70%	20%

	solely with cotton.		
5509.69.00	Other yarn of acrylic or modacrylic staple fibres.	70%	20%
5509.91.00	Other yarn, mixed mainly or solely with wool or fine animal hair.	70%	20%
5509.92.00	Other yarn, mixed mainly or solely with cotton.	70%	20%
5509.99.00	Other yarn of synthetic staple fibres, not put up for retail sale.	70%	20%
5510.11.00	Single yarn, of artificial staple fibres containing 85% or more by weight of artificial staple fibres.	70%	20%
5510.12.00	Multiple (folded) or cabled yarn containing 85% or more by weight of artificial staple fibres.	70%	20%
5510.20.00	Other yarn, mixed mainly or solely with wool or fine animal hair.	70%	20%
5510.30.00	Other yarn, mixed mainly or solely with cotton.	70%	20%
5510.90.00	Other yarn of artificial staple fibres, not put up for retail sale.	70%	20%
5511.10.00	Yarn (other than sewing thread) of synthetic staple fibres, containing 85% or more by weight of such fibres.	70%	20%
5511.20.00	Yarn (other than sewing thread) of synthetic staple fibres, containing less than 85% by weight of such fibres.	70%	20%
5511.30.00	Yarn (other than sewing thread) of artificial staple fibres.	70%	20%
5605.00.00	Metallised yarn, whether or not gimped, being textile yarn, or strip or the like of heading No. 54.04 or 54.05, combined with metal in the form of thread, strip or powder or covered with metal.	70%	20%
5606.00.00	Gimped yarn, and strip and the like of heading No. 54.04 or 54.05, gimped (other than those of heading No. 56.05 and gimped horsehair yarn); chenille yarn (including flock chenille yarn); loop wale-yarn.	70%	20%
6101.10.00	Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, of wool or fine animal hair, knitted or crocheted.	20%	10%
6101.20.00	Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, or wind-jackets and similar articles, of cotton, knitted or crocheted.	20%	10%
6101.30.00	Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and articles of man-made fibres, knitted or crocheted.	20%	10%
6101.90.00	Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar	20%	10%

	articles, of other textile materials, knitted or crocheted.		
6102.10.00	Women's or girls' overcoats, car-coats, capas, cloaks, (including ski-jackets), wind-cheaters, wind-jackets and similar articles, of wool or fine animal hair, knitted or crocheted.	20%	10%
6102.20.00	Women's or girls' overcoats, car-coats, capas, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, of cotton, knitted or crocheted.	20%	10%
6102.30.00	Women's or girls' overcoats, car-coats, capas, cloaks, anoraks (including ski-jackets), wind- cheaters, wind-jackets and similar articles, of man-made fibres, knitted or crocheted.	20%	10%
6102.90.00	Women's or girls' overcoats, car-coats, capas, cloaks, anoraks (including ski-jackets), wind- cheaters, wind-jackets and similar articles, of other textile materials, knitted or crocheted.	20%	10%
6103.11.00	Men's or boys' suits, of wool or fine animal hair, knitted or crocheted.	20%	10%
6103.12.00	Men's or boys' of synthetic fibres, knitted or crocheted.	20%	10%
6103.19.00	Men's or boys' suits, of other textile materials, knitted or crocheted.	20%	10%
6103.21.00	Men's or boys' ensembles, of wool or fine animal hair, knitted or crocheted.	20%	10%
6103.22.00	Men's or boys' ensembles, of cotton, knitted or crocheted.	20%	10%
6103.23.00	Men's or boys' ensembles, of synthetic fibres, knitted or crocheted.	20%	10%
6103.29.00	Men's or boys' ensembles, of other textile materials, knitted or crocheted.	20%	10%
6103.31.00	Men's or boys' jackets and blazers, of wool or fine animal hair, knitted or crocheted.	20%	10%
6103.32.00	Men's or boys' jackets and blazers, of cotton, knitted or crocheted.	20%	10%
6103.33.00	Men's or boys' jackets and blazers, of synthetic fibres, knitted or crocheted.	20%	10%
6103.39.00	Men's or boys' jackets and blazers, of other textile materials, knitted or crocheted.	20%	10%
6103.41.00	Men's or boys' trousers, bib and brace overalls, breeches and shorts, of wool or fine animal hair, knitted or crocheted.	20%	10%
6103.42.00	Men's or boys' trousers, bib and brace overalls, breeches and shorts, of cotton, knitted or crocheted.	20%	10%
6103.43.00	Men's or boys' trousers, bib and brace overalls, breeches and shorts, of synthetic fibres, knitted or crocheted.	20%	10%
6103.49.00	Men's or boys' trousers, bib and brace overalls, breeches and shorts, of other textile materials, knitted or crocheted.	20%	10%

6104.11.00	Women's or girls' suits, of wool or fine animal hair, knitted or crocheted.	20%	10%
6104.12.00	Women's or girls' suits, of cotton, knitted or crocheted.	20%	10%
6104.13.00	Women's or girls' suits, of synthetic fibres, knitted or crocheted.	20%	10%
6104.19.00	Women's or girls' suits, of other textile materials, knitted or crocheted.	20%	10%
6104.21.00	Women's or girls' ensembles, of wool or fine animal hair, knitted or crocheted.	20%	10%
6104.22.00	Women's or girls' ensembles, of cotton, knitted or crocheted.	20%	10%
6104.23.00	Women's or girls' ensembles, of synthetic fibres, knitted or crocheted.	20%	10%
6104.29.00	Women's or girls' ensembles, of other textile materials, knitted or crocheted.	20%	10%
6104.31.00	Women's or girls' jackets and blazers of wool or fine animal hair, knitted or crocheted.	20%	10%
6104.32.00	Women's or girls' jackets and blazers of cotton, knitted or crocheted.	20%	10%
6104.33.00	Women's or girls' jackets and blazers of synthetic fibres, knitted or crocheted.	20%	10%
6104.39.00	Women's or girls' jackets and blazers of other textile materials, knitted or crocheted.	20%	10%
6104.41.00	Women's or girls' dresses, of wool or fine animal hair, knitted or crocheted.	20%	10%
6104.42.00	Women's or girls' dresses, of cotton, knitted or crocheted.	20%	10%
6104.43.00	Women's or girls' dresses, of synthetic fibres, knitted or crocheted.	20%	10%
6104.44.00	Women's or girls' dresses of artificial fibres knitted or crocheted.	20%	10%
6104.49.00	Women's or girls' dresses, of other textile materials, knitted or crocheted.	20%	10%
6104.51.00	Women's or girls' skirts and divided skirts, of wool or fine animal hair, knitted or crocheted.	20%	10%
6104.52.00	Women's or girls' skirts and divided skirts, of cotton, knitted or crocheted.	20%	10%
6104.53.00	Women's or girls' skirts and divided skirts, of synthetic fibres, knitted or crocheted.	20%	10%
6104.59.00	Women's or girls' skirts and divided skirts, of other textile materials, knitted or crocheted.	20%	10%
6104.61.00	Women's or girls' trousers, bib and brace overalls, breeches and shorts, of wool or fine animal hair, knitted or crocheted.	20%	10%
6104.62.00	Women's or girls' trousers, bib and brace overalls, breeches and shorts, of cotton, knitted or crocheted.	20%	10%
6104.63.00	Women's or girls' trousers, bib and brace overalls, breeches and shorts, of synthetic fibres, knitted or crocheted.	20%	10%
6104.69.00	Women's or girls' trousers, bib and brace overalls, breeches and shorts, of other textile materials, knitted or crocheted.	20%	10%
6105.10.00	Men's or boys' shirts, of cotton, knitted or crocheted.	20%	10%

6105.20.00	Men's or boys' shirts, of man-made fibres, knitted or crocheted.	20%	10%
6105.90.00	Men's or boys' shirts, of other textile materials, knitted or crocheted.		
6106.10.00	Women's or girls' blouses, shirts and shirt-blouses, of cotton, knitted or crocheted.	20%	10%
6106.20.00	Women's or girls' blouses, shirts and shirt-blouses, of man-made fibres, knitted or crocheted.	20%	10%
6106.90.00	Women's or girls' blouses, shirts and shirt-blouses, of other textile materials, knitted or crocheted.	20%	10%
6107.11.00	Men's or boys' underpants and briefs, of cotton, knitted or crocheted.	20%	10%
6107.12.00	Men's or boys' underpants and briefs, of man-made fibres, knitted or crocheted.	20%	10%
6107.19.00	Men's or boys' underpants and briefs, of other textile materials, knitted or crocheted.	20%	10%
6107.21.00	Men's or boys' nightshirts and pyjamas, of cotton, knitted or crocheted.	20%	10%
6107.22.00	Men's or boys' nightshirts and pyjamas, of man-made fibres, knitted or crocheted.	20%	10%
6107.29.00	Men's or boys' nightshirts and pyjamas, of other textile materials, knitted or crocheted.	20%	10%
6107.91.00	Men's or boys' bathrobes, dressing gowns and similar articles, of cotton, knitted or crocheted.	20%	10%
6107.92.00	Men's or boys' bathrobes, dressing gowns and articles, of other textile materials, knitted or crocheted.	20%	10%
6107.99.00	Other men's or boys' bathrobes, dressing gowns and similar articles of other textile materials, knitted or crocheted.	20%	10%
6108.11.00	Women's or girl's slips and petticoats, of other man-made fibres, knitted or crocheted.	20%	10%
6108.19.00	Women's or girls' slips and petticoats, of other textile materials, knitted or crocheted.	20%	10%
6108.21.00	Women's or girls' briefs and panties, of cotton, knitted or crocheted.	20%	10%
6108.22.00	Women's or girls' briefs and panties, of man-made fibres, knitted or crocheted.	20%	10%
6108.29.00	Women's or girls' briefs and panties, of other textile materials, knitted or crocheted.	20%	10%
6108.31.00	Women's or girls' nightdresses and pyjamas, of cotton, knitted or crocheted.	20%	10%
6108.32.00	Women's or girls' nightdresses and pyjamas, of man-made fibres, knitted or crocheted.	20%	10%
6108.39.00	Women's or girls' nightdresses and pyjamas, of other textile materials, knitted or crocheted.	20%	10%
6108.91.00	Women's or girls' negligees, bathrobes, dressing gowns and similar articles, of cotton, knitted or crocheted.	20%	10%
6108.92.00	Women's or girls' negligees, bathrobes, dressing gowns and similar articles, of man-made fibres, knitted or crocheted.	20%	10%
6108.99.00	Women's or girls' negligees, bathrobes, dressing	20%	10%

	gowns and similar articles of other textile materials knitted or crocheted.		
6109.10.00	T-shirts, singlets and other vests, of cotton, knitted or crocheted.	20%	10%
6109.90.00	T-shirts, singlets and other vests, of other textile materials, knitted or crocheted.	20%	10%
6110.10.00	Jerseys, pullovers, cardigans, waistcoats and similar articles, of wool or fine animal hair, knitted or crocheted.	20%	10%
6110.20.00	Jerseys, pullovers, cardigans, waistcoats and similar articles, of cotton, knitted or crocheted.	20%	10%
6110.30.00	Jerseys, pullovers, cardigans, waistcoats and similar articles, of man-made fibres, knitted or crocheted.	20%	10%
6110.90.00	Jerseys, pullovers, cardigans, waistcoats and similar articles, of other textile materials, knitted or crocheted.	20%	10%
6111.10.00	Babies' garments and clothing accessories, of wool or fine animal hair, knitted or crocheted.	20%	10%
6111.20.00	Babies' garments and clothing accessories, of cotton, knitted or crocheted.	20%	10%
6111.30.00	Babies' garments and clothing accessories, of synthetic fibres, knitted or crocheted.	20%	10%
6111.90.00	Babies' garments and clothing accessories, of other textile materials, knitted or crocheted.	20%	10%
6112.11.00	Track suits, of cotton, knitted or crocheted.	20%	10%
6112.12.00	Track suits, of synthetic fibres, knitted or crocheted.	20%	10%
6112.19.00	Track suits, of other textile materials, knitted or crocheted.	20%	10%
6112.20.00	Ski suits, knitted or crocheted.	20%	10%
6112.31.00	Men's or boys' swimwear, of synthetic fibres, knitted or crocheted.	20%	10%
6112.39.00	Men's or boys' swimwear, of other textile materials, knitted or crocheted.	20%	10%
6112.41.00	Women's or girls' swimwear, of synthetic fibres, knitted or crocheted.	20%	10%
6112.49.00	Women's or girls' swimwear, of other textile materials, knitted or crocheted.	20%	10%
6113.00.00	Garments, made up of knitted or crocheted textile fabrics impregnated, coated, rubberized or laminated with plastics.	20%	10%
6114.10.00	Other garments, knitted or crocheted, of wool or fine animal hair.	20%	10%
6114.20.00	Other garments, knitted or crocheted of cotton.	20%	10%
6114.30.00	Other garments, knitted or crocheted of man-made fibres.	20%	10%
6114.90.00	Other garments, knitted or crocheted of other textile materials.	20%	10%
6115.11.00	Panty hose and tights, of synthetic fibres, measuring per single yarn less than 67 decitex, knitted or crocheted.	20%	10%
6115.12.00	Panty hose and tights, of synthetic fibres, measuring per single yarn 67 decitex or more, knitted or crocheted.	20%	10%

6115.19.00	Panty hose and tights, of other textile materials, knitted or crocheted.	20%	10%
6115.20.00	Women's full-length or knee-length hosiery, 20% measuring single yarn less than 67 decitex, knitted crocheted.		10%
6115.91.00	Stockings, socks and other hosiery, of wool or fine animal hair, knitted or crocheted.	20%	10%
6115.92.00	Stockings, socks and other hosiery, of cotton, knitted or crocheted.	20%	10%
6115.93.00	Stockings, socks and other hosiery, of synthetic fibres, knitted or crocheted.	20%	10%
6115.99.00	Stockings, socks and other hosiery, of other textile materials, knitted or crocheted.	20%	10%
6116.10.00	Gloves, impregnated, coated or covered with plastics or rubber, knitted or crocheted.	20%	10%
6116.91.00	Other gloves, mittens and mitts, of wool or fine animal hair, knitted or crocheted.	20%	10%
6116.92.00	Other gloves, mittens and mitts, of cotton, knitted or crocheted.	20%	10%
6116.93.00	Other gloves, mittens and mitts, of synthetic fibres, knitted or crocheted.	20%	10%
6116.99.00	Other gloves, mittens and mitts, of other textile materials, knitted or crocheted.	20%	10%
6117.10.00	Shawls, scarves, mufflers, mantillas, veils and the like, knitted or crocheted.	20%	10%
6117.20.00	Ties, bow ties and cravats, knitted or crocheted.	20%	10%
6117.80.00	Other made up clothing accessories, knitted or crocheted.	20%	10%
6117.90.00	Parts of made up garments or clothing accessories, knitted or crocheted.	20%	10%
6201.11.00	Men's or boys' overcoats, raincoats, car-coats, capes, cloaks, and similar articles, of wool or fine animal hair.	20%	10%
6201.12.00	Men's or boys' overcoats, raincoats, car-coats, capes, cloaks, and similar articles, of cotton.	20%	10%
6201.13.00	Men's or boys' overcoats, raincoats, car-coats, capes, cloaks, and similar articles, of man-made fibres.	20%	10%
6201.19.00	Men's or boys' overcoats, raincoats, car-coats, capes, cloaks, and similar articles, of other textile materials.	20%	10%
6201.91.00	Men's or boys' other garments, of wool or fine animal hair.	20%	10%
6201.92.00	Men's or boys' other garments, of cotton.	20%	10%
6201.93.00	Men's or boys' other garments, of man-made fibres.		
6201.99.00	Men's or boys' other garments, of other textile materials.	20%	10%
6202.11.00	Women's or girls' overcoats, raincoats, car-coats, capes, cloaks, and similar articles, of cotton.	20%	10%
6202.12.00	Women's or girls' overcoats, raincoats, car-coats, capes, cloaks, and similar articles, of cotton.	20%	10%

6202.13.00	Women's or girls' overcoats, raincoats, car-coats, capes, cloaks, and similar articles, of man-made fibres.	20%	10%
6202.19.00	Women's or girls' overcoats, raincoats, car-coats, capes, cloaks, and similar articles, of other textile material.	20%	10%
6202.91.00	Women's or girls' other garments, of wool or fine animal hair.	20%	10%
6202.92.00	Women's or girls' other garments, of cotton.	20%	10%
6202.93.00	Women's or girls' other garments, of man-made fibres.	20%	10%
6202.99.00	Women's or girls' other garments, of other textile materials.	20%	10%
6203.11.00	Men's or boys' suits, of wool or fine animal hair.	20%	10%
6203.12.00	Men's or boys' suits, of synthetic fibres.	20%	10%
6203.19.00	Men's or boys' suits, of other textile materials.	20%	10%
6203.21.00	Men's or boys' ensembles, of wool or fine animal hair.	20%	10%
6203.22.00	Men's or boys' ensembles, of cotton.	20%	10%
6203.23.00	Men's or boys' ensembles, of synthetic fibres.	20%	10%
6203.29.00	Men's or boys' ensembles, of other textile materials.	20%	10%
6203.31.00	Men's or boys' jackets and blazers, of wool or fine animal hair.	20%	10%
6203.32.00	Men's or boys' jackets and blazers, of cotton.	20%	10%
6203.33.00	Men's or boys' jackets and blazers, of synthetic fibres.	20%	10%
6203.39.00	Men's or boys' jackets and blazers, of other textile materials.	20%	10%
6203.41.00	Men's or boys' trousers, bib and brace overalls, breeches and shorts, of wool or fine animal hair.	20%	10%
6203.42.00	Men's or boys' trousers, bib and brace overalls, breeches and shorts, of cotton.	20%	10%
6203.43.00	Men's or boys' trousers, bib and brace overalls, breeches and shorts, of synthetic fibres.	20%	10%
6203.49.00	Men's or boys' trousers, bib and brace overalls, breeches and shorts, of other textile materials.	20%	10%
6204.11.00	Women's or girls' suits, of wool or fine animal hair.	20%	10%
6204.12.00	Women's or girls' suits, of cotton.	20%	10%
6204.13.00	Women's or girls' suits, of synthetic fibres.	20%	10%
6204.19.00	Women's or girls' suits, of other textile materials.	20%	10%
6204.21.00	Women's or girls' ensembles, of wool or fine animal hair.	20%	10%
6204.22.00	Women's or girls' ensembles, of cotton.	20%	10%
6204.23.00	Women's or girls' ensembles, of synthetic fibres.	20%	10%
6204.29.00	Women's or girls' ensembles, of other	20%	10%

	textile materials.		
6204.31.00	Women's or girls' jackets and blazers, of wool or fine animal hair.	20%	10%
6204.32.00	Women's or girls' jackets and blazers, of cotton.	20%	10%
6204.33.00	Women's or girls' jackets and blazers, of synthetic fibres.	20%	10%
6204.39.00	Women's or girls' jackets and blazers, of other textile materials.	20%	10%
6204.41.00	Women's or girls' dresses, of wool or fine animal hair.	20%	10%
6204.42.00	Women's or girls' dresses, of cotton.	20%	10%
6204.43.00	Women's or girls' dresses, of synthetic fibres.	20%	10%
6204.44.00	Women's or girls' dresses, of artificial fibres.	20%	10%
6204.49.00	Women's or girls' dresses, of other textile materials.	20%	10%
6204.51.00	Women's or girls' skirts and divided skirts, of wool or fine animal hair.	20%	10%
6204.52.00	Women's or girls' skirts and divided skirts, of cotton.	20%	10%
6204.53.00	Women's or girls' skirts and divided skirts, of synthetic fibres.	20%	10%
6204.59.00	Women's or girls' skirts and divided skirts, of other textile materials.	20%	10%
6204.61.00	Women's or girls' trousers, bib and brace overalls, breeches and shorts, of wool or fine animal hair.	20%	10%
6204.62.00	Women's or girls' trousers, bib and brace overalls, breeches and shorts, of cotton.	20%	10%
6204.63.00	Women's or girls' trousers, bib and brace overalls, breeches and shorts, of synthetic fibres.	20%	10%
6204.69.00	Women's or girls' trousers, bib and brace overalls, breeches and shorts, of other textile materials.	20%	10%
6205.10.00	Men's or boys' shirts, of wool or fine animal hair.	20%	10%
6205.20.00	Men's or boys' shirts, of cotton.	20%	10%
6205.30.00	Men's or boys' shirts, of man-made fibres.	20%	10%
6205.90.00	Men's or boys' shirts, of other textile materials.	20%	10%
6206.10.00	Women's or girls' blouses, shirts and shirt-blouses, of silk or silk waste.	20%	10%
6206.20.00	Women's or girls' blouses, shirts and shirt-blouses, of wool or of fine animal hair.	20%	10%
6206.30.00	Women's or girls' blouses, shirts and shirt-blouses, of cotton.	20%	10%
6206.40.00	Women's or girls' blouses, shirts and shirt-blouses, of man-made fibres.	20%	10%
6206.90.00	Women's or girls' blouses, shirts and shirt-blouses, of other textile materials.	20%	10%
6207.11.00	Men's or boys' underpants and briefs, of cotton.	20%	10%
6207.19.00	Men's or boys' underpants and briefs, of other textile materials.	20%	10%
6207.21.00	Men's or boys' nightshirts and pyjamas, of cotton.	20%	10%

6207.22.00	Men's or boys' nightshirts and pyjamas, of man-made fibres.	20%	10%
6207.29.00	Men's or boys' nightshirts and pyjamas, of other textile materials.	20%	10%
6207.91.00	Men's or boys' other undergarments, of cotton.	20%	10%
6207.92.00	Men's or boys' other undergarments, of man-made fibres.	20%	10%
6207.99.00	Men's or boys' other undergarments, of other textile materials.	20%	10%
6208.11.00	Women's or girls' slips and petticoats, of cotton.	20%	10%
6208.19.00	Women's or girls' slips and petticoats, of other textile materials.	20%	10%
6208.21.00	Women's or girls' nightdresses and pyjamas, of cotton.	20%	10%
6208.22.00	Women's or girls' nightdresses and pyjamas, of man-made fibres.	20%	10%
6208.29.00	Women's or girls' nightdresses and pyjamas, of other textile materials.	20%	10%
6208.91.00	Women's or girls' other undergarments, of cotton.	20%	10%
6208.92.00	Women's or girls' other undergarments, of man-made fibres.	20%	10%
6208.99.00	Women's or girls' other undergarments, of other textile materials.	20%	10%
6209.10.00	Babies' garments and clothing accessories, of wool or fine animal hair.	20%	10%
6209.20.00	Babies' garments and clothing accessories, of cotton.	20%	10%
6209.30.00	Babies' garments and clothing accessories, of synthetic fibres.	20%	10%
6209.90.00	Babies' garments and clothing accessories, of other textile materials.	20%	10%
6210.10.00	Garments made up of felt, or non-woven, whether or not impregnated, coated, covered or laminated with plastics.	20%	10%
6210.20.10	Diving suits other than sports clothing.	20%	10%
6210.20.90	Other garments of wool or fine animal hair, of cotton, of man-made fibres, of other textile materials, impregnated, coated, covered or laminated with plastics.	20%	10%
6210.30.00	Other women's or girls' overcoats, raincoats, car-coats, capes, cloaks and similar articles, made up of felt or non-woven, impregnated, coated, covered or laminated with plastics or rubberized.	20%	10%
6210.40.00	Other men's or boys' garments made up of felt or non-woven, impregnated, coated, covered or laminated with plastics or rubberized.	20%	10%
6210.50.00	Other women's or girls' garments made up of felt or non-woven, impregnated, coated, covered or laminated with plastics or rubberized.	20%	10%
6211.11.00	Men's or boys' swimwear.	20%	10%
6211.12.00	Women's or girls' swimwear.	20%	10%
6211.20.00	Ski suits.	20%	10%
6211.31.00	Men's or boys' other garments, of wool or	20%	10%

	fine animal hair.		
6211.32.00	Men's or boys' other garments, of cotton.	20%	10%
6211.33.00	Men's or boys' other garments, of man-made fibres.	20%	10%
6211.39.00	Men's or boys' other garments, of other textile materials.	20%	10%
6211.41.00	Women's or girls' other garments, of wool or fine animal hair.		10%
6211.42.00	Women's or girls' other garments, of cotton.	20%	10%
6211.43.00	Women's or girls' other garments, of man-made fibres.	20%	10%
6211.49.00	Women's or girls' other garments, of other textile materials.	20%	10%
6212.10.00	Brassieres, whether or not knitted or crocheted.	20%	10%
6212.20.00	Girdles and panty-girdles, whether or not knitted or crocheted.	20%	10%
6212.30.00	Corselettes, whether or not knitted or crocheted.	20%	10%
6212.90.00	Corsets, braces, suspenders, garters and similar articles whether or not knitted or crocheted.	20%	10%
6213.10.00	Handkerchiefs of silk or silk waste.	20%	10%
6213.20.00	Handkerchiefs of cotton.		
6213.90.00	Handkerchiefs of other textile materials.	20%	10%
6214.10.00	Shawls, scarves, mufflers, mantillas, veils and the like, of silk or silk waste.	20%	10%
6214.20.00	Shawls, scarves, mufflers, mantillas, veils and the like, of wool or fine animal hair.	20%	10%
6214.30.00	Shawls, scarves, mufflers, mantillas, veils and the like, of synthetic fibres.	20%	10%
6214.40.00	Shawls, scarves, mufflers, mantillas, veils and the like, of artificial fibres.	20%	10%
6214.90.00	Shawls, scarves, mufflers, mantillas, veils and the like, of other textile materials.	20%	10%
6215.10.00	Ties, bow ties and cravats, of silk or silk waste.	20%	10%
6215.20.00	Ties, bow ties and cravats, of man-made fibres.	20%	10%
6215.90.00	Ties, bow ties and cravats, of other textile materials.	20%	10%
6216.00.00	Gloves, mittens and mitts, not knitted or crocheted.	20%	10%
6217.10.00	Collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings for women's or girls' garments.	20%	10%
6217.90.00	Parts of garments or of garment accessories.	20%	10%
Tariff No.	Tariff Description	Suspended Duty Amount	Amount Imposed
7320.10.00	Leaf-springs and leaves therefor of iron and steel.	5%	5%
7608.10.00	Aluminium tubes and pipes, not alloyed.	5%	5%
7608.20.00	Tubes and pipes of aluminium alloys.	5%	5%
8513.10.90	Other lamps.	5%	5%

8539.29.00	Other filament lamps, excluding ultra-vide+ or infra-red lamps.	5%	5%
8544.11.10	Insulated winding wire of copper of which the overall greatest cross-sectional width is between 0.2mm and 2mm inclusive.	5%	5%
8544.19.10	Other winding wire of other material of which the overall greatest cross-sectional width is between 0.2mm and 2mm inclusive.	5%	5%
8544.20.10	Co-axial cable and other co-axial electrical conductors sheathed with polyethylene, polyvinyl chloride or both, whether or not steelwire armoured, of which the single or any individual core, as the case may be, exceeds 2mm in diameter and of which the overall greatest cross sectional width does not exceed 7.7cm.	5%	5%
8544.30.00	Ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships.	5%	5%
8544.49.10	Other electric conductors, for a voltage not exceeding 80V of which the overall greatest cross-sectional width is between 0.2mm and 2mm inclusive	5%	5%
8544.49.20	Other electric conductors, for a voltage not exceeding 80V sheathed with polyethylene, steelwire armoured, of which the single or any individual core, as the case may be, exceeds 2mm in diameter and of which the overall greatest cross-sectional width does not exceed 7.7mm.	5%	5%
8544.59.10	Other electric conductors, for a voltage exceeding 80V but not exceeding 1,000V of which the overall greatest cross-sectional width is between 0.2mm and 2mm inclusive.		
8544.59.20	Other electric conductors, for a voltage exceeding 80V but not exceeding 1,000V sheathed with polyethylene, polyvinyl chloride or both, whether or not steelwire armoured, of which the single or any individual core, as the case may be, exceeds 2mm in diameter and of which the overall greatest cross-sectional width does not exceed 7.7cm.	5%	5%
8544.60.10	Other electric conductors, for a voltage exceeding 1,000V of which the overall greatest cross-sectional width is between 0.2mm and 2mm inclusive.	5%	5%
8544.60.20	Other electric conductors, for a voltage exceeding 1,000V sheathed with polyethylene, polyvinyl chloride or both, whether or not steelwire armoured, of which the single or any individual core, as the case may be, exceeds 2mm in diameter and of which the overall greatest cross-sectional width does not exceed 7.7cm.	5%	5%

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Schedule 7 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Finance (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Finance Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Deputy Speaker in the Chair]

**REPORT CONSIDERATION OF
REPORT AND THIRD READING**

THE FINANCE BILL

The Minister for Finance (Mr. Nyachae): Mr. Deputy Speaker Sir, I beg to report that a Committee of the whole House has considered the Finance Bill and approved the same with amendments.

The Minister for Public Works and Housing (Mr. Kones): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Assistant Minister for Agriculture (Dr. Wamukoya) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Finance (Mr. Nyachae): Mr. Deputy Speaker, Sir, I beg to move that the Finance Bill be now read the Third Time.

The Minister for Public Works and Housing (Mr. Kones) seconded.

(Question proposed)

(Question put and agreed to)

*(The Bill was accordingly read
the Third Time and passed)*

BILLS

Second Reading

THE RETIREMENT BENEFITS (AMENDMENT) BILL

(The Minister for Finance on 21.10.98)

(Resumption of Debate interrupted on 21.10.98)

Mr. Deputy Speaker: Mr. Mwenje was on the Floor when we interrupted the business of the House. Is he in?

An hon. Member: He has gone out for tea.

Mr. Deputy Speaker: If there is nobody to contribute, I will call upon the Minister to reply.

The Minister for Finance (Mr. Nyachae): Mr. Deputy Speaker, Sir, I wish to thank the hon. Members

for their contribution on the Retirement Benefits (Amendment) Bill. All the views that were expressed have been taken into account and we will implement the proposals when the discussions for the Third Reading take place.

With those few words, I beg to move.

(Question put and agreed to)

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

Second Reading

THE LOCAL AUTHORITIES TRANSFER
FUND BILL

The Minister for Finance (Mr. Nyachae): Mr. Deputy Speaker, Sir, I did expect a lot more contribution on the Retirement Benefits Bill and the hon. Member who was seated here and who was contributing yesterday has just disappeared out there. Therefore, I was not expecting that this particular Bill on the Local Government Transfer Fund would be coming up. So, I would request that I be given time to present it next week.

The Minister for Agriculture (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I want also to indicate that there was no anticipation that the NHIF Bill would be coming up for discussion and, really, I doubt whether the Minister and the contributor who was on the Floor on that material day, are available. So, really, I think the best we can do is adjourn until Tuesday next week.

(Mr. Mwenje stood up in his place)

Mr. Deputy Speaker: Order! Order, hon. Members. I can understand you may not like what another Member says, but do not shout him down before he says what he wants to say. It is unheard of. Hon. Mwenje, you have the Floor.

Mr. Mwenje: That is Solomon's ruling. Mr. Deputy Speaker, Sir, what I was pleading with you is that I was ready to proceed on the Retirement Benefits Bill---

Mr. Deputy Speaker: Order! Order, hon. Mwenje! We have just finished with Order No.9. I suspect you are talking about your contribution under Order No.7. You are grossly out of order.

(Debate on Second Reading deferred)

ADJOURNMENT

Hon. Members, it is now time for us to interrupt our business. The House, therefore, stands adjourned until Tuesday, 27th of October, 1998, at 2.30 p.m.

The House rose at 5.55 p.m.