

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 13th May, 1999

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of National Housing Corporation for the year ended 30th June, 1996 and the certificate thereon by the Auditor-General (Corporations)

*(By the Assistant Minister for Finance
(Mr. Lomada) on behalf of the Minister
for Public Works and Housing)*

Annual Report and Accounts of Bomas of Kenya for the year ended 30th June, 1997 and the certificate thereon by the Auditor-General (Corporations)

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

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

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

Annual Report and Accounts of Kenya Wildlife Service for the year ended 30th June, 1997 and the certificate thereon by the Auditor-General (Corporations)

*(By the Assistant Minister for Finance
(Mr. Lomada) on behalf of the Minister
of State, Office of the President)*

Annual Report and Accounts of Commissioner of Insurance for the year ended 31st December, 1996.

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

ORAL ANSWERS TO QUESTIONS

Mr. Muhia: Mr. Speaker, Sir, despite the fact that I have not received any written answer from the Minister, I will proceed and ask my question No.076. They will never give written answers.

Question No.076

UTILISATION OF STABEX FUNDS

Mr. Muithia asked the Minister for Finance:-

- (a) whether he is aware that the Framework of Mutual Obligation Agreement between the Government of the Republic of Kenya and the European Union was signed in 1998;
- (b) whether he is further aware that under the agreement, the Coffee and Tea cess funds should be expended by farmers' committees only, in order to attract matching funds from the STABEX funds; and
- (c) if the answers to "a" and "b" above are in the affirmative, how much money has been realised from coffee and tea cess in the crop year 1997/98 and how much has been paid as matching funds to the farmers' committees from STABEX.

The Assistant Minister for Finance (Mr. Arap-Kirui): Mr. Speaker, Sir, this is an old Question and we were under the impression that the Member has already received the answer, because we submitted it to Parliament almost two weeks ago.

Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the Framework of Mutual Obligation Agreement between the Government of the Republic of Kenya and the European Union was signed in 1998.

(b) I am not aware that coffee and tea cess funds should be expended by farmers' committees only, in order to attract matching funds from STABEX.

(c) The Treasury does not appropriate agricultural cess funds. We, therefore, do not have records to provide us with data on the amount of cess funds collected from the 1997/98 crop. It should be noted that no STABEX funds have been paid as matching funds to any farmers' committees.

Mr. Muithia: I have just received the written answer. However, because it appears that the Assistant Minister is talking out of ignorance, I would like him to confirm or deny that Stabilisation of Export Fund (STABEX) was agreed upon between the European Union and the Treasury to the tune of Kshs15 billion to help in the revitalisation of coffee and tea industries. Could he confirm or deny that the European Union was supposed to provide Kshs15 billion?

Mr. Arap-Kirui: Mr. Speaker, Sir, I do not know who is talking out of ignorance here, because in this case, I did not deny that there was an agreement reached between Kenya and the European Union. There was such an agreement. What I said was that it is not indicated in that agreement that only farmers' committees need to spend monies before they can attract STABEX funds.

Mr. Kapten: Mr. Speaker, Sir, could the Assistant Minister tell this House if there are any STABEX funds available; and if so, how much is still available and how much has been disbursed?

Mr. Arap-Kirui: Mr. Speaker, Sir, there are STABEX funds available which relate to the year 1992/93, amounting Ecus39,446,425. For the year 1990/91, there are STABEX funds available, denominated in Kenya Shillings, amounting to Kshs3,087,500,000. As I explained, the agreement between the European Union and Kenya to make these funds available for specific use in certain areas, including coffee and tea roads, was only entered into in July, 1998. Modalities are still being worked out to spend this money.

Mr. Wamae: Mr. Speaker, Sir, these funds have been with the Government for a number of years and they were meant for roads in tea and coffee growing areas. Why has the Government been holding onto this money, which we understand is in Indosuez Bank? Who is benefitting from the interest accruing?

Mr. Arap-Kirui: Mr. Speaker, Sir, as I explained, although these funds were available to cover the periods 1990/91 and 1992/93 the agreement was only entered into between us and the European Union late last year. So, these funds in fact were not available to us because they were still under the control of the European Union. Any interest earned on these funds will be available for utilisation by the Government in various designated areas. I must add that it is not only for the use on coffee and tea roads. Coffee and tea roads only constitute part of the intended use of this money as agreed with the European Union.

Mr. Muithia: Mr. Speaker, Sir, maybe to give the Assistant Minister just some information, this Lome Agreement the is ending in April, 2000. Could the Assistant Minister assure this House that the Kshs15 billion which is supposed to be utilised in electrification of coffee factories and giving advance payments, the expansion of coffee factories, promotion of tourism and buying farm inputs between now and next year April?

Mr. Arap-Kirui: Mr. Speaker, Sir, I have already stated the amounts available to us in Kenya shillings. If that works out to Kshs15 billion, be that as it may. This money has been made available to us and it has nothing

to do with the lapsing of any agreement between us and the European Union. This covers years that have already gone by and this money is available. It is only remains for the modalities to be worked out so that it may be available for use as designated.

Mr. Wamae: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Assistant Minister to tell us that this money is not meant only for coffee and tea roads and yet he has not said what other purposes it is meant for?

Mr. Speaker: That is not a point of order! You should have asked him what else is it for? He is perfectly in order. As a matter of interest to the House what else is it for?

Mr. Arap-Kirui: Mr. Speaker, Sir, that question had not been asked. Some of these funds will be available and in fact areas have been designated. Under agreement signed between us and the European Union the funds were meant to go in to the Tourism Development Fund, the Export Endowment Fund, the Civil Service and Parastatal Reform and Support Programmes, Road 2000 Programme, Electrification of Coffee Factories, Multiplication of High Variety Coffee, Phase Two of the Electrification of Coffee Factories and Road Rehabilitation in coffee and tea districts.

Question No.198

ASSISTANCE TO JOYLAND PRIMARY SCHOOL

Mr. Achola, on behalf of **Mr. Oti**, asked the Minister for Education and Human Resource Development:-

(a) whether he is aware that Joyland Primary School for the disabled in Kisumu District is being phased out as a result of exorbitant fees being charged by the school administration;

(b) whether he is further aware that the sponsor of the school sends money regularly through an NGO agent, though this money does not reach the said school, thereby forcing the administration to raise school fees; and,

(c) whether he could investigate the case and save this institution from collapsing.

The Assistant Minister for Education and Human Resource Development (Mr. Ruto):

Mr. Speaker, Sir, I beg to reply.

(a) I am not aware. What I am aware of is that following the withdrawal of the financial support to Joyland Primary School for the Disabled by the major donors, Kindernothilfe of Germany, the management of the school in consultation with the Parents/Teachers Association resolved to raise the school fees from Kshs3,000 to Kshs15,000 in order to sustain the running of the school.

(b) I am not aware. Instead, there are currently two organisations: The Netherlands Salvation Army Territory (Overseas) and the Feed the Children an NGO which still continue to give the school limited financial support through the sponsor the Salvation Army, Kenya.

(c) My Ministry in liaison with the sponsor is looking into alternative means of sustaining the school without straining the parents.

Mr. Achola: Could the Assistant Minister explain to the House why in the first instance the German donor withdrew from supporting this primary school? Could the Assistant Minister also explain to the House what policies the Government has in respect of disabled primary schools in this Republic before I ask further questions?

Mr. Ruto: Mr. Speaker, Sir, the donor was identified by the sponsors of the school which is the Salvation Army and the agreement was private between them and the donor. The Ministry did not get involved in terms of identification and, therefore, we cannot explain why they withdrew. The policy of the Government with regard to the disabled is that we will continue to give whatever support is required and in fact they get grants from the Ministry.

Mr. Kajwang: On the question of fees which sometimes become unaffordable to parents, is the Assistant Minister aware that some of the national schools like Alliance High School, Lenana High School and Mang'u High School, through their PTA's and Boards of Governors, have increased their fees to unaffordable levels for students who come from poor families, who cannot afford them? For example, Kshs35,000 is required from a student in Lenana, Mang'u and Alliance. Is that affordable? What is the Government doing to control this exorbitant increase in fees?

Mr. Ruto: Mr. Speaker, Sir, with regard to high cost schools, I do not know how you relate it to Joyland Primary School. Nevertheless I want to state that the PTAs and the management of the schools have got the power

to review school fees provided they are in agreement and then inform the Ministry.

Mr. Kajwang: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to mislead the House by saying that Alliance High School has now stopped being a public school and has become a high cost school so that the PTA and the Board of Governors can raise fees as they wish?

Mr. Speaker: That is actually very irrelevant to the Question at hand.

Mr. Sungu: Mr. Speaker, Sir, I was afraid that you might not recognise me at this distance. I come from this area and the situation regarding Joyland Primary School for the disabled is pathetic. It is the only school catering for the disabled in the area. The fact that it is now going down and the poor parents who cannot afford the fees are being asked to pay these fees is really terrible. What is the Ministry doing to supervise this NGO's which are in the divisional sector who we know as diverting funds for their own purposes? Some of them are using the money to drive very big vehicles instead of putting it to the right use.

Mr. Ruto: Mr. Speaker, Sir, in fact the NGOs referred to have been supporting the school through the sponsor, the Salvation Army. There is no NGO that has diverted any funds.

Mr. Nguere: On a point of order, Mr. Speaker, Sir. Could the Assistant Minister tell the House why the Ministry is not supporting this particular primary school for the disabled? They had money for the disabled and they used it to buy buildings within the city.

Mr. Ruto: Mr. Speaker, Sir, Joyland Primary School continued to get support from the Ministry. In fact, even this year they have already received a grant of Kshs795,000 in the first quarter. It is not correct that the Government is not supporting the school.

Mr. Achola: Could the Minister confirm to the House that this school will not be closed and that the Ministry will continue supporting the school so that the parents will not have to look for a school for their children elsewhere? I would like a confirmation from the Assistant Minister that it will not be closed.

Mr. Ruto: Mr. Speaker, Sir, I confirm that **[Mr. Ruto]** the school will not be closed and that it will continue to get the necessary support from the Government.

Question No.202

RADIO CALL SET FOR BENANE DIVISION

Mr. Shidie asked the Minister for Transport and Communications when the Government will provide a radio call set to Shanta-Abak and Benane to ease communications.

The Assistant Minister for Transport and Communications (Mr. Sankori): Mr. Speaker, Sir, I would like to be given time to answer this Question in the next sitting of the House.

Mr. Speaker: Mr. Shidie, what is your reaction?

Mr. Shidie: I accept.

Mr. Speaker: Question deferred.

(Question deferred)

Question No.069

AMBULANCE FOR KATANGI HEALTH CENTRE

Mr. Wambua asked the Minister for Health:-

(a) whether he is aware that an ambulance was given to Katangi Health Centre by the Government but it has been used as a private vehicle by the Father in-charge of Katangi Catholic Mission; and,

(b) if the answer to "a" is in the affirmative what steps he is taking to ensure that the ambulance is given back to Katangi Dispensary for public use.

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

(a) I am not aware that an ambulance was given to Katangi Health Centre.

(b) The above being the position, there is no action expected on the part of the Ministry.

Mr. Wambua: Mr. Speaker, Sir, I think this Assistant Minister is trying to twist this Question. This is the answer which, of course, he gave last week saying that he is aware. Today he is saying that he is not aware. I have the answers whereby we have a previous Assistant Minister who said that they were aware. Now he is saying

that he is not aware. Could the Assistant Minister tell us whether they are aware that the Head of State gave this ambulance? To make matters worse, this ambulance has raised a lot of concern in the area because the Father is using this ambulance to ferry his girlfriends and school girls to different hotels for love affairs. To substantiate this---

Mr. Speaker: Order, Mr. Wambua! You are making a very grievous allegation against a religious leader. Does it make any difference whether the Father---

(Laughter)

If it is not there, what you want to know is, "is it there?"

Mr. Wambua: I agree with you, Mr. Speaker, Sir, but he is a notorious religious Father. Could the Assistant Minister tell us why he said last week, in his answer, that he is aware and today, he is telling us that he is not aware? Does it mean that the Head of State cheated Katangi people when he told them publicly that he had given them the ambulance and that it had already been delivered?

Mr. Koske: Mr. Speaker, Sir, I think I would ask the indulgence of the Chair to jog hon. Wambua's memory a little bit. Way back in October, 1997, the Chair will agree with me that, that time, Mr. Wambua was here in this City and he had not been elected as a Member of Parliament for Yatta Constituency. It so happened that it was at the burial of the late Commissioner of Police, Philip Kilonzo, and the Father in-charge of Katangi Mission Dispensary actually requested for an ambulance from His Excellency the President. The Head of State actually agreed to give Katangi Dispensary an ambulance. This ambulance was actually meant for Katangi Mission Dispensary and not Katangi Health Centre.

Mr. Katuku: Thank you, Mr. Speaker, Sir. The Assistant Minister is telling this House that the Head of State gave the ambulance to Katangi Mission Dispensary. The information that the people at the ground have is that the Head of State said that this ambulance should go to the Katangi Health Centre; not to the Katangi Catholic Dispensary. Since there is confusion and the ambulance has been taken to the wrong place, could the Assistant Minister, in his capacity, consider giving Katangi Health Centre; the public health centre, an ambulance to solve the problem?

Mr. Koske: Mr. Speaker, Sir, the Katangi Health Centre is small, both physically and in its volume of work. Because of that, the Ministry is not in a position now to provide an ambulance to this small health centre.

Mr. Wambua: On a point of order, Mr. Speaker, Sir. I do not think the Assistant Minister knows what he is talking about. Katangi Health

[Mr. Wambua]

Centre is a facility which offers even maternity services. Is it in order for this Assistant Minister---

Mr. Speaker: Order! Order, hon. Wambua! I guess it is a supplementary question you are raising. Please, if you want to ask a supplementary question, I can give you a chance to ask a supplementary question.

Mr. Wambua: Mr. Speaker, Sir, I am on a point of order!

An hon. Member: Ask a supplementary question because you have been allowed to ask!

Mr. Wambua: Okay, I will raise a supplementary question, Mr. Speaker, Sir. Is the Assistant Minister aware that whatever he is saying is not true because even when the late Commissioner of Police died, the Katangi Catholic Mission Dispensary was not there? That was the time the Father was asked by the Katangi people to request for the ambulance which had been asked for before by hon. Mutiso, who was an Assistant Minister for Health. Is the Assistant Minister aware that, that Catholic Mission Health Centre was not there? Let him not mislead this House!

Mr. Koske: Mr. Speaker, Sir, I want to state here that the ambulance in question is actually a private property. The hon. Member for Yatta should know that the registration number of this ambulance is KAJ 557N and this vehicle was collected from State House by Father John Makewa and the Sister in-charge; Sister Betty. I would like to state here that, I do not think we will allow the Ministry to be used to settle political squabbles at the local level.

Mr. Wambua: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order! May I advise you, hon. Wambua? You are raising questions in the House. You are not fighting. So, will you please keep the tempo down?

Mr. Munyao: Thank you, Mr. Speaker, Sir. The Assistant Minister has agreed that this vehicle was promised in October, 1997, to the Catholic Church. We know the President opened the dispensary in 1997, and if the President offered this ambulance during that time, the votes received from that area of Katangi were not only from the church; even other people voted for him on the strength of this gift which was given at that time. Could

the Assistant Minister promise to give an ambulance to be used by the Katangi Health Centre?

Mr. Koskei: Mr. Speaker, Sir, as I said earlier on, this ambulance is actually a private property. What we will actually do is to ask the Ministry of Health to liaise with the Katangi Catholic Mission Dispensary so that the ambulance can be used for the benefit of the community.

Mr. Speaker: Next Question by hon. Njeru Kathangu!

Question No.204

REHABILITATION OF ROOFS AT EMBU
MEDICAL TRAINING CENTRE

Mr. Kathangu asked the Minister for Health:

- (a) why the Ministry has failed to repair the leaking roofs of the Embu Medical Training Centre, a condition which has persisted for the last ten years; and,
- (b) what urgent measures he is taking to save the students from constant embarrassment as the male students are forced to share women's hostels during the rainy season.

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

(a) It is true that Embu Medical Training Centre has had a problem with a leaking roof for a while. However, the Ministry is rectifying the situation and the damage caused by the leaking roof will be fixed as soon as funds become available.

(b) It is not true that male students share the female hostels during the rainy seasons or at any other time, although the students are housed in one block with two separate wings, one for the female students and the other one for the male students.

Mr. Kathangu: Mr. Speaker, Sir, the leaking roof was reported way back in 1986, that is about 13 years ago. It has become very threatening for the female students who find it very inconveniencing to have male students accommodated in their hostel, contrary to what the Assistant Minister is saying here. At the same time, the answer given by the Assistant Minister is double-edged in the sense that, he says that the Ministry is rectifying and he continues to say that the damage caused will be repaired when funds are available. I feel that there is no answer given here. The Assistant Minister should tell this House what he is rectifying and with which funds.

Mr. Koskei: Mr. Speaker, Sir, what the hon. Member is actually saying is not true because the building in question is 11 years old. This means, therefore, that it was actually built in 1988 and not 1986. So, the buildings are relatively new and as I stated earlier on, there are some funds being made available to the MTC through JICA. As soon as these funds are released, we promise to repair the hostel at Embu Medical Training Centre.

Mr. Nderitu: Thank you, Mr. Speaker, Sir. The Assistant Minister here is misleading this House that the hostel will be repaired when funds become available. The students are paying schools fees to the tune of about Kshs12,000 each. There is cost-sharing money in that dispensary. Why can the Ministry not use the cost-sharing money to repair the hostel to prevent leakages?

Mr. Koskei: Mr. Speaker, Sir, I think the hon. Member will agree with me that the cost-sharing money will not be enough to run that institution and at the same time cater for repairs. Secondly, when we talk about cost-sharing money, it is money which is supposed to run the hospitals, it is not meant for the MTCs.

Mr. Speaker: Dr. Ochuodho, how come you have migrated?

Dr. Ochuodho: So, that I may catch your eye, Mr. Speaker, Sir.

Mr. Speaker, Sir, the Assistant Minister strikes me as being anything but logical. The reason why I say so is because, the fact that this hospital was opened in 1986 does not mean that it was built during that year. It could have been opened when it was very old. Could the Assistant Minister make up his mind and tell this House whether work will be done in that institution or not? If work is going to be done, how much money have they received from JICA to do this work or when do they expect to get the money?

Mr. Koskei: Mr. Speaker, Sir, as I said earlier on, this project plus other projects that are going on at the MTC, is being funded by JICA. As I told this House, negotiations about the release of this money are actually going on. Once this money is made available, we are going to rectify not only Embu Medical Training Centre but all other medical training centres in this country.

Mr. Kathangu: Mr. Speaker, Sir, while we want to understand what the Assistant Minister is saying, we in Eastern Province also feel that the Government is in a conspiracy to stall and make all projects in the province collapse. What we want to know here is how much money the Assistant Minister is talking about; the money which has been used to rectify what is wrong and that which is going to be used now to rehabilitate that medical

centre.

Mr. Koske: Mr. Speaker, Sir, I do not think it is true that there is a conspiracy to wreck projects in North Eastern Province. As the hon. Member will recall, I actually stated that the Ministry is looking for funds to actually rectify the problem. I did not say that the problem has already been rectified.

Mr. Speaker: Very well. Next Question!

Question No.197

NUMBER OF LAND DISPUTES TRIBUNALS COUNTRYWIDE

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

- (a) how many land disputes tribunals are there in the country;
- (b) if there are any payments made to the members of these tribunals and if so, how much is supposed to be paid to the said members per sitting; and,
- (c) when such payment was made last.

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

(a) There are 58 land disputes tribunals in the country, but only 40 are active at the moment.

(b) The members of the tribunal are entitled to a sitting allowance of Kshs150 per sitting and subsistence allowance of up to Kshs400 per day whenever hearing disputes.

(c) Authority to Incur Expenditure (AIE) totalling to Kshs3,767,620 were issued to the district treasuries in July, to meet the expenses for the tribunals in the districts. The Ministry is yet to receive the returns for reconciliation before the end of the financial year.

Mr. Michuki: Mr. Speaker, Sir, the amount of money that the Assistant Minister has mentioned in his written reply works out at Kshs780 per district per month. Is the Minister aware that because of the inadequacy of the monies allocated to be paid to the members of these tribunals, there has been a lot of corruption and that each appellant before these tribunals is being asked to pay Kshs4,000 for every sitting?

Mr. Ndambuki: Mr. Speaker, Sir, I am not aware that there is any money being solicited, but I am aware that some groups organize themselves and approach the tribunals and meet their expenses for a sitting so that they can speed up their cases. For example, in July last year, we gave Murang'a District Kshs247,400, and as late as end of March this year, they had only spent Kshs8,945. So, they have a balance of Kshs238,455.

Mr. Kariuki: Mr. Speaker, Sir, is the Minister aware that since multi-party was introduced, there has been no provision for appointment on fair basis of the members of the tribunals, and that the tribunals merely represent the ruling party leaving out the other parties, therefore, oppressing people, perpetuating corruption and dealing unfairly with land matters?

Mr. Ndambuki: Mr. Speaker, Sir, the tribunal members are appointed on recommendation of councillors, chiefs and the provincial administration.

Mr. Kapten: Mr. Speaker, Sir, the Minister says that some groups have been approaching members of the tribunals to speed up their cases. If the tribunal members are paid by the Government, why should they accept money from individual groups? Is that not corruption which we are trying to stop?

Mr. Ndambuki: Mr. Speaker, Sir, in many cases these funds go through the DCs. And most times, in some districts there are so many cases, such that the money which is allocated to them runs out even before they do much work. Some people have been suffering so much because of pending cases in their areas, which if they contributed money towards hearing these cases, they could speed up the exercise. That is also another way of assisting.

Mr. O.K. Mwangi: Mr. Speaker, Sir, is the Minister aware that the so-called tribunals have disinherited a large number of children, women and widows? They have also created a situation---

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. If you were attentive, I am sure you heard a mobile telephone ringing in the House.

Mr. Speaker: I heard what?

Dr. Ochuodho: Mr. Speaker, Sir, a mobile telephone ringing in the House. Is that allowed?

Mr. Speaker: I have not heard! But if anybody is in possession of those gadgets, get them off or out! Proceed, Mr. Mwangi!

Mr. O.K. Mwangi: Mr. Speaker, Sir, I was asking the Minister if he is aware that the so-called tribunal, which is very corrupt has, disinherited innumerable number of families of their land? If that matter is not corrected, it is going to create a situation where families are going to kill one another. Could the Minister

undertake to abolish those tribunals?

Mr. Ndambuki: Mr. Speaker, Sir, the tribunals are provided for in the Act, and that is the only way we can sort out some of these issues. The only thing I am appealing to the hon. Members to do is that, if there is any case in their minds which is causing you problems, report to us and then we will see what we can do.

Question No.190

HARASSMENT OF MATHARE 4A RESIDENTS

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

(a) whether he is aware that since 1990 when the Mathare 4A Upgrading Project was started, the area residents have been complaining of the violation of their constitutional rights, unlawful eviction and demolition of their properties, both by the provincial administration and the staff of the project; and,

(b) if the answer to "a" above is in the affirmative, whether he could ensure alternative site is available for the displaced Kenyans.

The Minister for Public Works and Housing (Mr. Ngala): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that since 1990, the residents of Mathare 4A have been complaining of violation of the constitutional rights, unlawful eviction and demolition of their properties by the provincial administration and staff of the project. I am, however, aware of allegations of displacement and court cases filed by persons purporting to be residents of Mathare 4A area.

(b) The issue of availing alternative site does not arise, because development and implementation of the Mathare 4A project has no intention of displacing the residents or to making them homeless. Alternative structures are first erected to accommodate all those living in the area being developed, in the event it becomes necessary for any structures to be pulled down. Those affected are also given sufficient notice to enable them vacate their structures. This arrangement will continue to be in place.

Mr. Muchiri: Mr. Speaker, Sir, this is a very serious matter as it touches on the citizens of this country who are squatting outside. The Minister's reply is completely contrary to what is happening in the field. Could the Minister agree to visit Mathare 4A area before answering my supplementary question?

Mr. Ngala: Mr. Speaker, Sir, it is possible to visit Mathare 4A. We will plan when it is suitable for us to visit the area.

Mr. Raila: Mr. Speaker, Sir, the problem in Mathare 4A is similar to the problems we have in Kibera. It is not the residents, but the owners of the slums who are actually resisting the slum upgrading project because they want to continue to exploit the unfortunate tenants. What plans does the Government have to ensure that these slum owners are restrained from stopping the slum upgrading project which is beneficial to the residents of these slums?

Mr. Ngala: Mr. Speaker, Sir, with reference to Mathare 4A, as it has been correctly put by hon. Raila, the structure owners are the people who are offering resistance. Now, what has been done with Mathare 4A is that, a committee has been formed to look into all the areas of misunderstanding and disagreement. As far as I understand, the structure owners who are the people getting rent from the tenants are being compensated for the structures to be taken up so that they can be developed. So, the arrangement that has been put in place is that, discussions are held and the structure owners are compensated so that they do not feel that their structures have been taken away unfairly.

Mr. Mwenje: Mr. Speaker, Sir, the former Minister suspended the project and appointed a committee to solve the problem. When the current Minister took office, he reinstated the project and suspended the committee that was supposed to be solving the problem that was there. I and the area MP were members of that committee. So, could the Minister suspend the project and let the committee solve the problem before it continues? People in that area have suffered to the extent of going on a hunger strike, hoping that they would be heard.

Mr. Speaker: Mr. Mwenje, you had better shorten your preamble because I am running out of time!

Mr. Mwenje: Thank you, Mr. Speaker, Sir. So, could the Minister suspend the project and reinstate the committee, so that we can solve the problem once and for all?

Mr. Ngala: Mr. Speaker, Sir, it is true that before I took over the Ministry, there was a committee. The committee had done some work, but at some point, there were some disagreements. Because of the disagreements, it was unanimously agreed that a task force be formed. The task force was formed, and had terms of reference to look into all the areas which were supposed to be looked into. When I got to the Ministry, I found that the task

force had completed its job and even made some recommendations. The recommendations were found to be manageable, and which could enable the project to continue.

So, we did not see the need for us to hold on the project. After sufficient consultations, we agreed to allow the project to continue because we felt that it was an important project which would benefit the people within that area in terms of good shelter and environment. So, the decision to have the implementation of the project continued was arrived at after sufficient consultations.

Question No.203

NON-PAYMENT OF DUES TO RURAL ACCESS
ROADS PROGRAMME WORKERS

Mr. Speaker: Hon. Members, this Question will be deferred.

(Question deferred)

Question No.057

MISUSE OF FUNDS BY KFF SECRETARY-GENERAL

Mr. Speaker: Hon. Members, this Question is also deferred.

(Question deferred)

Let us, now, go to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

BANDIT ATTACKS IN BUNGALE LOCATION

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

(a) What is the Minister doing to restore peace in Bungale Location of Magarini Constituency after the bandit attack of Friday, 30th April, 1999, which left people homeless?

(b) What efforts have been made to arrest the culprits as well as return the property stolen in the attack?

The Assistant Minister, Office of the President (Mr. W. Ruto): Mr. Speaker, Sir, I beg to reply.

(a) Following the banditry incident of 30th April, 1999, in Bungale Location, the Government deployed additional security personnel to pursue the bandits and beef up security in the area. In addition, plans are underway to equip Marafa DO's Office with radio communication. At present, all the residents who fled their homes following the attack have returned and the area is now calm.

(b) A contingent of regular and Administration Policemen (APs) pursued the bandits and combed suspected bandit hide-outs between 30th April and 8th May, 1999, but no arrests were made. However, some school uniforms and some personal effects believed to have been stolen during the raid were recovered at Furijo Hills. The matter is, however, still under investigation.

Mr. Kombe: Mr. Speaker, Sir, I would like to inform the Assistant Minister that the bandits believed to have raided Bungale Location are hiding at a place called Bilalani Kapangani. The security officers do not want to go for them because they claim that the bandits have got sophisticated weapons. Now, could the Assistant Minister assure this House that he will send security men to comb that area?

Mr. W. Ruto: Mr. Speaker, Sir, the area the hon. Member has mentioned is among areas we have already sent security personnel to comb. As I have said, radio communication equipment is already being taken to Malindi Police Station, so that communication among Adu Police Post, Mazereni Police Post and Malindi Police

Station is adequate. I would like to assure the hon. Member, and the people of Magarini, that adequate security personnel have been sent, and that the bandits will be flushed out.

Mr. Maitha: Mr. Speaker, Sir, Bungale is about 150 miles away from Malindi Town. Adu Police Post is about 120 kilometres from Bungale. So, could the Assistant Minister recommend that Marafa be given a police post immediately? That is the nearest place to Bungale, if the Assistant Minister is not aware of the distances between those places.

Mr. W. Ruto: Mr. Speaker, Sir, what I can assure the House is that a police patrol base will be put up at Dakacha Centre, which is in Bungale Location. If put in place, that patrol base will help a lot in security operations in the affected areas.

IMPACT OF COLLAPSE OF TRUST BANK

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

(a) Is the Minister aware that many Kenyans are languishing in poverty as a result of collapse and fraud of depositors' money by the directors of Trust Bank?

(b) If the answer to "a" above is in the affirmative, why has the Government not charged these directors for fraud?

(c) Is he further aware that most of the properties owned by depositors are being auctioned?

The Assistant Minister for Finance (Mr. Arap-Kirui): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that many Kenyans are languishing in poverty as a result of the collapse and fraud of depositors' money by the directors of Trust Bank. However, I am aware that many Kenyans have been adversely affected and made to face financial difficulties arising from the placement of Trust Bank under the Central Bank of Kenya's (CBK) statutory management with effect from 17th September, 1998. This action was occasioned by a run on the bank and its inability to meet its commercial obligations to other financial banks at the Clearing House.

(b) Investigations have been initiated on all directors and debtors of Trust Bank by the Statutory Manager. In case fraud is established by the Banking Anti-Fraud Investigations Department of the CBK, appropriate legal action will be taken against the culprits.

(c) I am not aware that most of the properties owned by depositors are being auctioned. If this, indeed, refers to the Trust Bank, I would like to inform the House that the bank does not have any legal basis on which to auction depositors' properties. The bank can only auction borrowers' securities or properties if the borrowers fail to meet their debt obligations to the bank. In such cases, the auction would be in order since the borrowed money belongs to depositors. On the other hand, customers who are meeting their debt obligations to the bank, have no cause to worry. The bank has no cause to initiate any action against depositors who are not borrowers.

Mr. Shidie: Mr. Speaker, Sir, Mr. Shah who is the Chairman of this bank has made many Kenyans lose a lot of money. Kenyans have lost about Kshs15 billion as a result of this man. This man has forged Kenyan citizenship and he has purported to be a Kenyan citizen while he is not. Other directors of banks have been arrested. The Director of Kenya Finance Bank, Mr. Nyamu and others. I am asking the Assistant Minister why is it that this man has not been arrested to this date, yet, this investigation has been going on for over one year? Can he tell us why he is not arrested and charged before a court of law?

Mr. Arap-Kirui: Mr. Speaker, Sir, the Member will agree with me that my Ministry is not the one concerned with immigration and nationality. However, as I said, investigations into Trust Bank are on-going. We know that the directors of Trust Bank have been co-operating with the Statutory Manager and, as a result of this co-operation, Trust Bank may, in fact, be able to open its doors for business before long. However, as I said, if any past director of the bank is found to have been fraudulent in any way, appropriate and legal action will be taken against him.

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. Is the hon. Assistant Minister in order to run away from a critical Question, that depositors in the Trust Bank are being auctioned by other creditors when directors of Trust Bank are building phenomenal things in this town? For example, through ghost companies, Ajay Shah is constructing the tallest buildings in Kenya in Upper Hill. How can he be allowed to go on and you claiming he is co-operating with you, when people who deposited money using that construction are being auctioned by the other creditors?

Mr. Arap-Kirui: Mr. Speaker, Sir, I am not aware of any activities of any present or past directors of Trust Bank. But, while I sympathise, there might be situations of hardships as a result of placement of Trust Bank under a statutory management. Since, as we know, it has been in the papers, I have also just said the bank may be

opening its doors before long. Those depositors who have funds with the Trust Bank should put it across to their creditors that, in fact, this bank will be opening shortly and there is no reason at all for those creditors to auction their property.

Mr. Shidie: Mr. Speaker, Sir, this House is not satisfied with the answer given by the Assistant Minister. Could the Assistant Minister tell us when the bank is going to open up because he is telling us "shortly"? When is "shortly"?

Mr. Arap-Kirui: Mr. Speaker, Sir, "shortly" is extremely shortly and I am sure the bank will open before long.

NON-PAYMENT OF DUES TO WORKERS ON MWALA-KANGUNDO ROAD PROJECT

Mr. Katuku: Mr. Speaker, Sir, I beg to ask the Minister for Public Works and Housing the following Question by Private Notice.

(a) Is the Minister aware that 140 casual workers engaged by the Ministry to work on Mwala-Kangundo Road (Road C98) in Mwala Constituency have not been paid their salaries since January, 1999?

(b) If the answer to "a" above is in the affirmative, could the Minister explain what has caused the delay and when these workers will be paid their dues?

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

(a) I am aware that 144 casual workers employed to work on Mwala-Kangundo Road (C98) have been paid their dues. This was done yesterday, and if I can just give the cheque number, it is No.002870 and the amount is Kshs582,938.

(b) The delay was caused by late arrival of the funds from the donors.

Mr. Katuku: Mr. Speaker, Sir, I am very happy that they have been paid, but why does it have to wait until a Member of Parliament comes here to ask a Question for workers to be paid? They have not been paid since January. Why do they have to wait until I have to ask the Question here?

Mr. Khaniri: Mr. Speaker, Sir, I have clearly stated that we were waiting for the funds to come from the European Union because they are the sponsors of this particular project. We just received the first disbursement of the funds last week; a disbursement of Kshs2 million. So, we could not have paid before we got the money.

MINISTERIAL STATEMENT

LIMITED CASH WITHDRAWALS

The Minister for Finance (Dr. Masakhalia): Mr. Speaker, Sir, early this month, to be precise, on 5th May, hon. Kamande stated in this House that Guilders International Bank Limited has been limiting cash withdrawals by its depositors to Kshs5,000 per person. This was done in a situation when the bank was not under statutory management. He therefore requested for a Ministerial Statement on the matter.

I should indicate that in September, 1998, Guilders International Bank Limited placed a limit on cash withdrawals at the counter to Kshs5,000 per person for only three days and that is on the 7th, 8th and 9th September, 1998. This limit was placed at the onset of the banking crisis and the resultant placement of a few banks under the Central Bank of Kenya statutory management. The above limit lasted for three days only as I have already stated. The situation thereafter reverted to normal and no limits have subsequently been placed on withdrawals on savings and current accounts.

Mr. Speaker, Sir, with regard to the fixed deposit accounts, the bank, with the consent of the depositors, extended the maturities of the fixed deposits. This arrangement has been working very well. Thank you.

Mr. Speaker: I am sorry, I am unable to make time for clarifications today. Time is up!

MOTION FOR THE ADJOURNMENT

ADJOURNMENT OF THE HOUSE TO A DAY
OTHER THAN THE NEXT NORMAL SITTING DAY

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Thank you, Mr. Speaker, Sir. I do beg to move:-

That, this House do now adjourn until Tuesday, the 8th of June, 1999.

May I inform this House that this matter was discussed in the House Business Committee and every political party that is here, was represented there and the following considerations were taken into account:-

First of all, it will be seen that the adjournment to the 8th of June will only be of a few days. I do not know the precise time the Minister for Finance will choose to bring the Budget, but going by experience, the Budget Day will be very near after the 8th June. It is important that Budget, being the single most important act that Parliament is normally asked upon to deliberate upon, Members do have a short recess. Firstly, to be able to go back to our constituencies, look at them much more thoroughly; look at the areas where there are difficulties, so that as we discuss the Budget, we make issues clear. But not even that, the Budget as a said, is so fundamental that I think we need to approach it with recharged batteries, clear minds and go into the depth of the whole thing. That is the reason why it has always been a ritual and why Parliament in its wisdom has continuously resolved just before the Budget to recharge our batteries and address ourselves to this very important assignment.

Mr. Speaker, Sir, I believe there is also another very important reason. All of us are aware that there is a lot of work going on outside Parliament. That work has got to do with the preparations for the COMESA summit. I want to say that the COMESA summit that we are going to have here will be the most well-attended summit ever in the history of COMESA. This in itself is a great price and a great deal of recess being hosted by Kenyans. We are going to have a lot of Ministers from the COMESA countries and a lot of Heads of States. Mr. Speaker, Sir, we are going to have many people from the private sector. I agree that hon. Members should ensure that we also become part of the act of the COMESA process. We also need to go there; even to the exhibition. We also need to be involved and I am sure, the Minister for East African and Regional Co-operation will ensure that the hon. Members can sit in the Ministerial meetings as observers, so that we are able to know exactly what is going on as far as COMESA is concerned. There can be no more important market for this country than COMESA and it is important that we get involved.

Mr. Speaker, Sir, I want to use this opportunity, to commend the Ministers who have been working tirelessly for the preparations for the COMESA Trade Exhibition and for the beautification here. I have in mind the Minister for Local Authorities, the Minister for Trade, the Minister for East African and Regional Co-operation, the Nairobi City Council officials and the private sector. We have seen a joint effort between the Government and the private sector that we have not seen before and we hope that indeed, that spirit is going to live even beyond the COMESA Trade Exhibition. It is, therefore, on these grounds that, I would wish to urge the hon. Members that we need to have that short recess. We can come and deliberate on these matters and I know that many Members, as I said, would want to go and tell their constituents, some of who are business people who are looking for markets, about what is happening here in Nairobi. We think it is important.

Mr. Speaker, Sir, I do beg to move.

(Loud Consultations)

Mr. Speaker: Order! Order! Order, Mr. Keynan! It is almost becoming impossible for us to hear the Member on the Floor. I think it is absolutely important for you to know why you are being asked to adjourn. So, would you please listen, so that we can reason together as to whether or not we should adjourn?

(Loud Consultations)

Order! Order! This Motion will be put to the vote and it will not be carried by heckling. Proceed!

The Minister for Agriculture (Mr. Mudavadi): Thank you, Mr. Speaker, Sir. I rise to second the Motion for adjournment. First of all, I would like to stress that I think, it is important to re-emphasise the fact that this is a position that was taken unanimously, after deliberations within the House Business Committee where several parties were represented. The understanding was that there were consultations that had taken place among respective Members on this particular matter.

Mr. Speaker, Sir, however, I think the other issue that needs to be take into account is the fact that, when we look at the business that we are likely to pursue in the next few days, we find that we may not have much on the Table, primarily because all the Bills that have been published and have been committed to the various

departmental committees and--- We have The Industrial Property Bill of 1999; The Medical Laboratory Technicians Bill; The Bukura Agricultural College Bill of 1999 and The Tea (Amendment) Bill. All these Bills are still lying before the departmental committees and they have not finished re viewing and looking at the possible amendments that they can bring forward for debate.

Mr. Speaker, Sir, so, in effect, what we are saying is that for the next couple of weeks, we may not have sufficient business for the Parliament to deliberate upon, in a manner that would yield positive results for the Bills that have been laid on the Table. That means we shall be confined to the Sessional Paper on tea alone for the next few days and possibly, then just wait for the Private Members' Motions on Wednesday. So, we have seen that this is not adequate business to engage Members of Parliament who need to be engaged sufficiently in order to legislate on matters of the State.

With these few remarks, I beg to second.

(Question proposed)

Mr. Kajwang: On a point of order, Mr. Speaker, Sir. I wish to move an amendment to this Motion and if you allow me, I will read the amendment.

Mr. Speaker: You cannot do that until you have given it to the Clerk at the Table to be approved. You should know that!

Mr. Kajwang: Yes, I will do it!

Mr. Speaker: Mr. Maore!

Mr. Maore: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. The House Business Committee wants to recommend to the House to adjourn until June 8th. The other time that we had such a Motion was on December 8th. Between June 8th and December 8th, that is 108 days or in short, six months. You will find that, the House resumed on April 6th and by this evening at 6.30 p.m. when we are purportedly supposed to adjourn, we will have worked for 18 days in six months, and those 18 days, are not full working days. They are only 78 and a half hours. Now, it would be wise and rational to put yourself in the shoe of a taxpayer who happens to subsidise the Members of Parliament, who are supposed to do important business for this country in this National Assembly.

Mr. Speaker, Sir, if you consider having to pay somebody for working for six months and instead of working for six months, he works for 18 days and then there are 78 and a half hours, I do not know what adjective we need to use on this. So, there are those who feel that they do not need Parliament to be here because it is an irritating irrelevance, making noise that may not be conducive to the kind of things that the Government is supposed to be doing but the biggest question that we need to ask ourselves is: What are we doing to the taxpayer who needs to have us here to legislate and not to be sent away at the whims of some strange forces?

With those remarks, I beg to oppose.

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Speaker, Sir, I arise to support the Motion for the adjournment of the House. This adjournment is usually undertaken at this particular time. We normally adjourn at this time to refresh, strengthen and educate ourselves ready for the Budget so that when we come, we will come here fresh. We will come here with the full knowledge of the problems that exist in our own constituencies and the problems that are directly related to the Budget. Therefore, we will come here armed with correct facts and with proper mandate from our constituents.

Mr. Speaker, Sir, we have just passed a few Motions and Bills. We have been talking about the women, water and tea in respective Sessional Papers. What is more appropriate than to go home now and reflect on what we have been doing here, with our constituents to discuss with them how the impact of what we were trying to do will affect them? We have just been given good mileage allowance and things like that and, therefore, the people that we represent who would like us to be paid well so that we can serve them well, will see us perform talking to them and discussing with them, liaising with them and we will be ready to come here to work. So, they will be able to see that we are really working very hard and we deserve what we are being paid.

Mr. Speaker, Sir, I would like to talk about the COMESA Trade Exhibition of which I am responsible. COMESA as you know, is the Common Market for Eastern and Central Africa. It is a successor to PTA; that is, the Preferential Trade Area. It is a very important conference and it is the kind of conference that the Members of Parliament should be---

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister for East African and Regional Co-operation to mislead us that COMESA is the Common Market for East and Central Africa when we know it is the Common Market for Eastern and Southern Africa?

(Applause)

The Minister for East African and Regional Co-operation (Mr. Biwott): Indeed, it is the Common Market for Eastern and Southern Africa. "Southern" Africa actually is not correct because there is the Southern Africa Development and Co-ordinating Conference (SADCC). It mainly applies to East and Central Africa, but we have some countries in the South like Swaziland, Namibia and Zimbabwe who are members of COMESA.

Mr. Speaker, Sir, I would like hon. Members to participate fully, to be present in the deliberations that are going on there and also to be present at the airport to welcome their colleagues from those areas. We want them to feel that they own Kenya and they are here to welcome visitors. Further, we want them to be there to represent Kenyans because most of the goods and services that would be enjoyed in this new COMESA area would be generated by ourselves and we are the leaders. You are the ones who are legislating, so that they can see brilliant Members of Parliament articulating ideas and mingling with them. Because of that, we need the recess or time off so that we can enjoy, be with them and lobby for our own businessmen to go round. We need to be able to show them the facilities that our own people want. We need to sell the commodities that are being produced in our various areas, including the excellent tourism facilities that are available here because, if we are here, we would be bogged down with serious parliamentary issues that we are engaged in this particular place.

Mr. Speaker, Sir, I think the attendance is going to be very good at our monument at the Kenyatta International Conference Centre (KICC) Building. In fact, I think hon. Kibaki would really need the time to be able to be around because he built it. It was built during his time when he was the Minister for Finance. Therefore, I would really plead with hon. Members that we support this Motion so that we can go home and be renewed.

Thank you very much.

Mr. Kibaki: Mr. Speaker, Sir, we are debating the Motion for Adjournment and I want to explain that in the House Business Committee, an essential part that influenced us in making this decision was the fact that there is no business which is ready to be brought before this House. That happens to be a fact because many of the Bills that should come forward are in the Committees, and the Committees have not reported so that even if we did not go into recess at this particular time, we would be here without much business.

Mr. Speaker, Sir, as you know, unfortunately, the various days are occupied by Government Business and until we change the Standing Orders; we are not going to have business on those particular days. These things happen to be facts, they may be nasty facts; but they are facts. Therefore, looking at them, rather than stay around without enough business, we should go on recess and come back when there would be adequate business in the House.

Hon. Members: No! No!

Mr. Kibaki: I am only explaining our genuine reasons for this particular decision in the House Business Committee. Secondly, there are commitments in various meetings that many Members of this Parliament will be attending.

(Loud consultations)

Mr. Speaker: Order! Order, all of you!

Mr. Kibaki: Therefore, even if we did not adjourn, a large proportion of Members of this House would be out of this country attending committees East African and international and some going as far as Canada and other places. So, these were the reasons that prevailed upon us as Members of the House Business Committee, to agree that the House goes on recess.

Finally, when eventually Parliament can manage itself so that they will decide what business to bring forward and what business not to bring here, it would be a different situation. But as it is right now, according to our Standing Orders, we would be without business. So, that is the main reason.

Mr. Speaker, Sir, I know that we are being told about the COMESA, all which is perfectly in order, but it is very important for the Government eventually to make a detailed statement as to whether it is true or not what we have been told that they are going to spend some Kshs300 million or Kshs400 million to host this particular conference. It is important for Kenyans to know what it is going to cost us. I am sure that the Ministers responsible should make a statement on that issue. They do not even have to wait until Parliament is back; they can make a statement on any other day. Kenyans want to know what it is costing us to host this particular prestigious institution because we have now been run down so much. If roads cannot be repaired and other services cannot be provided, where do we find this extra money to spend on prestigious things?

Mr. Speaker, Sir, I beg to support.

(Applause)

The Assistant Minister for Planning and National Development (Mr. Sumbeiywo): Thank you, Mr. Speaker, Sir, for allowing me to contribute to this very important Motion. I think it is time the House agreed that we go on recess.

This year is the census year, and being a census year; I hope that when hon. Members are on their recess, they would be able to educate our people the importance of having population and housing census in this country. It is also a planting season, therefore, I hope hon. Members would use this opportunity to help our farmers to plant their crops and also, at the same time, be able to visit areas that we are not able to reach during the weekends. The offs that we get during the weekends are too short to make us reach the remotest areas of our constituencies. Most of the Members here today attended a seminar for stock brokers at Hotel Inter-Continental Hotel. This is another opportunity for us to go to our constituencies and educate our people on the importance of, perhaps, buying shares, investing the little money that has been saved so that they can better their lives. It is important that Members of Parliament are able to meet freely with their constituents so that they can give them information about the eradication of poverty and educate them on the best ways of carrying out their farming activities.

Mr. Speaker, Sir, I hope also that the Ministers will find time to visit areas where we have had problems of medical services and water, like in Iten. I hope the Minister for Water Resources will be able to visit Iten to ensure that Iten gets running water. I think this is an opportune time for hon. Members to visit their respective constituencies and also to visit their colleagues' constituencies and help them to carry out Harambees and other community activities.

(Loud consultations)

Mr. Speaker, Sir, I think the Members are not interested in hearing what is happening.

Mr. Speaker: Order! Order! According to Standing Orders, Members must sit in their places unless they are mobile and do so quietly. Hon. Members must listen. I think debate means hearing the other side and making up your mind. In any case, we still have two and half hours to vote. So, please, listen!

The Assistant Minister for Planning and National Development (Mr. Sumbeiywo): Mr. Speaker, Sir, to conclude my contribution, I think it is also important for hon. Members to be with their constituents. In most cases, I think those Members who do not want us to go on recess are the ones who live in urban areas because they can reach their constituents within a very short time, but for those who are in outlying districts or constituencies, it is very difficult to reach the remotest areas in their constituencies because of the poor road infrastructure.

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

Mr. Raila: Thank you, Mr. Speaker, Sir. As a Member of the House Business Committee, I want to assure hon. Members this time that no single party has ever so far sought to dictate to other parties on what to do. We have been able to reach all the decisions by consensus and this Motion for adjournment is inclusive. However, one ought to say this: Hon. Members are generally unhappy that they are not earning their money rightly; that they are not getting an opportunity to earn their money because they are paid to come here and pass legislation. A lot of their time is being wasted just holidaying. They have come from a four-month holiday, and so soon thereafter they are being made to go back on another holiday. So, I think we need to do something. I want to suggest that although in the House Business Committee we have already drawn up a calender for the whole year, we should go back and revisit it with a view to recovering some of that days that have been lost. I am suggesting that it is possible to get some days from that long recess when the committees are supposed to work. Also we could eat to December. Also we do not need to have the three month recess thereafter. We could go for holiday in December and January and be back here in February next year.

It is important that hon. Members be given an opportunity to come to the House and deliberate on issues affecting this country. It is equally important, probably, to look at our Standing Orders so that the House can sit much longer hours than we do today. If you go to the House of Commons, some time they stay up to midnight. There is really no reason why we should confine ourselves to sitting up to 6.30 p.m. in the evening. If we do that, we will be able to do justice to this country. We should also urge the Attorney-General to bring more important Bills before this House. The Bills which are now with the Committees are not really as important as other areas which have been neglected. So, we want the Government also to look at its business and bring that kind of businesses which are beneficial to the people of this country.

Having said that, the Common Market for Eastern and Southern Africa (COMESA) exhibition talk is

fine. People really know about COMESA because the City is being cleaned. People are saying: "Kumbe these people are actually capable of doing the right things; that the City can actually look beautiful again." Unfortunately, it is only being done in the areas where these visitors will be going to. Other areas are being neglected. Other towns like Mombasa are not getting a face-lift; Kisumu and Nakuru towns are neither benefitting. It is like trying to clean the sitting room when the kitchen, living and sleeping rooms and toilets are dirty. We need the Government to look at those other areas.

Finally, Mr. Speaker, Sir, as we debate this here, bombs are dropping on Kosovo. Very many innocent civilians are dying in Kosovo. This Government has not come up with a clear statement on its stand on what is happening in Kosovo. Are we really justified in sitting by and looking on when innocent people and even diplomats are being killed? The Government has not come out to condemn the bombing of the Chinese Embassy in Belgrade, which has caused the loss of lives of Chinese diplomats. This Government ought to come out with a clear statement. Does Kenya agree with what is happening in Yugoslavia, or not? It is important that our Government gives clear direction to the people of Kenya. The bombing of the Chinese Embassy in Belgrade must stand condemned by all innocent and civilised mankind. A peaceful solution to the Kosovo problem should be sought. Negotiations should be the way forward, and not the usage of bombs. Bombs will not solve the problem. By the time the North Atlantic Treaty Organisation (NATO) is through and President Milosevic is out of power, thousands of innocent Yugoslavs will have lost their lives. We want the Kenya Government to take a stand over the Kosovo crisis.

Thank you, Mr. Speaker, Sir. I support the Motion.

Dr. Ali: Thank you, Mr. Speaker, Sir. I stand to oppose the Motion.

(Applause)

The reason is that I have nowhere to go to.

(Applause)

There are minefields and mines are exploding just close to my Constituency. I do not know who is behind this. I have not heard anything from the Government side about that. My people are complaining about the mines. So, where do I go? I cannot go!

(Laughter)

Secondly, I am being told that COMESA is taking care of the City. But that will not assist me! When I am fearing for my life, what will COMESA do for me! It is not going to do anything for me!

(Applause)

So, the Motion for adjournment will not be of any assistance to me. What will assist me to stay behind and talk for my people in this House so that I can know what is happening. Who is planting those mines there? If it is the Ethiopian Government, we should be told that. If it is other organisations, we should also be told. My people cannot travel to Moyale to even buy food because everybody is scared of using the road. Two mines have exploded in the last one week. The Government has not given any statement on that issue. Now, how will I travel to my constituency? I used to use the Moyale route to reach my constituency. But now I cannot go there. Also, I cannot stay in Moyale because I fear for my life.

(Applause)

So, COMESA will not make the Moyale road passable because it will only work in the City Centre.

(Laughter)

Hon. Members: Toboa!

Dr. Ali: Mr. Speaker, Sir, we are just from another holiday. We have been staying at home. I come from a rural constituency along the Ethiopian border and I have stayed there for four months. Now, I am tired! I am tired! I usually go there every other week now that things are bit better. Now, you want me to go and sit there for

another one month. But, what am I going to do there? People are going to hate me. Instead, of talking about Kosovo and other things, let us talk about problems in Kenya.

(Applause)

So, if it is the Standing Orders which have to be changed, then it is okay. But we will think of that later. For now, I am insisting that we should not go for any adjournment. I want the support of both sides of the House.

(Applause)

Thank you, Mr. Speaker, Sir.

Mr. Kapten: Thank you Mr. Speaker, Sir, for giving me this opportunity. I rise to oppose this Motion. We have stayed at our homes for four months and we have not done much. Why are we being sent back home? It is important for the Standing Orders to be amended so that the House takes charge of its time-table. The House Business Committee says that it gave this time-table. But there was no consultation. I know hon. Members in the House Business Committee are our colleagues. But the mistake they make is that they do not consult with other hon. Members. They go up there, make decisions and want us just to agree with those decisions reached by them.

(Applause)

We want more consultations. We want hon. Members in the House Business Committee to consult with us so that when they give to us a time-table for adjournment or whatever, it should be the decision of the whole House.

I am aware that yesterday the Vice-President and Minister for Planning and National Development told us that the President is out of the country on official duties. Many of us know that the President is not in the country because he is indisposed. It is not a mistake for a person to be sick.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of order, Mr. Speaker, Sir. I did make it clear, in a statement to this house yesterday, that the President is, indeed, out of the country to attend to important business affecting this country and which will benefit the country.

The hon. Member is talking of the President being indisposed. Let me put it this way: There is no harm in anybody being indisposed---

Hon. Members: Yes!

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): But the President did not go to London for the reason of being indisposed. He went to attend to important matters affecting this country, which will be of assistance.

Hon. Members: No!

Mr. Speaker: Order! Order, all of you! There is something in law we call "somebody being on a frolic leg of his own". I think hon. Kapten is now getting "on a frolic leg of his own" because the issue at hand is: Shall we go on a recess or not? Now, will you stick to that?

Mr. Kapten: Mr. Speaker, Sir, I want to go on recess when the President is in the country.

(Applause)

The President is not in the country. We do not know where he went, although we are told that he is out on official duties. How can a President go out of the country without the Minister for Foreign Affairs, the Vice-President or a Minister accompanying him?

Hon. Members: He wants to die!

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of information, Mr. Speaker, Sir. The President will be in the country today.

Hon. Members: What time!

Mr. Kapten: Mr. Speaker, Sir, even when the House adjourns, hon. Members still remain honourable. Most of the time when we go for recess, the police in this country have no regard for hon. Members. Whenever we have had meetings, hon. Members have been clobbered in and out. We want this Government, through the Minister of State, Office of the President, who is in charge of internal security, to respect hon. Members. The habit of clobbering hon. Members during recess should be stopped.

With those few remarks, I wish to oppose the Motion.

The Minister for Trade (Mr. Kamotho): Mr. Speaker, Sir, I also rise to join my colleagues in supporting the Motion for Adjournment.

Mr. Speaker, Sir, as my colleagues have stated, in the House Business Committee, it was established beyond any reasonable doubt that we do not have enough business---

Mr. Wanjala: On a point of order, Mr. Speaker, Sir. May I know from which constituency the hon. Member on the Floor comes from?

(Laughter)

Mr. Speaker: Order, hon. Members! Mr. Wanjala, there is time for fun and there is time for seriousness. Parliament is not a place for fun. If you think this is a place for fun, then you are absolutely in the wrong place. So, please, can you relocate yourself if you cannot become serious?

Proceed, Mr. Kamotho.

The Minister for Trade (Mr. Kamotho): Mr. Speaker, Sir, in addition to the fact that we established that there is not enough business to keep us here in this House for the next few weeks, I would like to request the hon. Members to ensure that they come and attend our Trade Fair at KICC next week. This will be a very good opportunity for hon. Members to know what this country can offer to the rest of the world. It will also be a very good opportunity for hon. Members to know what the countries in the region can offer to each other and to the rest of the world because this is the trend all over. Co-operation has been put in place in order to improve the economic situation in the country.

Mr. Speaker, Sir, I would like to appeal to my colleagues on both sides of the House to ensure that during this short recess, we should try to end the constitutional review stalemate. This is because people must agree to talk to each other.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. Is hon. Kamotho in order to tell us that we should try to end the constitutional review stalemate while he knows very well that he is the cause? Could he also, as the Secretary-General of KANU, tell us how much money we are spending to renovate KICC where he is inviting us to?

The Minister for Trade (Mr. Kamotho): Mr. Speaker, Sir, this is not Question Time, but the answer will be given. In any case, the Leader of the Official Opposition has already asked the Minister in charge to make sure that he brings a statement to this House on what is being spent on the preparations for COMESA.

Secondly, if the hon. Member thinks that J.J. Kamotho, the Secretary-General of the ruling party, KANU, is the one who is stalling the constitutional review process, could he give me the mandate to make recommendations on the 25 Commissioners to His Excellency the President to appoint, out of the names already submitted to the Attorney-General, if I am the one responsible? There is no need to mislead Kenyans! You cannot apportion the blame to an individual. In any case, whatever I say, I say it on behalf of KANU and not in my capacity as Kamotho. KANU is not my shamba! It is a party for all Kenyans and the hon. Member must respect the ruling party, KANU, because it brought Independence and brought Kenya to where it is now.

With those few remarks, I beg to support.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I think it is very clear here that the sentiments of the House must be listened to. In this life, when you are wrong, you should be big enough to accept that you are wrong. I am a Member of the House Business Committee and over two months ago, we did pass a calendar of work for the House because the House has been wanting its calendar of work to be fixed. That was brought to the House and what should have happened was for the Leader of Government Business to table this in order for the House to discuss, whether or not this is the calendar of work they want, or whether they want to amend it.

Mr. Speaker, Sir, indeed, since that was not done, that is why we are in the kind of problems we are in now. I think as a Committee, we should accept that, that calendar should have had substantive discussions in the House and approved by House so that, whenever we are going on an adjournment, we do not have this ambush business where the House is not aware of when it is going on adjournment. So, I think the first thing that should have been done was to approve that calendar and I think the House has a right to demand that, that calendar is discussed and approved so that we are certain of what we are doing in this House. That having not been done, we must now be open today and agree that the House should decide whether to go on recess or not. The House should be given the opportunity to propose what it wants to do, freely and democratically. Nobody should feel that if the date is altered, they are losing face, and nobody should feel that if the recess is shortened then they are losing face. We should feel that, that is what the House wants to do. Therefore, I would like the House to propose an

amendment to the recess programme so that what is accepted by the House now will later be discussed as part of the calendar of the House. The House may feel that, that programme that was proposed might have very long recess periods and some could be shortened by a week or two so that we have a much more rational calendar of work throughout the Session of the House and throughout the year.

Having said that, let me come to much more substantive issues of national concern. I am getting very worried. Everyday you open the papers, you will find that a man has burnt his wife or *vice-versa*, or a woman has set a house on fire and seven kids are burnt to death. This is a regular thing in our papers these days. It is very important that the Government takes note of this. What is happening to our nation? There is a high level of frustration because of poverty! People are losing confidence in life. Men who go to work cannot earn money and so they vent their anger on their own wives and children. A nation that is developing cannot afford this kind of thing. I think this is one of the issues which the Government should take very seriously.

Secondly, are there facilities in our provincial hospitals for dealing with various degrees of burns? You will find that many people who are facing this violence die for the simple reasons that we do not have facilities to treat them.

Now, what is happening to our budget on the health sector? I was just looking at our Budget last time. A Budget is soon coming. I found that we are currently spending 18 per cent of the Budget on defence; whereas the budgets for health and education have gone down considerably. It is precisely because we are spending less and less on social welfare that the ordinary Kenyan is suffering and violence increasing. In the coming Budget, without predicting debate, I hope that the Government will take these issues seriously. The Government should cut drastically the proportion of the budget that is going to defence. We do not need it. I do understand that since 1990, there has been a tremendous recruitment into the Army which is not democratic. I do believe that the Army is a defence mechanism. But in a nation like ours, recruitment in the armed forces should be democratic and open. The Minister in-charge of defence should come to this House and say: "In the next six or seven months, we are going to recruit. We intend to recruit the following from the following districts; five from Kisumu, two from Baringo, one from Isiolo and so on." That way, the nation will know that we have a national defence system. As things stand today, one of the reasons why there is so much panic in this nation is because the people are very insecure regarding the kind of the national defence system that we have.

The Minister for Local Authorities (Prof. Ongeru): Mr. Speaker, Sir, I also stand here to voice my support for this Motion. During the period that we have been in session, and during the close consultations with both Members of this House, it has become extremely clear to me, that there is need for us as Ministers, to travel country-wide and see the problems that beset people within our portfolios. I did avail myself an opportunity to do so in the last recess and it has been extremely rewarding. This is because we were able to pinpoint some of the difficulties and obstacles that the people in the rural areas and urban centres experience. It gave a new lease of support for us to be able to renovate our approach to discussing those problems. Therefore, this kind of adjournment is not merely for fun. It is for us to be able to assess further on the basis of the contribution made by Members of this House, affecting their areas and giving us the opportunity to visit those areas and see what is happening. For example, this morning, I have had a very big delegation from Meru. They have some problems there. Some of those problems require my physical attendance there. If the House is in session, I would not be able to be there and appreciate the situation fully. I travelled to Webuye, Bungoma and Kitale and got the situation right.

Mr. Wamae: Nyeri is in your programme!

The Minister for Local Authorities (Prof. Ongeru): My hon. friend, Mr. Wamae, says that Nyeri is part of my programme. That is why we were asking for the two weeks recess---

Mr. Kiunjuri: On a point of order, Mr. Speaker, Sir. Now that we have heard views from both sides, and we are either convinced or not, would it be in order for me to move that the Mover be now called upon to reply?

Mr. Speaker: Order! Order! In ordinary circumstances, I could consider it. But this House, in its own wisdom and resolution dated 7th April, 1999, made this Motion to last until 6.30 p.m. Those of you who have made up their minds one way or another and wants to take their recess now, they can proceed! There is nothing we can do about it! Proceed, Prof. Ongeru!

The Minister for Local Authorities (Prof. Ongeru): Thank you, Mr. Speaker, Sir. It is, therefore, important that as a function of the Government, we are enabled to visit those areas and assess for ourselves so that we can be able to serve you better.

Secondly, an issue has been raised here by Prof. Anyang'-Nyong'o. I think we all agreed that the House Business Committee was nominated and voted for in this very House. We understand that the House Business

Committee makes decisions on behalf of hon. Members. There is no point to cry over spilt milk and being a Member of the House Business Committee, you cannot detach yourself from a decision which was arrived at and recommended as a calendar for this House. I think we should be honest enough to say that we adhere to the calendar which has been proposed by the House Business Committee. The only point that I will grant him is that if we were to amend the Standing Orders, then, it would look feasible that we may accommodate some of these sentiments at some stage later. But for now, I think it is vitally crucial that we honour our own appointments without having to deviate from them.

The third point that I would like to say is that by now, you must have seen the beautification process which started last year. The City is looking more greener than it was before. You are breathing fresh air than you found it one year ago. I would like you to continue breathing that fresh air because it is important for your own health. I am appealing to hon. Members that within their areas of operation at the constituency level, they should encourage the local authorities to keep up the pace of beautification of towns and urban centres so that our society can live in a healthier environment.

With those few remarks, I beg to support.

Dr. Kituyi: Thank you, Mr. Speaker, Sir. I have given notice and wish to move the following amendment to the original Motion.

THAT, the word "8th"---

An hon. Member: The figure!

Dr. Kituyi: I said the word because the "th" must go in my amendment.

THAT, the date "8th" appearing in the Motion be deleted, and the date "2nd" be inserted in place thereof".

Mr. Speaker, Sir, I am moving this amendment for the following reasons.

First of all, I want to congratulate the hon. Members of the House Business Committee from the Opposition because it is honourable if you have been party to an agreement, even if it does not seem very popular, that you own up that you are party to that agreement. All the Members of the House Business Committee from this side of the House have owned up that they were party to the arrangement about the adjournment. But they are also accepting that the overwhelming evidence that from both sides of the House indicates that, the Back-benchers are not happy with the Motion as constituted. I have some of the reasons that I would like to give in specific response to the Motion as presented, and argument from the House Business Committee.

Mr. Speaker, Sir, I am very glad that the Mover and the Seconder of this Motion did not say that they wanted us to go away because some officers of Parliament are going to be away. I would have argued that if it is important that they have to be here before we sit, those officers should not go away. Similarly, it is offensive for the hon. Minister for Local Authorities to say that he would like us to adjourn so that he can visit his local authorities. Surely, this House cannot be held in abeyance because Prof. Ongeru is going to Meru! We recharged our batteries for a period of four months. They are over-charged. We are ready and capable of deliberating on matters of State, including the Budget, without taking a rest of recharging. Similarly, the argument that we go home because there is going to be a COMESA Summit in Nairobi is a weak argument. We respect COMESA and Kenya is the most important beneficiary of COMESA. But it will be good for delegates from COMESA countries to come and see our superior democracy in this place. The National Assembly of Kenya should be a destination for COMESA visitors to come, and not the National Assembly of Kenya to visit COMESA in Nairobi!

So, I think that was not a good argument to present before the House. In fact, it would have been a good reason why the House should be meeting; that the delegates to COMESA can come and see for themselves how we do it in our National Assembly. Also, you have noticed once Parliament is sitting, you do not hear outrageous statements about constitution making from Messrs. Kamotho, Nassir and others who say that they must have their way. When we are meeting they are a bit embarrassed; they cannot say stupid things because they want to come here and be honourable gentlemen. They cannot say these dishonourable things---

Mr. Speaker: Order, Dr. Kituyi! Can you withdraw the word "stupid"?

Dr. Kituyi: Mr. Speaker, Sir, I withdraw the word "stupid" and replace it with dishonourable!

(Laughter)

Mr. Speaker, Sir, but the most fundamental and important argument that has been presented here is that we do not have business; that the House Business Committee does not seem to have any business. This is an important argument. But are we stating that this House is so hostage of format that it cannot create mechanisms under which it can address matters of national importance that it sees as urgent? The first person to bring out this

argument is the Deputy Leader of Government Business. When this hon. Member was bringing into this House the Sessional Paper No. 2 of 1999, he said: "Although this matter has not been deliberated by the relevant House Committee", there is no rule to oblige us to do it that way. Now, he is telling us that the other Bills have not been discussed by Parliamentary Committees. Similarly, there is no rule to oblige him that those matters be deliberated by the House Committees before they come here, as much as it is desirable.

But more importantly, Mr. Speaker, Sir, about the Business of the House, on the last day of July 1999, the Kenya Government will accede to a treaty which offers instant zero tariff rates between Uganda, Kenya and Tanzania - the Treaty of East African Community. There are fundamental problems that this country is set to encounter by the removal of tariff barriers between Kenya, Uganda and Tanzania because we have not developed regimes of accessing the rules of origin. Secondly, Tanzania is both a member of SADCC and the East African Community; which means that if we remove tariff rules without the capacity to access rules of origin, South African manufactures will accede to the Kenyan market with subsidized tariff rates. That is a major threat to industrial capacity in Kenya. Therefore, it is important for this House to advise the Government on its wisdom about weaknesses of the draft treaty on East African Community.

Mr. Speaker, Sir, I am a hon. Member of the House Committee on Defence and Foreign Affairs. I can say, on behalf of my Committee, that we are ready to come back earlier and inform the House about our recommendations on the draft East African Treaty before the country accedes to it. So, we can create the business for the first three days before the week of the Budget. That is why we appreciate that they want to rest those who want to re-charge their batteries. We are requesting that we adjourn only up to the of 2nd June, 1999 and come back to receive that report of the Committee.

Mr. Speaker: Very well. Do you have a seconder?

Dr. Kituyi: Mr. Speaker, Sir, hon. Kajwang would like to second the amendment

Mr. Kajwang: Mr. Speaker, Sir, the reason why this side of the House is not so anxious to go home is that we are tired of resting. We were on recess for five months and we should have come back, traditionally, in March, but somehow we came in April. We are now being told there is no business and we have to go back home. That is why we are so anxious to stay. But I want to support my learned friend, Dr. Kituyi, that we come a little earlier, if we must go, because there is no business so that we give you time to prepare business for us to start early on 2nd June, 1999.

Mr. Speaker, Sir, it would seem that if we are not very careful, we will make this House a House which comes here for Supplementary Estimates and Budget and nothing else. We want to pass serious legislation in this House. I can assure you that if you ask the Attorney-General the volume of legislation which is lying unattended to in his office and which this House wants to attend to--- Just this morning we were in a seminar sponsored by the Nairobi Stock Exchange (NSE) and the Capital Markets Authority. They told us that their Bill has been lying here and they want this House to pass it urgently so that their stock exchange business can progress very fast. We have business that we can do for this country so that this country can develop. But every time we come to the House, stay three or four weeks then we go back home---

Hon. Members: Shame! Shame!

Mr. Kajwang: Mr. Speaker, Sir, it is a shame!

I have nothing to go and inspect in my constituency as a matter of development. My constituency is in Suba District. If you visit that constituency or the whole of Suba District there is no electricity. It is a pity that there is not even one metre of electric cable in the whole of the district.

An Member: Even with co-operation!

Mr. Kajwang: Yes, even with co-operation!

An Member: Pull out!

Mr. Kajwang: Mr. Speaker, Sir, what I am trying to say is: Are we supposed to have a district hospital without electricity and water? I do not know how the so-called district hospital can ever operate without electricity. So, I do not know whether I will go and inspect my people dying in that so called district hospital or development.

Mr. Speaker, Sir, I think it is the only constituency in this country, with the exception of maybe of Mandera District, which has no single metre of tarmacked road. There is no one metre of tarmac road in the whole of Suba District. Therefore, there is nothing that I will inspect in my constituency and sometimes, it is even difficult to reach home.

About 75 per cent of the fish exported from this country comes from my constituency around Lake Victoria region, but there is no single metre of a tarmacked road. Our fish rots before it reaches the market. I do not know whether I will go and inspect lorries which are stuck on the road because of the rain and mud. Our

people are losing a lot of money because of poor roads in Suba District.

Mr. Speaker, Sir, I beg to second the amendment by Dr. Kituyi.

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

Dr. Ochuodho: Mr. Speaker, Sir, I stand to support the Motion as amended. It defeats all logic that we would come here while the Government officers who are supposed to facilitate Motions to be discussed in this House are very busy discussing the succession race. Indeed, it is very disappointing. However, I want, from the outset, to call upon all well-meaning and progressive Kenyans that there is need to regroup regardless of party background, ethnical inclination, race and gender so that we can re-discover our economy.

Mr. Speaker, Sir, I want to support the sentiments expressed earlier by my party leader, hon. Raila, with regard to the question of the Kosovo bombing. This Government stands condemned that regardless of that heinous act committed by one so called "Super Powers", this country has failed to get the muscle to even come out and say that what is happening is bad. Being the representatives of Kenyans, it is right that when we feel that some section of the world is being offended that we stand up and be counted to say that this is wrong and this is right. So, in the case of the Kosovo crisis, I would want to call upon the Government to take a stand and let it be known by all Kenyans.

Mr. Speaker, Sir, I would also want to appeal to the Chair, you are aware that a censure Motion has been forwarded to your office---

Mr. Speaker: Order! Dr. Ochuodho, do not do my job! Do yours!

Dr. Ochuodho: Thank you, Mr. Speaker, Sir, I guess you get the point. So, I will stop there!

Mr. Speaker, Sir, I also want to raise the issue of the telecommunications sector restructuring that is going on. I believe that the House may be aware that some Kenyans are now buying their mobile phones from Uganda. They use them here in Kenya because they are much more cheaper outside there than they are here. If any hon. Member is not aware the mobile phones sold across the border can work here, I would like to inform them that, that is the case. But it is ridiculous that despite us having passed the Telecommunications Act, that we still seem to be dragging our feet. I want to appeal to the Government to hasten the liberalisation process.

Mr. Speaker, Sir, we have been talking about the issue of COMESA a lot, but despite a Ministerial Statement that was sought in this House, that the Government tells us how much money is being spent on this exercise, the source of it and what portion of it is going into renovating KICC, how much we expect to recover from this exhibition---- The Ministers concerned have all spoken, but none of them seems to have addressed these issues. If we are taking the advantage of COMESA to just renovate KICC which is owned by a partisan group, then I think we are being very unfair to Kenyans. It defeats all logic to claim to be fighting poverty while we put Kshs4 billion into an exercise that I do not think merits expenditure of that money. I would, therefore, want the Ministries involved, that is the Ministries of Local Authorities, East African and Regional Co-operation and Trade to tell Kenyans and remove this cloud that seems to cover the money that they are spending renovating infrastructure within the City. We would like to know the source of it, how much it is and how we expect to recover it. That will be important for us to know.

With those few remarks, Mr. Speaker, Sir, I support the Motion as amended.

(Mr. Angwenyi murmured something)

Mr. Speaker: Order! Order! Mr. Angwenyi, please do not try those tactics on the Chair. You must sit in order. It is the business of the Chair to call somebody to speak. Therefore, I do not want you to heckle in this House.

The Minister for Agriculture (Mr. Mudavadi): Thank you, Mr. Speaker, Sir. I just want to point out that as we debate this particular proposed amendment on the Motion, we need to take cognisance of, first of all, the fact that a difference of one week is not very significant. I think it will be more logical to pursue the argument that was put across by a few hon. Members, that we should go for recess as agreed, but subsequently revisit the programme that was put on the Table. I think that will be important.

Secondly, I would like to remind the House that 2nd June this year will be immediately after Madaraka Day. Therefore, a number of hon. Members might be very far away in their respective constituencies on that particular day. So, it will not be convenient for those hon. Members to be here on 2nd June for us to resume

business as required.

Mr. Parpai: On a point of order, Mr. Speaker, Sir. I think the Minister has forgotten that we reported here on 6th April this year, which was immediately after Easter Monday, which was on 5th April this year.

Mr. Speaker: That is not a point of order, Mr. Parpai!

Mr. Parpai: What is wrong in that?

Mr. Speaker: Order! Order, Mr. Parpai! Mr. Parpai, you might have a very sound argument, but please, endeavour to catch my eye so that you can demolish his argument.

The Minister for Agriculture (Mr. Mudavadi): Thank you, Mr. Speaker, Sir. I am sure that hon. Parpai will find it very convenient to move from Kajiado South Constituency to Nairobi on 8th June this year. But be that as it may, I am trying to propose here that we should let the Motion go as it was originally proposed. We would like to make a commitment to the House that we will review the timetable for the subsequent breaks of the House. This is because a difference of one week, and taking into account what I have just said, will not be convenient for some of us. Furthermore, it does not really change the programme that we will put on our Table significantly.

With those remarks, I beg to oppose the amendment to the Motion and suggest that we revert to the original proposal, hopefully, with a clear understanding that we shall review the timetable thereafter.

(Question of the first part of the amendment, that the word to be left out be left out, put and negatived)

(Debate on the original Motion resumed)

Mr. Angwenyi: Thank you, Mr. Speaker, Sir, for giving me this opportunity to comment on this Motion. We are elected to Parliament to represent the interests of our constituents. In the last six months, we have only been in the House for only 18 days. That means that we have earned salary for five months for which we have not worked.

Mr. Speaker, Sir, we brought the interests of our people to this House. For example, the interests of the people of Kitutu Chache Constituency are that they have no roads in that constituency. We have expressed this to the Government and nothing has been done. If I were to return home today, what would I tell my people about the bridges, which have not been built and the impassable roads?

Our health system is in shambles. Our people are dying day and night because of lack of simple drugs in our Government hospitals. We have expressed this matter to the Government but it has done nothing. What will I tell the patients in Gusiiland the Government has done to alleviate their health problems when I go there tomorrow?

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Our education system is also in shambles. We do not have adequate number of teachers in our schools. There is a looming strike by the teachers in this country. The Government has not told us clearly whether the Kshs14.5 billion it will use to pay for outstanding bills include part of the adjustment of salaries for our teachers. I was sad when I heard one of our hon. Ministers say that we have no business. Did he mean that we have no business in this country, and yet there is unemployment and rampant corruption throughout the country? Are we saying that we have no business in this country, and yet our people are insecure? Our people are being killed every day in this country!

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Mr. Sumbeiywo): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Angwenyi to mislead the House and the country at large by saying that a certain Minister said that we have no business in this country when the Leader of Government Business and the Leader of the Official Opposition said that they do not have business for the House? They did not say that they have no business for the country, but rather for this House. He is misleading this House and the country at large.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I am sorry that my friend, the Assistant Minister, does not know that we have got business in this country.

Hon. Members: Shame!

Mr. Angwenyi: Mr. Deputy Speaker, Sir, we have business in this country because we should attend to our people. We have got 28 Ministries in this country. Has any body ever imagined what the Minister for Labour does every day? What does the Minister for Labour do every day when he goes to his office? What does the Minister for Water Resources do everyday when he goes to his office? He has not supplied water to any part of Kisii, or even Nyanza Province for that matter! I would like to say that hon. Members have a lot of work to do in this House. They assist those in the Government to run this country properly.

The Assistant Minister for Labour (Mr. Ethuro): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead the House that the Ministry of Labour in particular, and all other Ministries, do not do anything when it was just yesterday we were answering a Question here, and our Minister was visiting some factories to create employment opportunities?

Hon. Members: Very good!

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I am surprised by the sentiment expressed by the hon. Member, whom I respect very much.

Mr. Deputy Speaker, Sir, with those few remarks I oppose the Motion.

Mr. Waithaka: Thank you very much Mr. Deputy Speaker, Sir, for granting me this opportunity to contribute, and add my voice in opposing this Motion. I would like to oppose this Motion because it will be extremely dangerous for this House to adjourn at this time. I would like to add my voice to what hon. Kapten said, that there are certain serious issues which have been debated from yesterday. The Vice-President and Minister for Planning and National Development assured this House that his Excellency the President is coming today from abroad. But the issue is that there are some contradictions as to whether the President is away on official duties or not. This is because if he is away on official duties he ought to have taken some of his Ministers with him because those duties cannot be performed by one person.

(Applause)

This is one reason why I oppose this Motion on adjournment. We would like to know the correct position of the President's tour abroad. It is true that anybody can be indisposed, but there is nothing wrong in us knowing the correct position of the President's tour abroad before we go on recess. What is the correct position? Is he on a private tour or on official duties as was said by the Vice-President and Minister for Planning and Development yesterday?

Mr. Deputy Speaker, Sir, there are many issues that this House should deliberate on before we adjourn. This Government seems to have come to a halt. I would like to inform this House that if you visit every district treasury in this country today, you will find that Government vehicles are parked outside those offices to collect the day's revenue collection which the Government will use. The Government is living from hand to mouth. What it collects per day is what is used either in State House or to run other Ministries.

I would like to give an example of what is happening in our courts, and I wish the Minister in charge was here. Today you maybe charged in a court of law, and you apply for bail and you are released on a cash bail of Kshs2,000 or Kshs3,000. Later your case is heard and determined, and there is an order given by the court for the refund of that cash bail but the money cannot be refunded to you. This is because the money has been converted by the Government into revenue and utilised. This is a very serious issue. If you visit any court in this country, you will find accused persons who have been released from remand walking in daily to collect their money, which they cannot get. If you visit every court in this country, you will hear judges and magistrates complaining about the Government converting---

The Assistant Minister for Education and Human Resource Development (Mr. I. Ruto): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member is making serious allegations. Could he substantiate the claims, otherwise he should withdraw his remarks?

Mr. Deputy Speaker: Order! There is no point of asking an hon. Member to substantiate something which he, as an advocate, experiences daily.

Mr. Waithaka: Mr. Deputy Speaker, Sir, in fact, if the Government wants substantiation, I would place an advertisement in the radio for all Kenyans who have not been given their money to come to Parliament tomorrow and they will come. It is a serious issue. This Government is also converting into revenue money deposited in courts as decretal sums. You go to court, you pay money to a decree holder and that money is converted by Government as revenue and utilises it. When the person who has won a case and has been paid money as decree holder goes to collect the money from the court, they cannot get it. Everybody is complaining, including the Judges. In fact, our people are losing confidence in our courts, because if you deposit money with a

court, the custodians cannot give you the money back. The Members of the House Business Committee are telling us they have no business to deliberate on when the country is almost grinding to a halt! They are even stealing money, because that is actually robbing the public. The court is given this money to hold in trust for the accused persons and if they convert it, that is stealing by servant and the Government should be [Mr. Waithaka] taken to court by Kenyans. It is becoming a big problem. People are using Kshs5,000 to go to court to collect Kshs3,000 and it is becoming an expense on our people and we cannot go on recess when our people are complaining. The other issue is that we cannot adjourn this House after sitting for only 18 days.

With those few remarks, I beg to oppose.

Mr. Poghiso: Thank you, Mr. Deputy Speaker, Sir. Some of the things that come from the other side are so outrageous. A Member said that it is only in his constituency where there is no inch of tarmac and no cable of electricity. What will a man from Kacheliba say? The one road that crosses Kacheliba Constituency looks like there used to be tarmac in another line and another person came and removed the tarmac, so that what is left in there is what looks like gullies created by erosion. We have no roads. But that is no reason to say we cannot go there. We will go there, roads or no roads; that is why we were elected by our people. I feel that the people of West Pokot, and Kacheliba in particular, would like to know if the forthcoming Budget, is going to bear the name Kacheliba, either in terms of a road, a hospital project or a water project.

Mr. Deputy Speaker, just the other day, the only NGO in the district, ASAL-West Pokot, was terminated. This is a bilateral-funded project. Out of so many ASAL programmes, the one in West Pokot, which is the most deserving, is the one that has had to be closed. Well, there is still going to be ASAL Programmes in Marakwet, Keiyo and Kajiado. But ASAL, West Pokot--- I would have loved to be here at a time when the Minister for Rural Development would tell us what happened to ASAL, West Pokot, the only NGO that has been responsible for education, water, social development and many other things. Comparing West Pokot to other districts, especially, Kacheliba Constituency, the name ASAL would fit more in Kacheliba than in some of the districts where the ASAL projects continue. But now, the question comes; what is it that led to that kind of abrupt closure of a project as big as ASAL, which is funded both by this Government and the Netherlands Government? Is there something that we are not being told about this? We need to be told. What happens now to the employees from that district who used to work for ASAL? What happens now with the assets?

We know that people would close it abruptly, so that all the movable and immovable assets that used to belong to ASAL are grabbed by other people who are not from that community. We would like this considered. That is a reason that would take me go on recess and come back comfortably. But unless those things are dealt with, I go into recess with a very heavy heart. I go into recess, not because I would like to go there. We have enough things to do here. But we need to go back and tell our people some of the policies that are good in this country. We need to tell our people the difficulties that this Government is going through. That is the role of a leader. However, when we have done that and I am urging the Minister for Finance, when you are going to look at projects that are funded by the Government, consider West Pokot and the ASAL project. What is going to replace that project now to initiate development? I am not going to be cowed by just saying that we have nothing to do. Being a Member of Parliament, I would like to serve my people. But now, I am bringing a point that will need response. If we stay at home until 8th June, we shall be coming to deal with the Budget. What about other things that we have talked about in this House? When are we going to deal with those things? So, let us be considerate and agree on the things that are going to be beneficial to our constituents and the welfare of this House.

With those remarks, I beg to support the Motion.

Mr. Ojode: Thank you, Mr. Deputy Speaker, for giving me this opportunity also to contribute to this Motion.

Mr. Deputy Speaker, Sir, as I am talking to you, I am having a myriad of problems in Ndhiwa. These problems comes as a result of corruption within our own Government. What I am saying is that there is need to have transparent people. There is need to have accounting officers who are transparent. There is no way we can have an accounting officer who says he does not condone corruption and yet he is the one who is corrupt. I want to appeal to the Minister for Finance to look into ways of salvaging Kenya Commercial Bank during the pre-Budget recess. I am saying this because it was in this very House where Members demanded information about the non-performing debts list; those who have loans without collaterals to be named and this has not been complied with. Somebody somewhere went to a funeral in Central Province and then started talking about things which have already been discussed in this House; that he will never bring that list. That is wrong! This House must be given the dignity it deserves. As I am talking to you now, over Kshs9.6 billion is owed as non-performing loans to KCB. We cannot afford to accept politically-correct people to go on taking money which is not meant for them. You may be aware that about 15 years ago, Kenya Railways owed Kenya Commercial Bank---

Mr. Gitonga: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead the

House that Mr. Nyakiamo talked about Kenya Commercial Bank debts in Central Province, when he was actually in Embu; in Eastern Province?

Mr. Ojode: Mr. Deputy Speaker, Sir, I do not want to reply to that one.

Mr. Deputy Speaker: Order! If he was not in Central Province, he just got his positioning wrong. But if the statement is correct, that is more important.

Mr. Ojode: Ten years ago Kenya Railways borrowed Kshs548 million and up to now that loan is not being serviced. Nalin Nails Group which is an Asian Company owes Kenya Commercial Bank Kshs1.7 billion and that loan is not being serviced. Mr. Paul arap Langat owes Kshs32.5 million. This loan is not being serviced up to now. Joshua Kulei and Franklin Bett owe Kshs132 million and this loan is not serviceable.

Mr. Deputy Speaker: Order, hon. Ojode! How is that relevant to the Motion on Adjournment?

Mr. Ojode: Mr. Deputy Speaker, Sir, we are talking about corruption and the reason why we are having problems---

Mr. Deputy Speaker: Order! You can make reference to things that are related to this Motion but here we are debating the Motion for Adjournment. Try and keep yourself to that Motion.

Mr. Ojode: Mr. Speaker, Sir, I do agree with you that when we are talking about reviving the economy of this country we have to talk about those who are putting this economy into a mess. You know very well that Fishes Investment Limited

An Member: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to mention people in Parliament who cannot defend themselves?

Mr. Ojode: Mr. Speaker, Sir, I am very much in order. Fishes Investment Limited which is owned by Abraham Kiptanui and---

Mr. Deputy Speaker: Order! Hon. Ojode, you must now restrict yourself to the Motion because you are now talking about things that happened in KCB, AGM, Embu or wherever. They are not relevant to what we have.

Mr. Shidie: Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion wholeheartedly.

Time has come for this House to be one and to have some sense of reality. In the House Business Committee the 20 Members had wholly agreed that we are going to adjourn. About ten Whips had agreed that we go for recess. It would be the height of hypocrisy for some Members to derail this Motion. Time has come for this House to be issues-oriented. Having said that, I want to state a few things.

Where I come from in Northern Kenya, we require an affirmative action if we are to alleviate the problems of people of Northern Kenya. In fact we require a Ministry to be set up specially for that area and money to be allocated to develop that area. The Kenya Government has spent a lot of money. There is this World Bank project, the so-called Arid Lands Resource Management. The World Bank has given Kenya Kshs20 billion but what has come of it today? There is no single project that you can say has taken off. There are these small projects here and there and money is being misused.

Look at the *El Nino* Project. The *El Nino* rains have affected the three districts in Northern Kenya, Wajir, Mandera and Garrissa. But what did we get from that project? Garrissa, Wajir and Mandera Districts have all been given about Kshs20 million each. Do we deserve that? We do not. Somebody somewhere is deciding that these people should not get money. Our roads are impassable. The infrastructure in that area has collapsed. You cannot travel from Garrissa to Mandera because the roads are impassable. We want the *El Nino* money to go and help the people there.

Dr. Ali: On a point of order, Mr. Speaker, Sir. Could the hon. Member tell us how much we deserve?

Mr. Shidie: Mr. Deputy Speaker, Sir, we deserve a lot in this country. We need enough funds be channelled to that area. Time has come for the winner to take all. We are supporting this Government on a KANU ticket. We are KANU Members. I was wondering why people in the Opposition are getting the funds for development. Time has come for money for development to be going only to KANU areas because we are supporting the Government.

(Loud consultations)

Mr. Deputy Speaker: Order! Order!

Mr. Murathe: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Nomad to say that taxpayers money which comes from Central Kenya should only be used in---

Mr. Deputy Speaker: Order! Order! Members who want to engage in physical confrontation should step out. You can take an early recess and do it outside. Please withdraw that remark. He is not an hon. "Nomad", he is hon. Shidie.

Mr. Murathe: Is hon. Shidie in order to mislead this House and declare that taxpayers money, the bulk of which comes from Central Kenya, should only be used to develop KANU areas or voting-machine areas?

Mr. Shidie: We know the history of this country, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: He is expressing his opinion. If you do not like it stand up and contribute.

Mr. Shidie: I think he is wasting my time. Time has come for the winner to take it all. We are the Government and we must support this side. There is no need to support the other side. We must make sure that this side is developed. If Central Province has developed as a result of the former Government we want this Government to develop our areas.

Mr. Munyao: On a point of order, Mr. Deputy Speaker, Sir. I seek the indulgence of the Chair because in April when you, Mr. Deputy Speaker Sir, were on the Chair you agreed that we have got ten political parties represented in this House. We agreed that when a Motion of this nature comes, instead of picking one Member there and one there, there will be one there and nine here. As it is it is not--

Mr. Deputy Speaker: Order, hon. Members! The business of this House is guided by the Standing Orders. The Standing Orders stipulate no such procedure. If you catch the Chair's eye, that is the only rule that exists. So, hon. Munyao, keep on trying. Hon. Kathangu does not belong to your party in any event. So, I have given it to another Member after giving it to KANU. What is wrong with that?

Mr. Kathangu: Bw. Naibu Spika, mhe. Kathangu yuko katika chama ambacho kitatawala hivi karibuni. Wakati nilipokuwa nimekaa chini nikiwasikiza Wabunge wakizungumza kama watakubali kwenda au la, waende ama wasiende, wengi wao walisema hawataenda kwa sababu hakuna pahali pa kwenda na kadhalika. Mimi ninajua kwamba kila juma kila Mbunge hapa huenda kwa ofisi ya kutoa fedha na kupewa pesa ili aweze kuenda nyumbani siku ya Ijumaa na aweze kurudi siku ya Jumatatu. Hii nikusema kwamba Wabunge hawa hawahitaji kuambiwa kwamba wataenda nyumbani kwa sababu ninaona kila Ijumaa wanaenda nyumbani kuangalia watu wao. Isipokuwa watuambie kwamba wanachukua fedha na hawaendi kuzitumia katika sehemu ambazo wanawakilisha hapa. Jambo la pili ni kwamba, sababu ambazo zinatolewa kwamba Bunge liahilishwe ni kwamba kutakuwa na COMESA ambayo kusema kweli ni kazi ya Waziri mhe. Biwott na Waziri mhe. Kamotho. Sisi hatujahusika kwa njia yeyote ile, hata kuambiwa kwamba kutakuwa na COMESA. Tumeanza kuona barabara zikitengenezwa, na alama ambazo zinaonyesha kwamba kutakuwa na maonyesho hapa.

Bw. Naibu Spika, mambo ambayo yanatendeka katika nchi hii ni makubwa sana. Kuna pembe tatu za Serikali; kwanza, pembe ya Serikali, pili, pembe ya mahakama na tatu, Bunge. Pembe mbili; ya Serikali na ya mahakama zinafanya kazi usiku na mchana. Lakini pembe ya tatu ambayo ni Bunge, haifanyi kazi kwa sababu Rais na Serikali yake hawataki Bunge hili lifanye kazi. Ndio sababu tunasema kwamba, sisi Wabunge hatungetaka kwenda likizo mpaka wakati Bunge hili litapata uhuru wa kutosha kujisimamia na kuona kwamba pembe zingine zote zimepewa uhuru wa kutosha. Hakuna kazi kubwa katika nchi hii kwa Mbunge kushinda kazi ya kuwatafutia wananchi uhuru wao. Uhuru wa kutafuta fedha na wa kutengeneza sheria na kuzitekeleza. Ikiwa kazi yetu itakuwa kufanya kazi siku kumi na nane na kuambiwa kwamba tuende likizo, ni sawa na kusema kwamba sisi hatuna kazi katika Kenya hii.

Bw. Naibu Spika, mambo mengi yametajwa hapa. Kumetajwa hapa kwamba hata mhe. Kibaki wakati alipokuwa Waziri wa Fedha, alijua jinsi Jumba la Mikutano la Kimataifa la Kenyatta (KICC) liliponunuliwa. Na sisi tunajua kwamba Serikali iliipatia KANU hilo Jumba. Kwa hivyo, nikumaanisha kwamba Wabunge wa upande wa Serikali wangetaka tuende likizo ili waendeele kuchukua na kupora mali ambayo wananchi wametafuta. Tumegundua kwamba kila wakati tunapoenda likizoni, ndipo maafa yanatokea ya kuuliwa kwa watu katika Mkoa wa Bonde la Ufa, Mkoa wa Kaskazini Mashariki na Mkoa wa Pwani. Tungependa kuendelea kufanya kazi na ikiwa kutatokea visa kama hivyo, Bunge hili litasimama na kuzungumzia jinsi maovu hayo yatakavyokomesha.

Wakati huu kila mwananchi katika nchi anauliza ni kwa sababu gani Rais anachukuliwa na ambulansi ya Jeshi katika kiwanja cha ndege na kuchukuliwa na ambulansi ya jeshi la nchi zingine.

Mr. Deputy Speaker: Order, hon. Kathangu! That matter has already been dealt with. So, we do not want repetition.

Mr. Kathangu: Ninashukuru, Bw. Naibu Spika. Lakini ninauliza ni kwa sababu gani kikosi cha usalama kinauhusika? Ikiwa Serikali inajua ni kitu gani Rais anafanya, ni sababu gani tuambiwe kwamba alienda katika shughuli maalumu ya nchi hii? Ikiwa shughuli hiyo inajulikana, kwa nini Makamu wa Rais hakuiambia nchi hii ni shughuli gani, kama Rais mwenyewe hangeweza kutuambia?

Kwa hivyo, hatutaki kuenda likizo ya wiki mbili mpaka tuzungumzie uhuru wa Bunge hili.

Asante sana, Bw. Naibu Spika.

The Assistant Minister, Office of the President (Mr. Haji): Thank you very much, Mr. Deputy Speaker, Sir, for giving me an opportunity to contribute to this important Motion. In the first place, I would like to thank

the Leader of the Official Opposition and all the other leaders who supported this Motion. This is a very clear indication of maturity and co-operation.

Mr. Deputy Speaker, Sir, I rise to support the Motion of Adjournment for many reasons. Majority of the hon. Members here are people who have been elected by wananchi, not only to come and represent them in this House, but also to be with them and have their feelings at hand, instead of waiting to be told on telephone or some constituents coming to this House to look for an hon. Member to tell him or her the problems they are facing.

When the House is sitting, we know that Members of Parliament get a sitting allowance to enable them maintain themselves when they are here in Nairobi. As they stay here in Nairobi, they are able to save a little amount of money. It is time for us to go for recess and use the savings to assist children who cannot pay their school fees and to have porridge and tea with the constituents who elected us to Parliament. Honourable Members should not come and hide here in Nairobi.

Secondly, we know that many of our people are suffering from various diseases. Here in Nairobi, we are having a very good time. We have clean water, electricity, tarmacked roads and, our children are attending the best schools. The Government is asking hon. Members to go back home and be bitten by mosquitoes there and also suffer a little bit of cholera because most of the water is not treated as they always tell us here in this House. So, it is a good Government gesture for us to go on recess and share the feelings of the people who elected us. What is wrong with that? Otherwise, if we continue sitting in this House, we shall be considered selfish.

Thirdly, when you have a visitor in your home, you do not sit with your wife in the bedroom discussing your own matters. You should come out of your house and welcome your visitor. People from Eastern, Central and Southern Africa are coming to visit us here in Nairobi. It will be unAfrican and uncultural for us to sit in this House discussing, while we have visitors out there.

An hon. Member: Are we going to wait for them at our homes?

Mr. Deputy Speaker: Order!

The Assistant Minister, Office of the President (Mr. Haji): When I say you go home, I am telling you to go home for some time and come back.

(Laughter)

Mr. Deputy Speaker, Sir, I insist that it is very unAfrican for us to be sitting next door; most of the COMESA stands are opposite Parliament. So, what I am saying is, let us go back home and know the feelings of the people.

Mr. Deputy Speaker, as regards what is happening in the country, it is not fair for us to stand here all the time criticising each other. We should leave criticising one another all the time. Members of Parliament have ideas, and if they have something which they think can be useful for this country, let them stand here and say it instead of criticising. Today, hon. Members are asking where the President is, tomorrow they will be asking; "why did so-and-so go to the toilet?" Is that fair, really? It is very childish. We are not here to monitor the movement of the President. It was only the other day when a gracious lady told us here that, all the Ministers and Assistant Ministers should not be following the President wherever he goes. If he goes on a private trip, what damage does it have?

Mr. Deputy Speaker: Order! Your time is up. Mrs. Mugo!

Mrs. Mugo: Thank you, Mr. Deputy Speaker, Sir. To begin with, I would like to inform the hon. Members that Kenyans expect Ministers to serve them and to look for ways of solving problems facing them not to go round following the President wherever he goes.

Mr. Deputy Speaker, Sir, I rise to oppose the Motion of the Adjournment of the House. It is not right for us to go for recess, after sitting in this House for only 18 days. I am opposing this Motion because Kenyans elected us to this House to sort out their problems by notifying the Government. We spent five months out there with our constituents. If we need more than five months to learn the problems there, to get cholera and to get bitten by mosquitoes, then we should come back here now and solve the problems because it is here that we can solve them, not out there.

Tomorrow, when Kenyans hear that hon. Members said they have no business to discuss, they will all be very shocked. They should really sack the whole lot of us. They employed us and they are going through so many problems and yet we have the nerve to say, "we have no business to discuss". I would like to be told whether the Business Committee is functional. Because, if it cannot prepare the House business in time to be discussed by the Members of Parliament, then something is amiss. We should go back to our Standing Orders to see why there is no business to be discussed. We had a five months recess, and I am wondering why the Government did not

prepare enough work for the our sittings, so that we sort out the problems afflicting Kenyans at the moment. Hiding away from problems will not solve anything. The Government is very worried that when hon. Members are here and the COMESA representatives are here, so much will be said that will show the ills afflicting this nation. That is the main problem. They should clean up their house and stop putting covers on the dust. We are all Kenyans and we are not just interested in washing our dirty linen in public. What we want to do is to solve the problems of our people who elected us to come and do just that.

Mr. Deputy Speaker, Sir, the Nairobi City Council has given a notice to Nairobi residents that water supply will be disconnected in May if they do not pay their water bills. I would have liked to be **[Mrs. Mugo]** here to ask the Minister for Local Authorities which bills they are talking about. For example, in Dagoretti, there is no water that flows in the pipes, but people keep on getting bills. Whenever there is a little water flow, it is mixed with sewage, and yet we stand here to talk about containing cholera. Our children are getting sick, because whatever little water comes through, is mixed up with sewage because of burst pipes. What am I going to tell the Dagoretti people? What answers from this Parliament will I give the people of Dagoretti? Because the way the roads were when I came back from the last recess are in the same state. They still have big craters on them. What am I going to tell the Dagoretti people that I have done during this session? What development achievements am I going to say, I have done?

Mr. Deputy Speaker, Sir, I would like to inform the Minister for Local Authorities that the people of Dagoretti have said that they are not going to pay taxes because they do not get any services to the City Council. They would rather do the roads themselves. When I go to my Dagoretti, I face a barrage of questions that I have not answer for. We would rather stay in this House, bring up these problems and see how we can solve them as Kenyans, but not to run away from them. Every time we come to Parliament, we are sent back home so that we do not bring out the problems of Kenyans.

Mr. Deputy Speaker, Sir, in Dagoretti constituency along Ngong' Road, a woman was attacked, car-jacked and raped on Monday. This is happening all over.

I beg to oppose.

The Assistant Minister for Health (Mr. Koske): Mr. Deputy Speaker, Sir, thank you for giving me this opportunity so that I can air my views and also support this Motion of Adjournment.

Mr. Deputy Speaker, Sir, some of my colleagues who have talked before me have missed a very pertinent point. The pertinent point here is that, this Parliament has a problem and unless it adjourns some of the business it is supposed to carry out will not be carried out. It is not that we want to go so that hon. Members from the Opposition side do not oppose the country. This Government has nothing to hide and hence the Opposition has nothing to expose about it. We are simply saying that we need to adjourn so that the programmes of this House can be run effectively. I would like to urge my colleagues not to come to the House to oppose issues for the sake of opposing. They should also take their time to know and learn the programmes of Parliament, so that when we rise to talk about Parliament we already know why some of these adjournments really have to come. It does not really matter whether we have been here for only 18 days, we have to adjourn as per the programme of the House, so that other matters can be carried out.

Mr. Deputy Speaker, Sir, there is need for all of us to go back home for this short time to have sometime with our constituents. Some of us come from vast constituencies and hence need more time than the weekends to meet our people, so that we know the problems they face, so that when we come here and articulate them.

Mr. Deputy Speaker, Sir, there are various problems we experience in Nakuru District and more so in my constituency, Kuresoi. There was a time I mentioned here that there is an education bursary scheme which the Ministry of Education and Human Resource Development operates through the District Education Board. Unfortunately, I am sorry to say that this bursary scheme has been abused. This is because, in the deliberations of DEB, they strictly consider only students in secondary schools for these bursaries. Because of the way the Form I intake is structured, most students are taken out of the districts to the provincial boarding schools but still have fees problems. I would like to ask the Ministry to ask these District Education Boards to vary the requirement that it is only those secondary students within that district who deserve these bursaries. If we do that, students who go to other districts will not be considered since they do not from those districts. Hence, bright students will not be assisted.

Mr. Deputy Speaker, Sir, secondly, I would like to urge the Minister for Local Authorities to make haste on his promise to the people of Nakuru District that he was going to post a Clerk to the County Council of Nakuru. Unfortunately as I speak now, after two years, the County Council of Nakuru is being run by acting clerks who have previously been development committee assistants and administrative officers. It is most unfortunate and disheartening to see people who are not serving being given this opportunity.

Mr. Deputy Speaker, Sir, finally, I would like to say something about the Ministry of Public Works and

Housing. When there was a recent reshuffle of their top officers who had been accused of involving themselves in corrupt practices, some projects that had been earmarked for funding through the Road Maintenance Levy were actually stopped. My complaint is that: The people in the various affected districts did not partake in the corruption that was taking place in the Ministry of Public Works and Housing. So, they should not suffer because the Ministry is trying to clean up its house. The programmes that were supposed to be run should go on so that those districts which were supposed to benefit through the Road Maintenance Levy Fund get their share of taxes.

Mr. Wanjala: Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to contribute to this Motion of Adjournment.

We are discussing the amendment. We have not refused to adjourn the House, but we want to resume on 2nd June. However, our friends on the Government side---

Mr. Deputy Speaker: Order! Order!

(Mr. Sifuna murmured something)

Order, hon. Sifuna! If you want to accuse your fellow hon. Member, do so outside. Here, the position is this: The amendment seeking to have the House resume on 2nd June was negated. So, it is no longer before this House.

Mr. Wanjala: Thank you, Mr. Deputy Speaker. So, I may now continue. I will oppose the Motion of Adjournment. Kenyans outside there are looking forward to seeing what we, in the Eighth Parliament will do in order to deliver them from this leadership of Pharaoh.

We are being told to go home yet some of our constituencies have problems which can only be sorted out in this House. For example, the people of Budalangi Constituency have stayed in camps for more than 15 months. The Government is there, but it is just watching from far. The suffering people have gone through there has made most people in Budalangi to lose confidence in this Government. Roads in that Constituency have been flooded for the last 15 months, but nothing has been done on them. The World Bank has released the money meant for the rehabilitation of the dykes that have let the water to flood the area, but nothing has been done yet. Really, we are not ready to go for the recess being sought by this Motion as we have been here for very few days.

We have always complained of insecurity in Lake Victoria. Our fishermen have been harassed in the lake, and yet we have the Kenya Navy in Mombasa doing nothing. Lake Victoria borders three countries. So, we need security there, unlike in Mombasa where there is only the Indian Ocean to police with no aggressors from any other side. Lack of security in Lake Victoria security is possibly the cause of the fish poisoning incident that occurred there in the recent past. I can, now, confirm that there is no fish poisoning in Lake Victoria currently. So, I would like fish consumers to continue doing so without any fear.

Mr. Deputy Speaker, Sir, last year, we were blamed for attending the economic forum that took place in Mombasa. However, shortly after that forum, we were invited to a similar Government-convened forum at Mbagathi, where we recommended that the Government reduces the number of its Ministries and Assistant Ministers. To date, however, the Government has not reduced the number of its Ministries. In fact, the number of Assistant Ministers was increased on tribal basis.

Some of the newly appointed Assistant Ministers are already involved in financial scandals to the tune of Kshs350 million. For example, hon. William Ruto, who is among the Assistant Ministers who were appointed recently, has been mentioned in a scandal of Kshs350 million.

The Assistant Minister for Finance (Mr. Koske): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member on the Floor to impute ill motive on hon. Ruto? The hon. Member is discussing hon. W. Ruto without moving a substantive Motion? Could the hon. Member, therefore, withdraw the remark and apologise?

Mr. Deputy Speaker: Order! Order! Hon. Wanjala, you know what you are supposed to do. So, go ahead and to it.

Mr. Wanjala: Mr. Deputy Speaker, Sir, the matter was carried by the Press. The Assistant Minister is aware of the allegations published against him, but he did not deny them. However, I wish to withdraw, but the fact---

Mr. Deputy Speaker: Withdraw and apologise.

Mr. Wanjala: Mr. Deputy Speaker, Sir, I wish to withdraw and apologise.

An hon. Member: Endelea basi.

Mr. Wanjala: Mr. Deputy Speaker, Sir, I know that hon. Members from the Government---

Mr. Deputy Speaker: Mr. Wanjala, your time is out. Hon. Ethuro, could you take the Floor?

The Assistant Minister for Labour (Mr. Ethuro): Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to support this Motion.

Mr. Deputy Speaker, Sir, some hon. Members do not appreciate the need for a recess. Some of us come from very far, and hardship areas. We need to have ample time with our constituents. Parliamentary business is not necessarily carried out only in the House. Parliamentary business also means going out to the people. So, an adjournment of this House will give us time to appraise ourselves and assess the impact we have so far had on our constituencies. I believe that we have done some good work so far, including yesterday's approval of the Motion seeking to amend certain sections of the Constitution to pave way for the introduction of a Bill to establish a Parliamentary Service Commission. I think we were united---

Mr. Kiunjuri: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for an hon. Member to walk into the Chamber without bowing to the Chair?

An hon. Member: Who did that?

Mr. Deputy Speaker: I did not see him. Otherwise, I would have sent him out.

The Assistant Minister for Labour (Mr. Ethuro): Mr. Deputy Speaker, Sir, could you protect me from irrelevancies. I am making a serious contribution, because---

(Loud consultations)

Mr. Deputy Speaker: Order! Order!

The Assistant Minister for Labour (Mr. Ethuro): Thank you, Mr. Deputy Speaker, Sir. We do not have a lot of time; we have only five minutes to contribute to this Motion. Some of us are very grateful to the President, who, while he on a tour of the North-Eastern Province, announced that the Kenya Meat Commission (KMC) will now revert to stakeholders in the meat sub-sector. For us, that is very important. We want our livestock to go there.

Mr. Deputy Speaker, Sir, we have been debating the Sessional Paper on the liberalisation of the tea industry and that on the liberalisation of the water sector, which I agreed with. However, I am looking forward to the day when a Bill will be brought to this House on the restructuring of the livestock sector, particularly, the meat sub-sector, because meat is the commodity we produce in our areas.

Mr. Deputy Speaker, Sir, we have Pyrethrum Board, the Dairy Board, the Tea Board, *et cetera*, but there is no board for the Zebu cows that come from the dry parts of this country. Pastoralism is not being defined as a dairy system. The dairy system that is recognised in this country is the zero-grazing. This is an erroneous impression that we have to correct. Therefore, I think we have some things to go and explain to our constituents. For example, we can go and tell them: "Let us now organise ourselves and get hold of the KMC".

Unfortunately, while the President is trying to listen to the needs of Kenyans, other people are trying to sell the assets of the KMC. The sale of the assets of the KMC must stop, because we need the factory of the KMC and all the assets it owns, because if we are to revive the KMC, we will need those properties. The sale of those assets has been advertised in the Press, and we need protection there.

I support the Leader of Government Business on the issue of a calender for the business of Parliament. In fact, it will no longer be necessary for us to continue arguing in a Motion of Adjournment like the one we are debating now. This is an institution which is supposed to be superior. So, it must have a calender showing its business for the whole year. We should be arguing every time on when to adjourn the House and when to reconvene it. We have no purpose or direction. Therefore, we should commit ourselves in this Parliament that we will strengthen Parliament as an institution, its departments and procedures. I think part of the recess time will be ideal for departments to meet. I see that as a major contribution.

Mr. Deputy Speaker, Sir, another thing I would like to talk about is bursary allocation to secondary schools by the Ministry of Education and Human Resource Development. Turkana District has many deserving bursary cases, but the Ministry of Education allocates it only Kshs100,000. This amount is not enough; it is like a drop in the ocean. Bursary allocation should be based on the needs of individual districts, and not in terms of total enrolment of students. Some districts have higher enrolments, but most parents in those districts can afford to pay fees for their children. However, parents in districts such as Turkana cannot afford to pay fees for their children. So, I hope the Ministry of Education and Human Resource Development will do better in future.

Finally, my area is allocated some relief food, and the Provincial Administration has to ensure that, that food reaches the people. Officers of the Provincial Administration in the area have the tendency of assuming that relief food is some kind of token meant for them. They should understand that relief food is not hardship

allowance for them. Government officers in the area get hardship allowance of 30 per cent of their basic salaries. Relief food supplies are meant for hunger-stricken residents.

With those few remarks, I support.

MINISTERIAL STATEMENT

EXPENDITURE ON COMESA PREPARATIONS

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Deputy Speaker, Sir, this House wanted a Ministerial Statement on the expenditures at the KICC. I think I would better give it right away lest other people will speculate on something that do not exist.

Mr. Deputy Speaker: Order! Order, you are on a point of order! There will be no other time for him to do it except doing it during the time allotted for this debate because when the clock strikes 6.30 p.m., we adjourn, not a minute later. So, if you want information which he undertook to provide, you can have it now. Hon. Biwott consulted me and I agreed that the House is entitled to that information. So, if this debate ends up in an adjournment, we will not have time for him to give it you. So, one minute, hon. Biwott.

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Deputy Speaker, Sir, I am on a point of order and I think you need this information. The preparation which is going on at the moment at the KICC is; the very minor renovations that are made at the Conference Centre are being done by the KICC itself using its rental money. And on the COMESA tent that you see across there, it is being put up using money contributed by the countries themselves. Every country that is exhibiting there is contributing directly and the actual figure is being compiled at the moment that is why I could not bring it. But it is very important that it is also borne by the Kenyan firms which are exhibiting at that particular place---

(Loud Consultations)

Mr. Deputy Speaker: Order! Order, hon. Biwott I gave you permission only to speak understanding that you were going to give us the information relating to the cost of preparing KICC. Proceed and do only that!

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Deputy Speaker, Sir, I would say also that there have been private contributions from well-wishers which amount to over Kshs6 million; and the USAID has given US\$50,000 as its contribution. Therefore, there is really no money which has been used to renovate that other place. The only money which has been used there is just to clean up the place and tidy it up plus flowers for such a wonderful Summit conference to take place there. Thank you.

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir. The Motion was supposed to start not later than 3.30 p.m. You have said that we are going to stop the debate at 6.30 p.m., but I wish to inform you that we started this debate at 3.37 p.m., so it should therefore end at 6.37 p.m.

Mr. Deputy Speaker: Order! Order, why do you not just put it simply that you are seeking the Chair to allow time to be compensated; seven minutes? Simple! Is that what you want?

(Resumption of Debate on Motion of Adjournment)

Mr. Achola: Thank you, Mr. Deputy Speaker, Sir, for having given me this opportunity to speak. I want to state from the outset that I am going to support the Motion as it is for the following reasons. But as Member of the House Business Committee, I was a party to the decision that was taken by the House Business Committee that we should adjourn today until the 8th June, 1999. Therefore, I am supporting the Motion as it is.

(Loud Consultations)

Sir, can you protect me from these hawks?

Mr. Deputy Speaker: Order! Order, hon. Anyang'-Nyong'o and hon. Murathe! The cardinal rule we have in this House is that everybody will be given an opportunity to express his opinion. If you do not like his opinion, shut your ears. But for Christ's sake, let him have his opportunity. Hon. Achola, proceed!

Mr. Achola: Thank you, Mr. Deputy Speaker, Sir. The Leader of the Government Business stated very clearly that we---

Mr. Kirwa: Mr. Deputy Speaker, Sir, I have noticed of late that when the Speaker is on his feet, Members do not realise that they are supposed either to be seated or frozen. Right now, hon. Achola made so many

paces as you were on your feet. Can you correct the situation?

Mr. Deputy Speaker: Order! I did not see him. He must have been moving while seated because---. Order! Hon. Owino Achola is hardly visible when he stands! I sincerely did not see him as he was moving.

(Laughter)

But today the Chair is in a good mood because he does not want to reduce the voting strength of any side. So, I will tolerate some of these slight infringements of our Standing Orders. So, proceed!

Mr. Achola: Thank you, Mr. Deputy Speaker, Sir. I have already said that I am supporting the Motion as it is. One reason that I would like to support the Motion for is that 20 Members of all the Departmental Committees will be in Canada during that time, and we were told that all Bills that are outstanding at the moment are committed to the various Committees. Therefore, it will be pointless for us to continue being here for another two weeks, if we do not have Business to transact. Having agreed that we should adjourn until the 8th June, 1999, I have the following things to request the Government to do during the vacation. One, on the question of the Budget, I would like the Finance Minister, when he is preparing the Budget, to ensure that anything to do with the Ministry of Public Works and Housing; all the expenses involving the Ministry of Public Works and Housing should actually be placed in the Ministry of Public Works and Housing. We have heard of the *El Nino* funds being in the Office of the President. We are not quite sure where that money is placed in the Office of the President, but we can surmise that it is in the Office of the President because that is where the headquarters of corruption is. We would like this time when we come here in June, that anything to do with road-works of whatever nature, is actually in the Ministry of Public Works and Housing.

I would also like to appeal to the Ministry of Public Works and Housing to try to do a clean-up in the Ministry. We know of Engineers in this Ministry who are actually owning companies that are doing construction works on the roads, and this Ministry has been compromised. There is so much corruption and all the money that is allocated to it is actually eaten by the few engineers who are in this Ministry. So, I would request that the Minister for Public Works and Housing does something in his Ministry because it is thoroughly and completely corrupt.

I want to mention one thing on corruption. We have heard these cases in court of this Goldenberg and someone called Pattni. This case has been on books for now six years and I would request the Attorney-General, wherever he is, that something is done because we are tired of hearing the name Pattni. Let the court do something so that this case is brought to a conclusion. We are tired of hearing Pattni compromising Members of Parliament; compromising virtually everybody. So, I would appeal to the Attorney-General to ensure that this matter is actually brought to a close.

Mr. Deputy Speaker, Sir, while I still on corruption, I would like to add a few names to what hon. Ojode said: Despite the fact that, the Chairman is refusing to tell us who are owing millions of shillings to the Kenya Commercial Bank, I will name a few.

Mr. Deputy Speaker, Sir, I would like to add the following two other names: Mr. William Kivuvani who is a Special Branch officer owes the bank in excess of Kshs911 million. And as if that was not enough, we have a Mr. Lawi Kiplagat who is the Chairman of---

Mr. Deputy Speaker: Order! Order!

Mr. Achola: Mr. Deputy Speaker, Sir, I am just finishing.

(Mr. Achola continued standing)

Mr. Deputy Speaker: Order! Order! Clearly, if there are non-performing loans in the bank, that is a matter of fact but to disclose individual names, is clearly a breach of trust between the bank and the customers. So, the Chairman of Kenya Commercial Bank is perfectly in order to say that he will not disclose that list.

Mr. Achola: Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: Order, Mr. Achola, your time is up. Mr. Mokku!

The Assistant Minister for Water Resources (Mr. Mokku): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to say a few things on this Adjournment Motion. I support the Motion of Adjournment for the following reasons.

(Loud Consultations)

Mr. Deputy Speaker: Order! Order, Mr. Kiangoi!

Mr. Mutahi: Mr. Deputy Speaker, Sir, we need your guidance here.

Mr. Deputy Speaker: Proceed, Mr. Mokku!

The Assistant Minister for Water Resources (Mr. Mokku): Mr. Deputy Speaker, Sir, it gives the Members time to visit their people in their respective constituencies. It will give the hon. Members time to assess the projects in their areas. It will also give hon. Members time to see their people and also sell to them the Government policy and also to know their needs.

[Mr. Deputy Speaker left the Chair]

[Mr. Speaker took the Chair]

Mr. Speaker, Sir, also on the question of Members being given time to visit their constituencies every weekend, it is not applicable to every Member here since some Members of Parliament here come from a distance that will not give them enough time from Thursday and come back on Monday. That is applicable to people from Mandera, Moyale and Turkana. So, I wholly support the idea of going for recess.

Mr. Speaker, Sir, having said that, I wish to put across the following points so that the relevant Ministries or organisations can look into them: As a result of the *El Nino* rains which we had last year but one, most of the roads in most parts of Kenya today are not passable. In July last year, the World Bank asked the DDCs of the various districts to recommend various projects for funding by the World Bank. We did that: For example, the Isiolo DDC recommended various water projects and health projects but up this day which is two years later, there is nothing that is forthcoming. So, I would like to take this opportunity to appeal to the World Bank, through the *El Nino* funded projects, to honour their promises to those districts, because those problems are there.

Mr. Speaker, Sir, as I speak, also most of the roads to the divisional headquarters from Isiolo; like the roads to Merti, Garba Tulla, Endonyoro and Kiritu which are divisional headquarters, are not passable. As a result of that, it has become so difficult for the businessmen to get essential commodities.

(Loud consultations)

Mr. Speaker: Order, in that corner! Proceed!

The Assistant Minister for Water Resources (Mr. Mokku): Mr. Speaker, Sir, as a result of the bad roads, especially those leading to the divisional headquarters, it has become so difficult for the businessmen to take essential commodities to those divisions. So, my appeal to the Ministry of Public Works and Housing is that, while waiting for these *El Nino* funded projects, let them use the little resources that they have to open these roads, so that people can get essential services. Last week we were opening schools and the teachers could not go back to schools.

Mr. Speaker, Sir, on the Ministry of Health, malaria, typhoid and amoebiasis have become killer diseases today in Kenya and mostly in this region; that is, North Eastern and parts of Eastern Province. That is Isiolo, Merti, Moyale and the rest. Can the Ministry of Health control those killer diseases; that is, malaria, typhoid and amoebiasis?

Mr. Speaker, Sir, as we go for recess for three weeks, I am appealing to my colleagues; that is, the Cabinet Ministers, to visit other districts apart from their districts to see the projects in those districts related to their Ministries. It has now become a habit that during the recess, even the Cabinet Ministers are confining themselves to their areas where they come from. It is good for them that they visit other areas, so that they can acquaint themselves with the projects that exist in various areas of this country.

Mr. Speaker, Sir, on the side of the Ministry of Rural Development, that Ministry is quite relevant to the needs of the people of Northern Kenya. There are authorities like Ewaso Nyiro North, Ewaso Nyiro South, Coast Development Authority and the rest and it is high time that the Treasury funded these authorities, so that services can be rendered to the people within those areas.

The Assistant Minister for Industrial Development (Mr. Kimkung): On a point of order, Mr. Speaker, Sir. We cannot follow the proceedings in this House because of too much noise.

Mr. Speaker: Order! Order! You are totally out of order! Members never make noise. Those are loud consultations. Order! Can we consult quietly? Mr. Murathe!

Mr. Murathe: Mr. Speaker, Sir, I rise to oppose this Motion of Adjournment, particularly because of the reasons which are being forwarded by this Government which is saying that they have no business to present

before this House and quite clearly therefore, if they have no business to bring here, they have no business being in power. Maybe, it is high time they went home and left the other hon. Members here, transacting the business of this nation.

Mr. Speaker, Sir, the committees which are said to be in session on these Bills have had four full months to do so. These committees have been meeting, even when we have been on recess. We do not understand what these committees have been doing, if they have not completed the work that they were supposed to have done within that time. We all know the real reason why this Government wants to go on recess. It is because that they can go ahead and become mischievous as usual. A lot of things take place when people are out on recess. We know that, this Government is broke. We know that this Government is not able to meet its obligations and that is why they want this House to go on recess and cook up a new budget.

Mr. Speaker, Sir, you know this Government does not even follow its own Budget. I even wonder why they want to present a Budget this year, considering that there was a Budget that was presented here last year and we are now going to present another Budget which will require that we commit more funds from taxpayers and give to this Government and nothing will be done with the money. Last year, Kshs45 million was committed to the development of water programmes in Gatanga constituency and up to now, I am being asked to go on recess and come back in June to pass another Budget which will never be implemented. I do not think quite clearly, that is a priority of this Parliament. What we need is for this Government to become serious. If we come here and discuss a budget, let it be a realistic budget. Let us not have money on paper. Let us have money that can be used for implementation of those projects that they talk about. Their own officers have declared that out of our revenue collection, of Kshs180 billion this year, Kshs130 billion is going to corrupt deals. That only leaves us with about Kshs50 billion available for distribution. This Government needs Parliament here. This Government needs the watchdog which the Parliamentary Service Commission seeks to establish; an independent Parliament which will make sure that this Government stops messing around with taxpayers' money. That should be our main priority and that is why we are saying "no Commission, no recess".

(Applause)

Mr. Speaker, Sir, several issues have been raised about the banking sector and we have been wondering why there have been double standards in this country when some banks like the Kenya Finance went under and people brought packages to salvage that bank; this Government and particularly the Governor of the Central Bank, who we all know is illiterate, and who has been in charge of the monetary policy of this Government and who has run down the monetary and banking industry of this country, was there to ensure that the efforts to revive those banks did not succeed. When other banks went under, there were no packages which were being put into place to salvage those indigenous banks yet, when we have Asian banks which have looted our own people's money; they are given packages and extended time; even the hon. Minister for Finance cannot give us a definite date when those banks can reopen. We want to be here so that those visitors who are coming to attend the COMESATEX can see and listen to the issues that we tackle in this Parliament. We want you to invite them to this Parliament so that they can see Members of Parliament deliberating on the issues that affect the lives of ordinary Kenyans.

Finally, Mr. Speaker, Sir, because the issue of the Kenya Commercial Bank (KCB) has been taken out of the House and debated, I want to inform this House and urge the members of the public who are shareholders that they have got every right to demand at an annual general meeting to be told who owes their bank money and how much. Therefore, the Chief Executive of the KCB who was supposed to have retired and who is over 70 years old, should be told that we are going to know who owes KCB money.

The Assistant Minister, Office of the President (Mr. Gumo): Thank you, Mr. Speaker, Sir, for giving me the opportunity also to talk on this particular Motion which I support very much.

Mr. Speaker, Sir, recess is very important for Members of Parliament because it gives them the opportunity to go round their constituencies. But there has been a habit of some Members complaining. Whenever they see a Member of Parliament going round their constituencies even if he is just on his way, they start saying that "So-and-so has come to my constituency". Members of Parliament must know that those constituencies are not their villages. They are not their homes and any Member of Parliament is free to go to any part of this country any time, any hour, whether at night or during the day. If they are in control of their constituencies, they should not worry. But so many of them are so worried that whenever they see any Member of Parliament even just passing by, they say: "So-and-so has come to my constituency; he is doing this and that." This must stop forthwith.

Mr. Parpai: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to mislead this House when the other day he was saying that we should not go to Karura Forest because it is in his constituency?

Mr. Speaker: Order! Order! Mr. Parpai, I have a lot of respect for you, but you are gradually acquiring a

reputation that is not consistent with you.

The Assistant Minister, Office of the President (Mr. Gumo): Mr. Speaker, Sir, Members must be like myself because the majority of them live in my constituency and I am never worried when I see any of them there. But when some of them hear that Gumo is passing by their constituencies, they make so much noise!

(Laughter)

Mr. Speaker: Order! Order!

The Assistant Minister, Office of the President (Mr. Gumo): Mr. Speaker, Sir, we are at the moment having a lot of problems with most of these Non-Governmental Organisations (NGOs). NGOs are not doing their work because, today, most of the NGOs have engaged in local politics and most of the money that is channelled through the NGOs is not used for the purpose it was intended. In fact, some of that money is being used for seminars instead of educating wananchi or doing whatever they are supposed to do. They are trying to educate them on how they can rebel against the Government. This is unfair. In fact, most of them are now inciting wananchi. Even some ambassadors are now behaving as if they are our prefects. They behave as if they are prefects of this country.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to mislead this House about the NGOs while he knows very well that the major NGO that receives more funds for civic education is Maendeleo ya Wanawake? He is also claiming that he has opened the door to his constituency while we know very well that you can never dare ever go there because of the *Jeshi la Mzee*.

Mrs. Kittony: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to mislead the House?

(Mrs. Kittony was booed by Members)

Mr. Speaker: Order! Order! It is below the dignity of gentlemen to boo a lady!

Mrs. Kittony: Mr. Speaker, Sir, is the hon. Member in order to mislead the House that Maendeleo ya Wanawake receives the highest amount of money? Can he table the amount?

Mr. Speaker: Order! Order! Those are side issues.

The Assistant Minister, Office of the President (Mr. Gumo): I said some NGOs, I did not say every NGO. Some of them are very good and they are doing a good job. But there are others which have been politicised and any NGOs that have been politicised should be deregistered. In fact, some Members of Parliament who are leading some NGOs are here and instead of channelling that money into good cause; they are using that money for their own politics. We are going to ask that such NGOs to be investigated.

Mr. Speaker, Sir, just before I finish, about one or two weeks ago, I saw and heard on television the Germany Ambassador saying very clearly that he is waiting for the day Kenyans would go to the streets and demonstrate against the Government.

Mr. Speaker: Time up!

Mr. N. Nyagah: Thank you, Mr. Speaker, Sir. From the outset, I would like to declare that I am a Member of the House Business Committee and, therefore, the decision that was made, I was part to it. However, that notwithstanding, one has to make a decision by judging the mood of the House. But also in so doing, as the Chief Whip I have been put into a very difficult situation in this matter. The reaction of the Members has only come to my attention at the last minute. I would urge that in future, this House would be in a position where, particularly when a circular that had not been adopted by this House was brought forward, Members should have been able at that particular point to get to their own individual Parliamentary Groups and make a decision, because I may have to step on the toes of a number of Members this evening.

Having said so, I would like to appeal to this House that come the next Session, certain compensation should be done to ensure that the days that we have lost are going to be taken into consideration.

Mr. Speaker, Sir, having said so, I find myself in a precarious position. The leader of my party, who is also the Leader of the Official Opposition, has put me in the same position where I have no choice but to support him. These hon. Members behind me know that I work 100 per cent for them. But in this particular case, I want to be a man of honour and stick and stand by what I said in the House Business Committee, when we reached this decision to adjourn the House. So, for me, I am supporting this Motion.

(Applause)

It is very cheap for an hon. Member to judge you by what you have said. But that is something that the Chair has always said: Once elected as a hon. Member, you must be a man of honour. I am not going to say this today and say a different thing tomorrow. I will stand by that. Secondly, I want to state that I am the Official Chief Whip by virtue of having been appointed by hon. Members of the Democratic Party, and by not other smaller parties. I want this to be clearly understood.

(Loud consultations)

Lastly, the people who voted for me are out there in the constituency. I want to say one word about them. I am pleased that both the Minister for Local Authorities and the Minister of State, Office of the President, in charge of internal security, are here. I would like the Minister who is in charge of internal security to look into Pangani, Shauri Moyo and Kamukunji Police Stations where there has been a lot of connivance between thugs who are arrested and the police officers. Before they get to the police Station, they have already compromised police officers. I have talked to the Provincial Police Officer (PPO) about this particular issue. We have had cases of murder within Muthurwa, Majengo, Pumwani and Starehe areas.

About the City Council, we would like to tell the Minister for Local Authorities that time has come for him to step in and remove the ghost workers that we have at the Nairobi City Council. In 1998, the Minister for Local Authorities said that the Council would employ 600 workers. Today more than 3,000 people have been employed. That is also a fact that is known; that job opportunities at the Council are being sold for Ksh20,000 per person. We are asking the Minister to step in and resolve that issue. At the moment, 92 per cent of the revenue collected by Nairobi City Council is going towards paying salaries. So, however much he stands here and promises to help the Council, he will find that it is difficult.

I would also ask the Minister to reverse the decision of the General Purposes Committee to sell plots within Nairobi. There is a cartel that is involved in selling properties in Nairobi. We urge the Minister to ask for a file that has a register of the properties that belong to the City Council.

With those few words, I support the Motion. **The Assistant Minister, Office of the President** (Mr. W. Ruto): Thank you, Mr. Speaker, Sir. I rise here to support this Motion for Adjournment. While I do so, I wish to register my disapproval of what the House Business Committee has subjected this Parliament to. Unfortunately, this House---

(Loud consultations)

Mr. Speaker: Order! Order, hon. Ojode! We can hardly hear what the hon. Member is saying. Proceed, Mr. William Ruto.

The Assistant Minister, Office of the President (Mr. W. Ruto): So, I wish to say that it is unfortunate that this House does not have business to transact while Kenyans expect us to be here and legislate on their behalf. The House Business Committee, being now a body subject to this honourable House, should plan in future so that this [**The Assistant Minister, Office of the President**]

House sits for as long as it is practically possible so that we can be able to transact business for Kenyans as per their wishes.

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members! Please, consult quietly! Proceed, Mr. William Ruto!

The Assistant Minister, Office of the President (Mr. W. Ruto): Mr. Speaker, Sir, being representatives of our people, because when we stand here to speak we relay the views and interests---

Mr. Wafula: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Yes, Mr. Wanjala!

Mr. Wafula: Mr. Speaker, Sir, I am not Mr. Wanjala. I am Mr. Wafula. The Assistant Minister is inaudible. We cannot hear what he is talking about.

Mr. Speaker: Order! The reason why you cannot hear the Assistant Minister is because you all very happy. So, proceed, Mr. William Ruto!

(Laughter)

The Assistant Minister, Office of the President (Mr. W. Ruto): Mr. Speaker, Sir, I wish also to say that the reason why we have to go on recess now is partly because we, as hon. Members, have indeed surrendered part of our responsibility to other groups that wish to represent Kenyans. In this House, I believe very strongly that I represent the people of Eldoret North, the civil society and any other group of persons in that constituency. There are other groups of people who want to usurp the responsibility of this House without going through the due process of being a representative of the people. The reason why we have to adjourn is because part of the business that we were supposed to deliberate on in this House has been taken over by the so-called civil society. I wish to urge hon. Members that, during the recess, we should take up our mantle and responsibility. If it is our wish to enhance the supremacy of this House, we should take up our due position in the Kenyan society and transact the business relating to the constitutional review process.

Mr. Speaker, Sir, since I am here, and represent the people of Eldoret North, who are mainly farmers, I have a few things to say. The maize farmer in this country, as I am talking, is a very engendered person. This is because of two reasons. One, the cost of maize farming inputs in this country has gone through the roof. The prices of fertilizers and other farm inputs have gone through the roof. Secondly, the returns from what farmers get out of growing maize have gone down from what they used to be five years ago. I am taking this opportunity to urge hon. Members from maize growing areas, as we go on recess, to focus and find a way forward for the maize farmers, just the same way other hon. Members from tea and coffee growing areas are working out modalities of dealing with farming problems in their areas. Let them stand with us.

I wish also to request the Minister for Local Authorities, not even to come to Eldoret, but just to threaten to come there because in that way we will have the Eldoret market cleaned.

Finally, I wish to urge the Government to establish Uasin Gishu District Hospital at Huruma Grounds. We, as people of Eldoret, have contributed land, and we urge the Government to consider putting up the hospital this coming financial year.

With those remarks, I wish to support.

(Several hon. Members stood up in their places)

Mr. Speaker: Order! Order, hon. Members! Order, hon. Mwenje! I think I can see and I will use my eyes to the best advantage. The best advantage is that there is actually no time for any other hon. Member to speak. Therefore, I will put the Question.

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

Mr. Speaker: Order!

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. When your Deputy was in the Chair, we drew his attention to the fact that we started this debate seven minutes after 3.30 p.m. He acceded to our request that, that time be compensated for by giving us extra seven minutes. We hope that he briefed you on that one.

Mr. Speaker: Order! Order! Hon. Ndicho, I never doubt what my Deputy says. To the best of my knowledge and according to information from the Table, he did not give that direction. Secondly, we should have begun at 3.30 p.m. but as far as we are concerned, we can only go beyond 6.30 p.m., not by my discretion but a resolution of this House, properly moved and seconded, and the House resolves. But as it is, the House has not resolved to extend time. It is now time for me to put the Question.

(Question put and agreed to)

Hon. Members: Division! Division!

(Several hon. Members stood up in their places)

Mr. Speaker: Without even counting the number of hon. Members in support of the Division, [**Mr. Speaker**] it looks from the face of it that there are requisite numbers of hon. Members to call for a Division. I therefore, order the Division Bell to be rung.

(The Division Bell was rung)

Mr. Speaker: Order! Order! The time is up! Close all the doors and draw the Bar. I wish to draw to your attention the provisions of the relevant Standing Order relating to Division so that we can proceed to the Division having known what the requirements are. The important thing is that I have already dealt with Standing Order No.53(3). But I may just read the whole of it. It reads:

"53. (i) Mr. Speaker shall direct a division to be taken if a Member claims a division and -

(a) Mr. Speaker considers that there is a reasonable doubt as to the outcome of the vote in question; or

(b) if, on a question other than a question of procedure, 20 or more further Members rise in their places to support the Member claiming the division.

That is already done.

(2) Mr. Speaker shall direct a division to be taken in every instance where the Constitution lays down that a fixed majority is necessary to decide any question.

That is not applicable.

54. (i) When Mr. Speaker directs a division to be taken, the Division Bell shall be rung for five minutes".

(2) The names of two tellers for the Ayes and two tellers for the Noes shall be submitted to Mr. Speaker".

They are already submitted to me, and I wish to announce them. The tellers for the Ayes are Messrs Kamolleh and Ojode. The tellers for the Noes are Messrs Shabaan and Nderitu.

"(3) At the end of five minutes, Mr. Speaker shall direct the doors to be locked and the Bar drawn and no Member shall thereafter enter the House until after the Division has been taken".

I have already done that. Then, I will direct those willing to go and vote "Ayes" to my right, and those willing to vote for "Noes" to my left. Now, there is no obligation of any Member voting. So, any Member who does not want to vote "yes" or "no" can remain here and give his/her name to the Clerk at the Table.

Now, there is Standing Order No.58 which is absolutely necessary. It reads:

"Whenever there is an equality of votes on any question not requiring a special majority, Mr. Speaker (including any other Member in the Chair) shall have a casting vote".

Now, that casting vote is normally exercised to retain the status quo and not to create a new position.

There is also 55 (2), which reads:

"Mr. Speaker or the Chairman of the Committee shall, fifteen minutes after the locking of the lobby doors, call the House to order, and any member who shall not have voted shall forfeit his right to vote".

So, when we tell you to move, you will have ten minutes to go to the two lobbies. Between the time that I will tell you to proceed to vote, you have ten minutes to get into those lobbies. If you have not gotten into the lobbies within ten minutes, you will not be allowed. Now, once you have gotten into the lobbies ten minutes from the time that I will have directed you to go and vote, you have 15 minutes to vote. Now, if after the expiration of 15 minutes you have not voted, you will be taken as having forfeited your right to vote. So, you must proceed to vote with due haste and diligence. Proceed to vote!

(Question put and the House divided)

Mr. Speaker: Order! Order, hon. Members! It is now time for us to receive the results of the Division.

(Question carried by 71 votes to 61)

AYES: Messrs Achola, Achuka, Dr. Anangwe, Messrs Biwott, Chanzu, Choge, Ekirapa, Ethuro, Galgallo G.B, Dr. Godana, Messrs Gumo, Haji, Kamolleh, Kamotho, Karauri, Keah, Khaniri, Kiminza, Col. Kiluta, Messrs Kimeto, Kimkung, Kiptoon, Kirui, Mrs. Kittony, Messrs Kochalle, Kofa, Kombe, Kosgey, Koske, Leshore, Leting, Lomada, Lotodo J.D, Lotodo F.P.L, Maitha, Maizs, Manga, Marrirmoi, Masakhalia, Maundu, Mbela, Mohamed, Mokku, Morogo E.T, Morogo W.C, Mudavadi, Mukangu, Ms. Mwachai, Mrs. Mwewa, Ndambuki, Ngala, Nyenze, Odongo, Ojode, Okemo, Ombasa, Prof. Ongeru, Mr. Ruto I.K, Prof. Saitoti, Messrs Samoei, Sang, Sankori, Shaaban, Shambaro, **[Mr. Speaker]**

Shidie, Sudi, Sumbeiywo, Sunkuli, Too, Dr. Wamukoya and Mr. Werah.

Tellers of the Ayes: Messrs Kamolleh and Ojode.

NOES: Dr. Ali, Mr. Angwenyi, Prof. Anyang'-Nyong'o, Mr. Oloo-Aringo, Dr. Awiti, Messrs Donde,

Kaindi, Kajwang, Kalulu, Kanyauchi, Kapten, Kathangu, Katuku, Khamasi, Kihara, Kitonga, Kirwa, Dr. Kituyi, Messrs Kiunjuri, Kombo, Dr. Kulundu, Messrs Magara, Maore, Mbitiru, Mboko, Michuki, Muchiri, Mrs. Mugo, Messrs Munyasia, Muihia, Muiruri, Munyao, Murathe, Dr. Murungaru, Messrs Mutahi, Muya, Mwakiringo, Mwangi O.K, Mwangi P.G, Mwangi P.K, Mwenda, Mwenje, Mwiraria, Nderitu, Ndichu, Ndwiga, Ngure, Nyang'wara, Dr. Ochuodho, Messrs Omamba, Onyango, Parpai, Mrs. Seii, Messrs Shitanda, Sungu, Toro, Wafula, Waithaka, Wambua, Wanjala and Wehliye.

Tellers of the Noes: Messrs Shaaban and Nderitu.

Abstention: 1.

ADJOURNMENT

Mr. Speaker: Hon. Members, it is now time for the interruption of business. The House is, therefore adjourned until 8th June, 1999 at 2.30 p.m.

The House rose at 7.10 p.m.