

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 20th July, 2005

The House met at 9.00 a.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

MR. NDERITU'S APOLOGY AND WITHDRAWAL OF REMARKS

Mr. Speaker: Order, hon. Members! Mr. Nderitu, there is an order against you from the Chair to withdraw some unprintable epithets you used against hon. Members last week. Now, can you withdraw and apologize to the House before we proceed?

Mr. Nderitu: Mr. Speaker, Sir, I cannot recall what was going on because hon. Members were shouting at each other, but for the sake of the House and to follow up on the orders the Speaker has made, I hereby withdraw my remarks and apologize.

Mr. Speaker: Thank you.

(Applause)

QUESTIONS BY PRIVATE NOTICE

WATER SHORTAGE IN TIGONI SUB-DISTRICT HOSPITAL

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

(a) Is the Minister aware that Tigoni Sub-district Hospital is facing an acute water shortage posing a serious health risk to both workers and patients?

(b) What immediate steps is she taking to ensure that water supply is restored before an outbreak of water-borne and other hygiene related diseases?

The Assistant Minister for Health (Mr. Konchella): Mr. Speaker, Sir, I beg the indulgence of the House and request to answer this Question tomorrow.

Mr. Speaker: What is your reaction, Mr. Kanyingi?

Mr. Kanyingi: I do not know the reason the Assistant Minister has given. This is a very urgent issue because it concerns the hospital and it is a health hazard in Tigoni Sub-district Hospital. I do not know why he cannot give the answer until tomorrow.

Mr. Speaker: The Assistant Minister has not told us the reason why he cannot answer. Do you have any reason, Mr. Konchella?

The Assistant Minister for Health (Mr. Konchella): Mr. Speaker, Sir, we do not have sufficient information to answer this Question and I have asked the Provincial Medical Officer

(PMO) to give us that information by this morning. I understand that he is in the process of compiling it.

Mr. Speaker: Is that okay with you, Mr. Kanyingi?

Mr. Kanyingi: Mr. Speaker, Sir, it is okay.

Mr. Speaker: Very well. I defer the Question until tomorrow in the afternoon!

(Question deferred)

Next Question, Mr. C. Kilonzo!

COMPENSATION FOR MR. PETER NGANDA

(Mr. C. Kilonzo) to ask the Minister for Tourism and Wildlife:-

(a) Is the Minister aware that Mr. Peter Mbuvi Nganda was attacked by a hippopotamus in Naivasha and sustained serious injuries, including losing one leg?

(b) Is he further aware that Mr. Nganda had incurred a hospital bill amounting to Kshs118,670 at AIC Kijabe Hospital as at 11th March, 2005?

(c) If the answers to "a" and "b" above are in the affirmative, what compensation will be paid to the victim?

Mr. Speaker: Is Mr. C. Kilonzo not here? His Question is dropped!

(Question dropped)

Next Question, Mr. Kajwang!

TRANSFER OF SHARES FROM SOUTH
NYANZA TEACHERS SACCO

(Mr. Kajwang) to ask the Minister for Co-operative Development and Marketing:-
What steps will the Minister take to assist former members of South Nyanza District Teachers Co-operative Society who have moved their membership to Suba District Teachers Co-operative Society, and who have tried to transfer their shares from South Nyanza to Suba Co-operative Society without success?

Mr. Speaker: Is Mr. Kajwang not here? His Question is dropped!

(Question dropped)

Next Question, Mr. Serut!

ORAL ANSWERS TO QUESTIONS

Question No.392

RETENTION OF PPOS WHO HAVE
ATTAINED RETIREMENT AGE

Mr. Speaker: Is Mr. Serut here?

Mr. Bett: Mr. Speaker, Sir, Mr. Serut has requested that his Question be deferred because

he is on an official visit to Indonesia.

Mr. Speaker: I see. Very well, this Question is deferred to next week.

(Question deferred)

Next Question, Mr. Angwenyi!

Question No.459

INCREASE IN DISABLED PERSONS'
POPULATION IN URBAN CENTRES

Mr. Speaker: Is Mr. Angwenyi not here? His Question is dropped!

(Question dropped)

Next Question, Mr. Mukiri!

Question No.259

IMPROVEMENT OF CLEARING PROCESS
AT JKIA CARGO TERMINUS

Mr. Mukiri asked the Minister for Finance:-

- (a) whether he is aware that clearing cargo at Jomo Kenyatta International Airport (JKIA) Cargo Terminus is a frustrating experience; and,
- (b) what he is doing to avert the situation.

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

(a) I am aware that there have been problems at the JKIA with regard to the clearing of cargo.

As hon. Members are aware, the JKIA Cargo Terminus handles almost 100 per cent of the air cargo imported into Kenya. The process of clearing cargo involves various Government agencies. The Customs and Excise Department, which is one of the agencies, is responsible for enforcing import procedures. The other Government agencies involved in the clearance process include the Kenya Bureau of Standards (KEBS), Ministry of Health, the Kenya Plant Health Inspectorate Service and the Kenya Police. Those agencies enforce existing statutory restrictions and prohibitions in order to ensure that national interests are protected, especially with regard to items which can cause serious risks to human, plant and animal life. It is only with their positive assessment that the Customs and Excise Department can release imported goods.

Hon. Members appreciate that with the increased threat of international terrorism, the level of surveillance at the airports has been enhanced globally, Kenya included. Measures to address such concerns may have inevitably contributed to some delays in clearing the cargo.

Mr. Speaker, Sir, the Government has identified the following problems:-

- (i) Failure by some importers or their agents to submit adequate documents to enable concerned regulatory agencies authorise release of affected consignments; and,
- (ii) Failure to comply with importation requirements, for example, health and standards; pre-shipment inspection as and when necessary.

(b) The Government recognizes the importance of clearing imported cargo without delay for the promotion of investment. In this context, we have taken steps to improve the co-ordination among the various concerned agencies, which we believe have begun to show a positive impact.

Mr. Mukiri: Thank you, Mr. Speaker, Sir. Part "b" of my Question has not been adequately answered because the Assistant Minister has not given us the actual measures that the Government is taking to avert the situation.

However, if you go to clear cargo at the said terminus, you have to go through about 19 officers, who have to clear you. By the time you are through with this process, they start demanding storage charges from you, and the mistake has been caused by bureaucracy at the airport. That is why you see most Kenyans these days are collecting their goods from Eastleigh. Could the Assistant Minister tell us what specific measures they have taken to reduce bureaucracy so that we do not have Kenyans undergoing torture at our cargo clearing termini?

Mr. Obwocha: Mr. Speaker, Sir, through the computerisation process we have reduced the procedures from 19 to five. So, to that extent we have addressed the issue of documentation. We have also addressed the issue by asking those who are involved to form one clearing and forwarding agency. They have done so. With co-operation, we believe that the process will be faster and will assist those who process the documents.

Capt. Nakitare: Mr. Speaker, Sir, Customs clearance at the port of entry is a big concern to businessmen in this country. Whereas, I thank the Assistant Minister for addressing the issue, it is not only the Customs clearing agencies who face the problem, but also passengers take a long time before they are cleared. Now that he says they have reduced the rules of documentation from 19 to five, what will happen if computers fail at the port of entry?

Mr. Obwocha: Mr. Speaker, Sir, naturally, if computers fail, we will clear cargo manually. There is nothing else we can do. We have speeded up the process by introducing computers. We have reduced the process from 19 to five. Therefore, we have put all our resources to that computerisation project.

Mr. Mukiri: Mr. Speaker, Sir, Kenyans are incurring a lot of business closures because of the bureaucracy that is not of their own making. This comes in due to storage charges heaped on them. Could the Assistant Minister then consider implementing measures, so that if the mistake is that of bureaucracy, businessmen are not surcharged for the inefficiency on the part of the clearings at the port?

Mr. Obwocha: Mr. Speaker, Sir, under our customs procedures, we have a provision for waivers. If the problem is with the Ministry, then we provide a waiver. So, the hon. Member can be assured that in the event of us making the mistake we will waive those charges.

Mr. Speaker: Very well! Next Question by the Member of Parliament for Lugari Constituency!

Question No.123

INADEQUACY OF ROADS MAINTENANCE
LEVY ALLOCATIONS

Dr. Kibunguchy asked the Minister for Roads and Public Works:-

- (a) whether he is aware that money given to every constituency from the Roads Maintenance Levy Fund is grossly inadequate;
- (b) whether he is further aware that the stated purposes of the money do not in any sustained way improve the status of our roads; and,

(c) what long term plans the Ministry has to improve our road network.

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

(a) I am aware that money given to every constituency from the Roads Maintenance Levy Fund is inadequate.

(b) I am not aware that the stated purpose of the money does not in any sustained way improve the status of our roads.

(c) Some of the long-term plans my Ministry has to improve our road network infrastructure include:

(i) Promotion of transparency and accountability in all activities.

(ii) Promotion of business-like management in delivery of road maintenance activities.

(iii) Improved prioritisation of road maintenance works.

(iv) Separation of policy formulation from service delivery.

(v) Reviving the Mechanical Transport and Plant Fund under the Mechanical and Transport Department so as to provide sustainable funding for provision, maintenance and renewal of vehicles, plant and equipment.

(vi) Revival of resealing units in all provinces.

(vii) Strengthening of the Materials Department to ensure cost-effective design and quality control during construction, rehabilitation and maintenance of roads and other civil engineering structures.

(viii) Enhanced enforcement of axle load limits.

(ix) Accelerated implementation of Roads 2000 Programme.

(x) Promotion of private sector in maintenance and development of roads.

(xi) Gradual increase of Road Maintenance Levy.

Dr. Kibunguchy: Mr. Speaker, Sir, I would like to thank the Assistant Minister for the answer. However, I would like him to address the Roads 2000 Programme. What is the programme of the Roads 2000 as far as Western Province is concerned, and Lugari Constituency, in particular?

Eng. Toro: Mr. Speaker, Sir, I do not have a ready answer concerning the Roads 2000 Programme in Lugari Constituency and Western Province as a whole. However, the general funding of Roads 2000 Programme from development partners is in progress. Where the consultants who have been commissioned to do the design of the Roads 2000 Programmes have been commissioned, we are trying to impress on them to facilitate and fast-track the programme, so that the development partners can sign agreements with the Treasury for the funds to be released. However, I will be able to give the hon. Member information regarding Western Province and Lugari Constituency in particular, if he so desires later.

Mr. Nderitu: Mr. Speaker, Sir, we are fully aware that each constituency, through the District Roads Committee (DRC), receives about Kshs6 million every year. We all know that when that money is released to the District Roads Engineers (DREs), there is no machinery to know how it is utilised. When will the Assistant Minister table an amendment to the Act, so that, that money is directly released to the Constituency Development Fund Committees?

Eng. Toro: Mr. Speaker, Sir, the Ministry is consulting with the Attorney-General on the best way to bring the amendment to the House.

Mr. Twaha: Mr. Speaker, Sir, is the Assistant Minister aware that the secretaries to the District Roads Committees (DRCs) are usually the DREs? When hon. Members reprimand or criticise them, they do not accurately record our misgivings. Could he advise us on what we are supposed to do with the DREs because they are not transparent and accountable?

Eng. Toro: Mr. Speaker, Sir, according to the Act, the DREs are the secretaries to the

DRCs. We are doing our best in the Ministry to ensure that the DRC secretaries are discharging their duties in a transparent manner. In the last two days, the Ministry held a workshop for all senior engineers, including the District Roads Engineers (DREs), at Tom Mboya Labour College in Kisumu where these issues were discussed. It was impressed upon the DREs to work closely with hon. Members, so that there are no accusations and counter-accusations as it is happening between them at the moment.

Mr. Midiwo: Mr. Speaker, Sir, it is high time the Ministry of Roads and Public Works stopped being academic. It is true that this fuel levy, which is well over 40 per cent, is squandered by these District Roads Boards. I am the Chairman of Siaya District Roads Board and I know that these people usually justify on paper having squandered Kshs800,000 for every Kshs2 million you get. This House has consistently said that engineers should stop being clerks. Their work is to supervise roads construction in the constituencies. This House has asked the Ministry to bring this money under the supervision of a committee in the constituency. Even if you do not want to bring it under CDF, you should establish an independent committee in the constituency. Why can this money not be brought to the constituency as the Ministry had promised one year ago?

Eng. Toro: Mr. Speaker, Sir, the sentiments expressed are what was discussed in the workshop on Monday regarding the utilisation of the DRC funds. What came out is that our District Roads Engineers are also accusing hon. Members of Parliament of forcing them to do certain unprofessional things, whereas hon. Members of Parliament express concern about the misuse of money by the DREs. The issue of where the money should be; whether in the constituency or the district, lies in this House. If hon. Members so wish, we can amend the KRB Act and the money can be channelled to wherever the hon. Members of Parliament feel it will be utilised in a proper manner.

Mr. Kajwang: On a point of order, Mr. Speaker, Sir. We passed a Motion which was moved by hon. Kimeto in this House, that this money should go to the CDF. We expected to see that in the Miscellaneous (Amendments) Act, so that this money can go where we passed it should go. Why is the Assistant Minister now telling us that we have not decided?

Mr. Speaker: Eng. Toro, that is a valid question!

Eng. Toro: Mr. Speaker, Sir, I agree that the Motion was passed and the Ministry did not oppose it. We agreed that the amendment will be done. When the consultations were done with the Attorney-General, it was agreed that the Departmental Committee on Energy, Communications and Public Works, should propose an amendment. I remember the amendment was given to the Attorney-General by Eng. Muriuki, and the Attorney-General said that it was too late to include the amendment in the Miscellaneous (Amendment) Act. So, we have to look for a way of bringing the amendment to the House as quickly as possible.

Mr. Kimeto: Mr. Speaker, Sir, you have heard the Assistant Minister say that the recommendations as per the Motion which was passed were given to the Chairman of the Departmental Committee on Energy, Communications and Public Works. If that is the case, what is the next step for the recommendations to be adopted?

Eng. Toro: Mr. Speaker, Sir, we are consulting with the Attorney-General to see the basis of bringing the amendment to the House because it was not included in the Miscellaneous (Amendment) Act. If the Attorney-General assures us that it is not too late for him to bring that amendment to the House, then as a Ministry, we have no problem.

Dr. Kibunguchy: Mr. Speaker, Sir, we get a lot of promises from the Ministry of Roads and Public Works. One of the promises was that it would supply graders to certain districts in this country. Could we be told how far this promise has gone?

Eng. Toro: Mr. Speaker, Sir, there is the initiative by hon. Members of Parliament for

constituencies to have their own graders. The initiative is still there and those MPs who still feel that they can purchase graders through the Constituency Development Fund are encouraged to do so. However, the Ministry is purchasing more graders through the South Korea South Road Financing of US\$25 million. These graders will neither go to the constituencies nor the districts, because we are in the process of establishing about 16 regions in the country where the graders and other road making equipment will be deployed for proper utilisation. We hope that constituencies will also benefit. However, the issue of graders is open and hon. Members of Parliament who still want to pursue that line are free to do so.

Question No.447

NUMBER OF UON MEDICAL GRADUATES
UNDER PARALLEL PROGRAMME

Eng. Nyamunga asked the Minister for Education, Science and Technology:-

- (a) how many students have graduated as doctors from the University of Nairobi under the Parallel Degree Programme and when the programme was started;
- (b) whether these students are also paid an allowance during their internship programme as is done to their colleagues under the regular programme;
- (c) whether he could confirm that the Parallel Degree Programme is compromising standards and quality of doctor graduates from the university, and;
- (d) if the answer to part "c" above is in the affirmative, what steps he has taken to address the problem.

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

(a) The total number of students who have graduated as medical doctors from the University of Nairobi under the Parallel Degree Programme is 99. The programme was started during the 1998/99 academic year.

(b) The University of Nairobi is not involved with payment of allowances for interns once they graduate from the university. All students are given equal opportunities as junior doctors once they are employed as interns by the Government, regardless of the programme they went through.

(c) The Parallel Degree Programme is not compromising the quality of doctors from the university because the entry requirement is the same in terms of cluster points and it is relatively competitive. Students admitted under this programme are taught together with regular students.

(d) As a result of the answer in part "c" above, part "d" does not arise.

Eng. Nyamunga: Mr. Speaker, Sir, I would like to thank the Assistant Minister for a very comprehensive answer. We have heard of cases where tension develops between students under the Parallel Degree Programme and those under the regular programme in other faculties. Is the Assistant Minister aware of this? If he is aware, what is he doing to avoid such cases?

Dr. Mwiria: Mr. Speaker, Sir, the tension has resulted from the fact that regular students sometimes feel that students under the parallel programme are taking places without the same average grade as themselves. This tension was there initially, but it has reduced. I hope that both groups will continue to co-exist in the institution and concentrate on their studies.

Prof. Olweny: Mr. Speaker, Sir, a course in medicine under the Parallel Degree Programme at the University of Nairobi is one of the most expensive courses in this country. What efforts is the Government making to assist such students access the Higher Education Loans Board facility?

Dr. Mwiria: Mr. Speaker, Sir, it is true that the Parallel Degree Programme is very

expensive. However, the cost is based on how much money it would take to train a regular student who is taking a medical degree in a university. Those who come through the regular programme are heavily subsidised, and that is why it is not so expensive. With regard to what is being done to make education more accessible and affordable to those kind of students, the HELB is organising a loan programme with commercial banks to provide loans even to students who are in the parallel programme as long as they repay it with interest.

Dr. Rutto: Mr. Speaker, Sir, we need to regularise the idea of quality control. When the Parallel Degree Programme was started, I am sure the facilities and teaching staff in all public universities were over-stretched. Could the Assistant Minister tell us what plans the Ministry has, in conjunction with the universities, to improve the quality of education given through the Parallel Degree Programme?

Dr. Mwiria: Mr. Speaker, Sir, it is true that facilities in a number of faculties are over-stretched. It is also true that money gained through the Parallel Degree Programme is used to improve physical facilities at the universities. They include provision of books and other materials. Let me also say that, in terms of ensuring that quality standards are maintained, all students are examined under the same standards. The Parallel Degree Programme students are also expected to meet the same standards as those who go through the Regular Degree Programme. That is why, last week, we presented evidence to show that students under the parallel programme who join universities with lower grades often perform poorer than those who are admitted under the regular programme. That is one indication to show that, every attempt is being made to stick to standards. If you are in the Parallel Degree Programme, you are judged by the same standards.

Mr. Kosgey: Mr. Speaker, Sir, the Parallel Degree Programme is discriminating against Kenyan children. What steps is the Assistant Minister taking to ensure that all Kenyan children have equal opportunities and access to university education, without going through the Parallel Degree Programme? In other countries, fee-paying students are foreigners. You cannot subject Kenyan students to pay for university education locally, when others are not paying.

Dr. Mwiria: Mr. Speaker, Sir, let me reiterate that the Parallel Degree Programme was started by universities partly, as an incoming generating opportunity. Let me also point out that, although Mr. Kosgey says that it is more difficult for many poor students to join universities through that programme, paying of fees is common even in European and American universities. Students who do very well, even in those countries, get scholarships. In fact, you can say that the equivalent for us are those students in regular degree programmes. The Government pays fees for them because of making it to the universities through merit. They perform the best and, therefore, they get scholarships.

Mr. Speaker, Sir, in those countries also, if you come from a well-off background and make it to the university through merit, you still have to pay for that education. We have to expand opportunities for more Kenyans, who cannot afford to pay Kshs500,000 per year for a medical degree programme, to have them. That is in the process. We have made that recommendation in the Sessional Paper that was discussed in Parliament. We hope that in the next four or five years, it is going to be possible to have more students in medical and engineering degree programmes, who do not come from advantaged backgrounds.

Mr. Boit: Mr. Speaker, Sir, I have a question concerning the security of parallel degree students. In some universities, there were some problems. The parallel degree students are looked down upon by regular degree students. That has even led to the closure of one of the universities in Rift Valley Province. What is the Assistant Minister doing to prevent that?

Dr. Mwiria: Mr. Speaker, Sir, there were some tensions, especially when the programme was introduced. Regular degree students felt that parallel degree students were coming to the

universities without attaining the equivalent grades. However, those tensions have been resolved. I think that the parallel degree students are increasingly being accepted by the other students. There are no tensions as they used to be. All we can do as a Ministry and the universities is to encourage the students to appreciate each other. They should also appreciate the fact that, the students who are coming in are paying for their education. They should, therefore, be judged by whether or not they make it through the programme.

Mr. Karaba: Mr. Speaker, Sir, these days, students at the universities, including medical students, spend most of their time cooking and doing other things that are not related to academics. What is the Ministry doing to make sure that students in our universities are catered for, particularly in social aspect?

Dr. Mwiria: Mr. Speaker, Sir, the students are provided with living allowances. There is the need for students and parents to realise that university education will succeed through cost sharing. Every effort is made to provide them with allowances. But that might not be adequate.

Mr. Speaker, Sir, let me also say that not all students cook. Some students prefer to cook in the hostels to make some savings. We are trying to discourage that. We hope that, in future, we are going to have common-kitchen facilities for students to cook. They will not have to cook in the rooms. But it is not true to say that they spend all their time cooking. You do not spend a lot of time cooking for a meal to be ready. The real problem is that they cook in the hostels, which can be very dangerous. That is very expensive for the universities.

Mr. Speaker: Let us have the last question on this! The hon. Member for Nyando Constituency!

Eng. Nyamunga: Mr. Speaker, Sir, I must say that I am a very big supporter of the Parallel Degree Programme. A number of Kenyan students go abroad in search of education. Could the Assistant Minister inform the House what programmes he has put in place to ensure that facilities are expanded to accommodate more students, so that they do not have to go abroad in search of further education?

Dr. Mwiria: Mr. Speaker, Sir, the Kenya Education Sector Strategy Paper has included the expansion of universities as one of our priorities. But it is going to take a bit of time. But, unfortunately, at the moment, the only option for students who cannot join universities through the regular degree programme, is the parallel degree programme. But, I must say that we are committed to expanding facilities. We do hope that, within a short period, we are going to have more students in Parallel Degree Programmes in sciences, including medicine.

Mr. Kimeto: On a point of order, Mr. Speaker, Sir. You heard the Assistant Minister say: "As long as interests will be paid by the Parallel Degree Programme students---". Is he in order to say that students will pay interest rates, when even those who are in business cannot afford the high interest rates?

Dr. Mwiria: Mr. Speaker, Sir, could he repeat the question?

Mr. Speaker: Mr. Kimeto, could you repeat your question?

Mr. Kimeto: Mr. Speaker, Sir, I have raised a point of order. Is it in order for the Assistant Minister to give loans to students and charge interest rates, when he knows very well that, at the moment, you cannot pay such interests even when you are in business? The students are not in business! Is it in order?

Dr. Mwiria: Mr. Speaker, Sir, I will still answer the question, if you allow me. The students who get loans from the Higher Education Loans Board (HELB) are not charged any interest. We are saying that if commercial banks avail loans to students in the Parallel Degree Programme, it is only right to expect them to charge interest. Those banks are not run by missionaries.

(Laughter)

Mr. Speaker: Very well! Next Question by the hon. Member for Tigania East Constituency!

Question No.369

OPENING OF DISPENSARIES IN
TIGANIA EAST CONSTITUENCY

Mr. Munya asked the Minister for Health:-

- (a) when the Ministry will put into operation Githu Dispensary which was built by Githu Community 10 years ago;
- (b) whether she is aware that the Medical Officer of Health (MOH), Tigania North District has disregarded the Minister's directive that Lailuba and Karama dispensaries be opened immediately, even after the Ministry assigned staff and medicine to those dispensaries; and,
- (c) what disciplinary action she had taken against the MOH.

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

(a) I am aware that Lailuba and Karama dispensaries are incomplete and the dispensary committee has been advised on what to be done by the Medical Officer of Health (MOH), Tigania North District. Once the community completes the structure and furnishes the facility, then the Ministry will open it.

(b) It is part of the responsibility of the Ministry to ensure that health facilities meet the minimum required standards before opening. The Ministry is ready to open Lailuba and Karama dispensaries, deploy staff and allocate drugs to the facilities. However, the community must be ready to do its part; that is finalise renovation as per the recommendation. The Karama Dispensary will actually be opened this week because the renovation has been done.

(c) The MOH does not deserve any disciplinary action since he is prepared to operationalise the facility once the community completes and furnishes the structure.

Mr. Munya: Mr. Speaker, Sir, these dispensaries were built with the specifications of the Ministry. I have visited them myself and they are complete. The Assistant Minister, while on the Floor of this House, assigned staff to these dispensaries after being given information that they were complete. How comes that the MOH is now telling him that they are incomplete? Is the Assistant Minister being dishonest?

Mr. Konchella: Mr. Speaker, Sir, last year when the hon. Member brought this Question, we posted staff to the two dispensaries, and I have their names and they are still posted there, ready to move in. They have now moved to one which is ready. But they could not move because the community was supposed to provide furniture, watchmen and cleaners. The nurse cannot go and work alone. There are also some other small renovations which have to be done. It is not the MOH who will post the nurses, but the District Health Management Board.

Mr. Ndambuki: Mr. Speaker, Sir, the Assistant Minister has been telling us that they have shortage of personnel, including nurses and clinical officers. But now, he is telling the hon. Member that immediately the dispensaries are complete, he will supply a nurse. If the nurses are available, why do we have so many units, for example, in Makueni with 30 units, which are closed because of lack of personnel?

Mr. Konchella: Mr. Speaker, Sir, this was an issue of last year. The staff were relocated

within the Eastern Province. But the shortage of staff is country-wide. The Ministry is addressing this issue. As you are aware, this financial year, we intend to recruit additional 1,500 nurses on top of what we have done now to replace those who were suspended because of the strike.

Mr. Munya: Mr. Speaker, Sir, I am not satisfied with the answer the Assistant Minister has given. These facilities were built with the specifications of the Ministry, the MOH inspected them and found them to be okay, and that is why the Ministry allocated staff. Now, why is the Assistant Minister turning around and saying they are incomplete? This particular MOH who is refusing to open these dispensaries reports to work only three days a week, and the administration of medical services in the district are in a disarray. I even have information that in one of the dispensaries, private practice stationers store their drugs in the freezer. Tunati Dispensary is where one of the private practitioners in the market keeps his drugs, because the MOH is not in the district to do his job. What is the Assistant Minister going to do to make sure that this particular MOH does his job?

Mr. Konchella: Mr. Speaker, Sir, if the hon. Member is aware of misuse of drugs, that is a police case. Therefore, he should inform the police to investigate so that action can be taken by the Ministry. But on the issue of the dispensaries not being opened yet the facilities are ready, is a different matter. In the case of Lailuba Dispensary, for example, the toilets need to be repaired, the building also needs some renovation, and furniture is not in place. So, once those things are in place, let me know and I can assure the hon. Member that I will give instructions for it to be opened immediately.

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members! It is almost becoming impossible to communicate! Next Question, Mr.M.Maitha.

Question No.375

ELECTRICITY SUPPLY TO KANGUNDO MARKETS

Mr. Speaker: Is hon. M. Maitha not there? He is absent and, therefore, I will drop his Question. Next Question. Mr.Ndambuki.

(Question dropped)

Question No.110

MEASURES TO CURB WATER SHORTAGE IN NAIROBI CITY

Mr. Ndambuki asked the Minister for Water and Irrigation:-

- (a) whether she could explain the source of water used in Nairobi City;
- (b) whether she is aware that there has been continued water shortage in the city for the last three years; and,
- (c) what action she is taking to curb the problem.

The Assistant Minister for Water and Irrigation (Mr. Munyes): Mr. Speaker, Sir, I beg the indulgence of the House that this Question be deferred until tomorrow.

Mr. Speaker: Why? You do not know the source of the water?

The Assistant Minister for Water and Irrigation (Mr. Munyes): Mr. Speaker, Sir, we are yet to get some vital information.

Mr. Speaker: What is your reaction, hon. Ndambuki?

Mr. Ndambuki: Mr. Speaker, Sir, this is a very old Question. It has been in the Order Paper since January, and I do not understand why he is saying he is looking for information. It is just the source of the water that I want to know and why we continue to have shortage of water in the city.

The Assistant Minister for Water and Irrigation (Mr. Munyes): Mr. Speaker, Sir, I just beg that I respond tomorrow.

Mr. Speaker: Very well.

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. I do not know whether the Assistant Minister is in order, noting that recently, the Nairobi Water Company was formed, which is supposed to be more efficient than Nairobi City Council. Why is he not able to answer the Question when there is a specific company dealing with water?

Mr. Speaker: Maybe that is the reason. But let me give them up to tomorrow, Thursday, afternoon.

That is the end of Question Time.

POINT OF ORDER

SHOOTING OF MR. KALUMA BY POLICE

Mr. Munya: Mr. Speaker, Sir, I rise on a point of order to seek a Ministerial Statement from the Minister of State, Office of the President in charge of internal security. On Saturday, three Administration Police (AP) officers in Mbaranga Village in Tigania North Division visited some family at 7.00 p.m. and shot one member of the family dead, a Mr. Kaluma. There was no scuffle or distress call by the villages to the police. So, the circumstances are very bizarre because there was no robbery reported. The police officers just walked there in the night and shot that particular person dead. So, I would want to know under what circumstances this person was shot dead and whether those police officers have been arrested. The information I have is that the particular police officer who shot him dead is a Corporal Mugambi who was stationed at Micii Mikuru Market. That is the only information we have. So, I would like the Minister to explain whether the police have now gone out of control in the district. Three months ago, another person was shot dead in a scuffle by the same APs.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Speaker, Sir, we will make the Ministerial Statement on Tuesday afternoon.

Mr. Speaker: Very well.

Next Order!

COMMUNICATION FROM THE CHAIR

RE-ORGANISATION OF BUSINESS

Mr. Speaker: Order, hon. Members! Before we go to the next Order, the business will be taken in the following manner:- We will begin with Order No.7; the Motion by hon. Koros, then we will go to Order No.9; the Motion by hon. Sungu and after that we will go to Order No.8; the Motion by Dr. Ali. Then everything else remains as it is on the Order Paper. This is on the mutual agreement between Dr. Ali and hon. Sungu.

Next Order!

MOTIONS

PROVISION OF LOANS TO STUDENTS IN MIDDLE LEVEL COLLEGES

THAT, in view of the significant contribution made by graduates trained in our tertiary institutions in national development; aware that many brilliant young people cannot access tertiary education due to lack of fees; this House calls upon the Government to provide loans to all needy students in middle level colleges throughout the country.

(Mr. Koros on 6.7.2005)
(Resumption of Debate
interrupted on 13.7.2005)

Mr. Speaker: Mr. M. Kariuki was on the Floor. How much time do you have? **The Assistant Minister, Office of the President** (Mr. M. Kariuki): Mr. Speaker, Sir, I believe I have eight minutes.

Mr. Speaker: Indeed, you do.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Speaker, Sir, this Motion raises issues of great concern. As we were going through Question Time, hon. Kimeto mentioned the issue of interests that are charged by the Higher Education Loans Board (HELB). I agree with hon. Kimeto that if we want to promote education in this country and if we are going to charge any interest at all, on the loans that we advance to students, they should be minimal, just to take care of the operations. As much as possible, we should extend assistance to students without having to charge interest.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, a number of civil servants have been pursuing higher education as they continue to do their work and they have had to face a lot of barriers along the way. One of the problems that they face is that the HELB has put an age limit to the applicants who can apply for loans. Persons who are above the age of 35 are not eligible for loans from the HELB. There is no end to education and we should remove this age limit of 35 years and below as the only people who are entitled to apply for loans from the HELB. We should encourage our civil servants to continue to read as they do work. They should continue to advance themselves by pursuing higher education. It is my appeal that the Ministry will take it into account that there should not be age limit as a condition for qualifying for loans from the HELB.

We have let our education system go haywire. We have failed to plan. Our education is no longer demand-driven. We do not know how many graduands we expect to produce in so many years. We are not able to assess the performance of our economy *vis-a-vis* the output from the higher education. For us to be able to manage education effectively, we should know, for example, how many engineers or teachers we expect in the next five years. Today, if you look in the

education sector, you will find that for the last almost ten years, we have not absorbed the graduates from our primary school training institutions. It is important that we plan. We should not keep our teacher training colleges open when there is no demand for primary school teachers. We can do something else there. It creates a sense of frustration to train a professional and put him out there for about ten years without a job. We need to plan.

Mr. Temporary Deputy Speaker, Sir, I have said in this House before that a number of economies are able to know how many professionals they need per year. In a country like Japan, they will tell you that they only need 550 lawyers per year. It is a planned and a demand-driven economy. You do not just produce professionals just because somebody wants to go and learn a course that is not going to be utilised within the economy. We need to be better planners. As we plan for our higher education, we must relate the output from our universities with the output from the polytechnics and other middle level colleges. There is no professional who carries out his duties without a middle level assistance, for example, a paramedical, paralegal or a technician. These are the people who assist professionals to give meaningful output.

Our country continues to experience a widening gap between the rich and the poor. That is why many students who finish Form IV today are not able to access tertiary institutions.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Let us, please, have quiet consultations, so that we can hear the hon. Member on the Floor.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Temporary Deputy Speaker, Sir, we need to put measures in place to ensure that the gap between the rich and the poor is narrowed down. We need to have programmes that can empower the poor parents who cannot afford to pay fees for their children to attend tertiary institutions or even to go for higher courses. This is important.

We reckon that our Gross Domestic Product (GDP) has shown very promising results. It has grown at 4.3 per cent. I am equally concerned that the levels of poverty have continued to increase. This is a challenge that we have to face because many bright students who fall out at Form IV level cannot pursue further courses because their parents cannot afford to pay fees for them. We cannot, therefore, ignore issues of the economy and the distribution of resources as we address this subject.

Many bright students from poor families are disadvantaged because their families cannot afford to take them to school. We have a duty to ensure that we tap the best brains in this country, to ensure that these students get an opportunity to advance themselves. One way of narrowing the gap between the rich and the poor is by ensuring that students from poor families access higher education. When they access higher education and later on get jobs and settle down, they will have economically empowered their families and the gap will have narrowed considerably.

This is a Motion that is long overdue. I have heard on the Floor of this House the Minister say that this is an area that we have to look into and ensure that the middle level colleges benefit from the HELB. We need to allocate more resources to the HELB, so that it can address the issues of tertiary institutions. With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghisio): I will now call upon the Official Government Responder.

The Assistant Minister for Education (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! It is becoming clear that my request to you to consult in low tones is not being heeded. If you start talking from all the different corners, then it becomes difficult for us to follow the business of the House. So, please, keep the tones low. If you cannot keep your tones low, you are free to leave the Chamber and continue with the loud consultations outside.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Temporary Deputy Speaker, I would like to confirm that the Ministry of Education, Science and Technology appreciates the role played by middle level colleges in supporting education and the development of this country. Middle level colleges develop skills needed by this country to attain industrialisation by the year 2020. It imparts skills for self-reliance among the young and old people. Many of our young people, who do not obtain entry grades to universities, such as students with grade C plus and below, join our middle level colleges. The majority of them happen to be from poor families, as was pointed out by hon. Members who spoke before me. We also appreciate the fact that the more resources we put into technical or vocational and entrepreneurship education, the more interest we shall create among our children. These institutions should not be left for students from certain families. It should not be seen as if we are prescribing a different type of education for children who are not ours. Middle level colleges should be empowered for use by all students of this country.

Mr. Temporary Deputy Speaker, Sir, we are supporting rehabilitation of technical and vocational institutions in collaboration with the Ministry of Labour and Human Resource Development. We have programmes to support village polytechnics. We are also supporting a programme to review curriculum for technical and vocational education to ensure that it accommodates current needs of the society, and empowers its graduates for employment and self-reliance. This will only be possible if we increase allocation to these institutions. This year we have increased allocation to vocational and technical education. We have also attracted a lot of donor support for it. Already, quite a bit of money is being given to our polytechnics and institutes of science and technology. We have got the African Development Bank (ADB) projects that will support youth polytechnics, and are seeking more partners. We realise that it is a big task to rehabilitate these institutions, which were neglected for a very long time. They need not only construction works but equipment that will prepare their graduates to compete with those from institutions with much superior equipment and facilities.

We are aware that the Higher Education Loans Board (HELB) gives loans to students of public and chartered private universities. There are also other bursaries to public and private universities. Unfortunately, because HELB funds are limited, we have not been able to reach out to tertiary institutions, or middle level colleges. However, the recommendations made through Sessional Paper No. 1 of 2005, which was discussed in this House, will enable us to extend opportunities to students of middle level colleges. Modalities have to be worked out in terms of how best that could be done. There is already a commitment by the Ministry to ensure that even those colleges benefit from the resources that are available through HELB. To enhance success of the programme, we have to focus on these institutions seriously. We should give more resources to HELB, and middle level colleges, so that they help poor students. We should also target marginalised groups, especially women, the disabled and others, in the disbursement of loans and bursaries. Also, Students from disadvantaged and remote parts of this country should be targeted.

It is important for us to have money for our local institutions such as the technical institutes, village polytechnics and institutes of science and technology. Those supported under these programmes must be students who are innovative and will benefit from this type of training, and

who are likely to translate the support given to them into self-reliance and boost the economy of this country. Provision of these resources will only be possible if we pay attention to the wider importance of those institutions. It will only be possible for us to attract more partners if we improve the standard and quality of education in those institutions. Now there are many doubts about them, partly because of poor performance by students and the resources that are available to them. There are many questions asked about the quality of students coming from our tertiary institutions. To convince employers to support them, these institutions themselves should make efforts to ensure that when resources are available, their graduates are well prepared and can compete with other graduates from private institutions.

If facilities and other resources were available to those institutions and there were employment opportunities, bright students would not go to technical institutions as a second option. Currently, most students go to those institutions only if they cannot get admission into universities. The reason for this is that the reward system in this country, and, indeed, in many other African countries, is that one does well if they have academic education, but for those with vocational or technical education reward, and prestige are minimal.

Therefore, we will also need to address attitudinal problems towards middle level colleges. The best way to address that is to ensure that those who come from those institutions get value for their education by being well paid. It should also be possible for them to pursue the vocational stream to university and obtain degrees in their relevant fields of study. The other way of attracting students is by creating entry and re-entry from one system to another. Those in technical institutions should find a way into universities, and get degrees in engineering or any other technical field. Once they get there, they will enjoy many other facilities.

It is also important for us to improve our economy to be able to absorb graduates from our technical institutions. Until we improve our economy to ensure that there is a market for our graduates with technical and vocational skills, it will be a bit theoretical to expect that by employing resources and having bright students we will create an environment that will be supportive of those institutions. It is extremely important that there should be an economy that will create demand for technical skills.

We are also talking seriously with the private sector. If the private sector was benefiting from technical and vocational institutions, I think we would expect them to support a scholarship programme. This was the case in the 60s and 70s, when many private sector institutions had a system whereby they recruited Form Four graduates, employed them and later sponsored them to join polytechnics and universities. We can only go back to that system if employers are convinced of quality graduates from our institutions. We also call upon other local institutions like the county councils, co-operative societies and individuals to support us. The more partners we get, the easier it will be for the Government to support many students. We are committed to increasing resources to technical institutions. We call upon other partners to come in. We also do appeal to students who have graduated from our universities, and have not repaid their loans, to ensure that they do that, because the more money HELB recovers, the more resources will be available to support those in technical institutions and universities.

Mr. Temporary Deputy Speaker, Sir, I know that other hon. Members would like to contribute. I will conclude by saying that we support this Motion in principle. The next step is for us to mobilise resources that can be used to ensure that as many students as possible in our universities and technical institutions benefit from them, so that we can reduce the gap between the rich and the poor.

Thank you.

Mr. Kosgey: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this

opportunity. This is a very important Motion, which encompasses the wider aspect of financing higher education in Kenya. At the moment, the educational policy is not clear at all. At the moment, about 700,000 Kenyans sit for the Kenya Certificate of Secondary Education (KCSE) examinations, while going through a hard time raising money for school fees. However, when they complete the form four examination, they do not proceed for higher education, and this becomes a nightmare to them. About 10,000 students are registered to go through the regular system of university education. The rest, who are about 600,000 Kenyans have nowhere to go. We know that we have the middle-level colleges which include polytechnics. We also have the private universities and parallel degree programmes which are being run by our public universities. To secure places in these institutions is very expensive. I do not think that joining any of these colleges would cost a student less than Kshs30,000 per year. That is the least amount that one would require to join the polytechnics which charge slightly fairly. We need to make sure that middle-level colleges like the national polytechnics, the Medical Training Centres, the Co-operative College of Kenya, and the Utalii College are not only offering quality education which is attractive, but also education which is affordable, so that Kenyans can access them. The Motion calls for a scheme through which students from poor families can access loans to enable them pursue their education.

You know that Kenyans spend over Kshs20 billion on education annually, in financing their students to join overseas universities. This is because the middle-level colleges which they can go through--- As the Assistant Minister was saying, when students join polytechnics, they should also move on and join the universities if they want to. The issue of quality education in middle-level colleges should be looked into, besides that of financing. The Higher Education Loans Board (HELB) has always requested the Government for more money, not only to finance university education, but also to assist middle-level colleges and students who are in private universities. We should treat all Kenyan students equally. Those who are not able to go through the regular programme at the public universities, those who join private universities, and students who go through middle-level colleges should be given the same opportunities. The allocation to HELB, of Kshs1 billion, is not enough. The Fund has always requested for an allocation of about Kshs3 billion annually. Once it is given that allocation, it would become self-sufficient and would not have to be financed every year because, it also receives money from students who have graduated from institutions and are paying their loans. We assume that those students who graduate get jobs and are able to pay their loans. We should give our students quality education, which is accessible and affordable. For those who cannot afford education, loans should be provided to them.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghisi): Hon. Members, it is now time to call upon the Mover of this Motion to reply. He can also donate his time if he wants.

Mr. Koros: Mr. Temporary Deputy Speaker, Sir, I wish to donate two minutes to Mr. Kipchumba, two minutes to Dr. Rutto, and two minutes to Prof. Oniang'o.

Mr. Kipchumba: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion. In the same spirit, I would like to request the Government to stop its continuous poaching of middle-level colleges. Middle-level colleges provide the technical manpower that we require in this country. When we continue poaching these colleges, we will deny this country the much needed manpower. I also wish to request the Government not to give loans to students in these institutions but grants which do not attract any interests. I wish to request the Government to provide loans to students in private institutions because as long as the institutions' standards are up to date and in line with the Government requirements, there should not be any discrimination.

With those few remarks, I beg to support.

Dr. Rutto: Mr. Temporary Deputy Speaker, Sir, the Motion tries to urge us just to pay attention to middle-level colleges in terms of funding. However, I also think that the Motion urges us to diversify our focus in terms of training and human resource development. In this case, we should strengthen the middle-level colleges in terms of production of human resources. One of the ways of improving our economy is by paying attention to the small-scale enterprises. I believe that middle-level colleges can provide such kind of

[Dr. Rutto]

manpower effectively and efficiently, if we pay attention to them. In the past, our focus has been on secondary schools and universities. We have never looked at middle-level colleges in terms of encouraging quality control. The Government should take this issue seriously and encourage the private sector and as the Minister has said, also promote middle-level colleges. I urge the Ministry to focus on middle-level colleges just as it has been paying attention to the public universities.

With those few remarks, I beg to support.

Prof. Oniang'o: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I want to congratulate hon. Koros for bringing this Motion to this House. I wish to support it. In other countries, middle-level colleges are classified in their own stream and cadre, even though they are linked to degree programmes. They should be managed and financed differently. In some cases, these institutions form community colleges and are quite diverse. We should take this very seriously.

The second issue is that we get all kinds of requests to support college training in terms of finances, yet we are not aware about the quality of training which is being offered. Sometimes, we come across students who have gone through a three-year training programme, only to be told that their certificates are not valid and cannot be recognised. This is a waste of time for students and parents. The Government needs to know that it is not doing its job. Therefore, we would like to move beyond the recognition of the Sessional Paper and begin to take action in this sector. We have many young people from poor families who are hanging around and are expected to find employment since their families depend on them. We want the Ministry to stop talking about a Sessional Paper, but to take action.

With those few remarks, I beg to support.

Mr. Koros: Mr. Temporary Deputy Speaker, Sir, I wish to thank all hon. Members, especially from the Government side. It will be very awkward if this Motion will not be implemented before the end of the year. I hope that the Ministry will implement it before the end of the year so that by the beginning of next year, the graduates from middle level colleges can get their loans.

To strengthen education does not only mean strengthening higher education. Strengthening middle level colleges will enable our economy to grow fast. I hope that every student who is in the middle level colleges will benefit from this system. I also hope that there will be no age limit in awarding the bursary or the loans.

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

(Question put and agreed to)

The Temporary Deputy Speaker (Mr. Poghio): As we explained earlier on, we will go to Order No.9 and later come back to Order No.8.

INTRODUCTION OF ADVERTISING
CONTROL BILL

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, aware that the Government does not have a comprehensive policy regarding advertising; cognizant of the fact that this industry has used unethical practices in pushing defective, dangerous and substandard products on the lives of consumers; this House do grant leave to introduce a Bill for and an Act of Parliament entitled The Advertising Control Bill to legislate against such practices and to ensure that advertisements are truthful, ethical and recognize cultural and spiritual values of the Kenyan society.

Hon. Members will recall that there was a recent ban by the relevant Government agencies on tobacco and alcohol advertising in Kenya. You will also recall the subsequent backlash that occurred as a result. The strange situation is that even a Government Minister later on said that there was no legal basis for such banning of advertisements on those two items. The questions that come to mind are: What law governs advertising in Kenya? Under what rules do advertisers operate? The answer to the foregoing can be found in the Films and Stage Plays Act, Cap.222 of the Laws of Kenya, which was enacted in 1963. This Act commenced on 1st October, 1963. That law allowed authority to issue regulations through legal notices. Since the Act is so old and has been subject to a lot of revisions, there have been many legal cases as a result. Even today in the Press, there is a report of a court case in Meru where parts of the civil society took M/s Mastermind Tobacco and M/s East African Breweries Limited (EABL) to court to prevent them from advertising their products. Those are stakeholders in the industry as are other stakeholders. The law should be provided for them so that they can operate within the confines of the law.

Mr. Temporary Deputy Speaker, Sir, the Ninth Parliament is now being called upon to make a law whose time has come. Hon. Members will agree with me that from 1963 to date is a long time. We have to note that the only Government institution involved in this area is the Film Censorship Board, whose mandate is restricted as the name suggests. If you look at the connotations of the name, it is negative because it is a censorship. I believe that this Parliament should not be involved in censoring the media or any other organ, stakeholder or organisation in this country. However, this Parliament is entitled to provide a legal framework within which the citizens, organisations, businesses and even the media in this country will operate.

The Film Censorship Board has a long history of being established in Kenya in 1930s. It was established as a statutory body with a regulatory role under the Films and Stage Plays Act, Part 3(2)(I and II), Cap.222 of the Laws of Kenya. Over the years, this Board has become more or less moribund. Its actions have not been clearly defined. The regulations that they have issued have never been actually respected by those in the advertising industry. For example, in 2001, the Minister for Information, Transport and Communications issued Kenya Gazette Notice No.4014 dated 6th June, 2001, which notified all broadcasting networks, cinema theatres, production houses, advertising agents and all those concerned with films including television commercials for public exhibitions, screening or programmes, whether foreign or locally produced, that they were required to obtain a certificate of approval from the Film Licensing Officer and the Kenya Film Censorship Board prior to being exhibited. Needless to say, the organisation was taken to court. Much as we are discussing this now, I do not want to go into the details because of the rule of *sub judice*.

Mr. Temporary Deputy Speaker, Sir, it is, therefore, clear that there is a need for this august House to pass a law to provide a legal framework for the regulation of this industry so that it can operate within the confines of the law. In connection with this, I still want to appeal to hon. Members to support this Motion to give this House a way in which it can deal with this matter that has come to hand. That is why I am seeking leave of the House to be granted so that such a Bill can

be brought before the House.

I want to state from outset that when we bring such a Bill, we should take cognizance of the views and ideas from stakeholders. We should take views from advertisers, the media, radio organisations and the outdoor broadcasting and advertising agencies, hon. Members, the Government and the National Campaign Against Drug Abuse (NACADA) which is at the forefront of pushing for legislative control in this area.

Mr. Temporary Deputy Speaker, Sir, let me just summarise the issues at stake. Consumers have a right to goods and services of reasonable quality. They have a right to information necessary for them to gain full benefits from the goods and services that they buy. We must provide for protection and compensation for loss or injury arising from defects in goods or services. We must also protect our people, especially our children, from moral degradation. I would like to remind hon. Members of this House that the current draft constitution, popularly known as the Bomas Draft, recommends that Parliament enact laws to provide for fair, honest and decent advertising. Furthermore, the draft envisages that youth and children be protected from any culture, custom, tradition or practice that may undermine their dignity and quality of life.

Mr. Temporary Deputy Speaker, Sir, what is advertising? Let me just attempt to define it for the sake of hon. Members. Advertising is publishing products for purposes of public consumption to convince the public to buy or use certain products, ideas, services and so on. These include exhibitions, audio and visual displays, print media, posters, billboards, displays in stadia, public places, road sides, event sponsorships, competitions, sports, internet and electronic media, among others.

As I have ably shown in the past, the current laws do not provide for a comprehensive consideration of those issues that I have talked about. The only law that we have is Cap.222. It provides for regulation of cinemas, stage plays and theatres, but it does not provide for the new developments in advertising. That law actually defines exhibitions, films, licensing authorities, boards, posters and stage plays. Even the making of films is controlled through these boards.

Mr. Temporary Deputy Speaker, Sir, let me take this opportunity to look at the situation elsewhere in the world. I believe, as every hon. Member of this august House does, that Kenya should not be left behind in the league of nations where the world has become a global village. In the United Kingdom (UK) there is control of circulation of misleading advertisements. There are penalties provided for breach of those regulations. In UK, they have set regulations for advertisements. For example, comparing one product with another unfairly is catered for in those regulations. It provides that no advertiser or producer can unfairly compare his or her products with another without legal and justifiable reasons. There are also regulations for specific industries. There are also regulations for production and advertisements. I must say that in UK, this is a largely self-regulated field. What have our advertisers done in Kenya? Do they have any regulations? Do they have any code of ethics? Do they have any control whatsoever that would subject them to some sort of regularised atmosphere where they operate? That is why I am calling upon this House to provide a legal framework.

Mr. Temporary Deputy Speaker, Sir, the situation in South Africa is slightly different. This is because they have focused mainly on the issues of the protection of children as consumers. Advertising guidelines are catered for in several laws. They look at the sale of dangerous goods to children. Even the solvents, popularly known as "gum", which is being used by our street children is catered for in the South African laws. The laws provide for safety in places of entertainment. Those laws also provide for printed materials and pornography. I dare say that although there is a Government ban on pornographic materials being sold or circulated in the streets, there is no law which prevents anybody from possessing or selling them. I am urging this House to look at this

issue very critically, so that we provide the legal framework.

Mr. Temporary Deputy Speaker, Sir, I would like to ask hon. Members to look at the issue of establishing an advertising standards authority in Kenya. In Australia, the situation is slightly different. They have several laws, particularly with regard to protection of children. We have the Trade Practices Act, the Fair Trading Act and Consumer Protection Legislation with regard to misleading advertisements. The key issues here are consumer protection, broadcasting and media regulations, code of practice for the industry, advertiser code of ethics, commercial television and radio code of practice and even marketing guidelines, particularly advertising of alcohol and tobacco products. Those are the main issues.

Mr. Temporary Deputy Speaker, Sir, the focus of this Motion is to ask this House to grant leave, so that I bring a Bill to the Floor of this House that will provide a legal framework. We would like to see self regulation. Advertisements should regulate themselves. They should deal with complaints and, probably, come up with remedies. We must also provide for a law to ensure that advertisements are truthful and that the presentations are accurate. We must also provide for pre-vetting of advertisements, or set up an authority to regulate them. We must also provide for education of the people of this country with regard to the products they consume. Some products are harmful and consumers must be educated on their side effects.

Mr. Temporary Deputy Speaker, Sir, the Motion asks the House to grant leave for introduction of a Bill of Parliament. We want to observe high standards and uphold morals and ethics on these issues. We must also provide for enforcement of regulations.

We must also consider the issue of imported advertisements.

*(Mr. Wako and Mr. ole Ntimama
consulted loudly)*

Mr. Temporary Deputy Speaker, Sir, I would like to ask for your protection from Mr. Wako and Mr. ole Ntimama because I can hardly hear myself.

The Temporary Deputy Speaker (Mr. Poghio): Order, hon. Members! Let us listen to Mr. Sungu.

Mr. Sungu: Thank you, Mr. Temporary Deputy Speaker, Sir. In Kenya, there is a large number of imported advertisements. What about the question of employment? How do we provide for our own people? Must we be subjected to advertisements from South Africa, UK or USA? What effect do these advertisements have on the moral fibre of our youth who are the main target of these advertisements?

(Mr. Wako consulted loudly)

The Temporary Deputy Speaker (Mr. Poghio): Order, Mr. Wako! Please, listen to Mr. Sungu.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I know Mr. Wako supports this Motion, but he is currently engrossed with some sideshows.

We need to establish an advertising standards authority in this country, so that advertisers do not become their own masters, but that they are subjected to some sort of regulations and a legal framework.

Mr. Temporary Deputy Speaker, Sir, there are many issues, but I have just referred to a few of them. There have been instances where Government agencies have banned advertisements on alcohol and tobacco. The situation in Europe is more or less akin. For example, in Britain it is now

illegal to advertise cigarettes in the media. Alcohol advertising is also restricted. As we look at this issue, we must ask ourselves: "Who are the target?" I know the professionals in this field will say that usually when they are coming up with advertisements they stratify their target, so that certain advertisements are aimed at a certain group of people. However, advertisements in relation to alcohol and tobacco products are merely aimed at our youth. We can even provide a legal framework whereby people of a certain age cannot and will not be used in such advertisements to discourage our children, who are open to new ideas at that tender age. That is also the time when they are easily influenced and they are susceptible to peer pressure. We should control these advertisements, so that our children do not succumb to the evils that are being avoided in the developed world. Concealment and misrepresentation of information about the products that are advertised is a major issue. Whenever an advertiser advertises a project, there must be justification of what he is advertising. Comparison with other products must be fair and just. Therefore, I am asking this honourable house to come out and be counted among the league of nations in this world. We must be pro-active and provide a Bill that controls that area of operation in this country.

Mr. Temporary Deputy Speaker, Sir, Kenya is being left behind. I am urging this honourable house not to allow that to happen. We need to provide a proper legal framework. Where there are complaints, there are remedies. When there are controls, we provide self-regulation by those who are involved in that area.

In conclusion, I want to remind hon. Members that, in the entire world, Kenya has the lowest level of consumer protection. That is an area which we must focus on. It has been referred to by the current Bomas Draft. It is very important to protect our people against commercial barons; the big industries whose per capita income is even bigger than our Gross Domestic Product (GDP). We must provide that to our people.

With those few remarks, I beg to move.

I am not seeing the original Seconder of the Motion. I ask my colleague and the hon. Member for Saboti to second this Motion.

Capt. Nakitare: Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion with full awareness---

The Temporary Deputy Speaker (Mr. Poghishio): Order! You are actually seconding the Motion!

Capt. Nakitare: Mr. Temporary Deputy Speaker, Sir, I stand to second this Motion with full awareness of the adversities that are caused by advertisements. Youths in Kenya comprise three-quarters of the population of the entire country. Advertisements spoil the brains of our youth, and even adults. Advertisements have been taken to schools with pupils of tender age. When they grow up, they want to try everything and anything that is advertised. There are no legal requirements for fashion advertisements. Tobacco is covered under an Act of Parliament which protects the manufacturers and not the consumers. Drugs have infiltrated the roots of our country through advertisements. The advertisements are not limited to the Press. They have even gone into the electronic media. It has become very difficult, unless this House stands up and legislates the limits of advertisements. Our country is faced with a grievous destruction of mind. At a glance, we have the Drug Trafficking Act. But there are those who breach that Act and heinously expand their businesses through the back door. We have outdoor advertisements. We know very well that big companies use outdoor advertisements. They pay very little taxes to the Government. But what comes out of those advertisements is destruction to 31 million people in our country. The country has developed. People say that Kenya is the second most developed country in Africa. It is only second to South Africa. But it appears that we are merely guinea pigs. The window has been left open and the wind is blowing all sorts of things into our country.

Mr. Temporary Deputy Speaker, Sir, in the United States of America, Food and Agricultural Development (FAD) monitors every advertisement; whether it is for medical drugs or other items. It discourages tobacco advertisements. Anything narcotic has to be censored by Parliament, before it goes into public domain. When it comes to writing and reading books, we know that the bureaucrats and the "big fish" introduce materials here without technical support. They do not even analyze the contents of the cigarettes that they sell on our common markets. They hide that information from us and we are left in the dark. Therefore, this House is urged to look at both sides of the Motion. It is to improve the population and have a health working nation. We need to have healthy people. We do not have many advertisements for nutritional purposes. We have destructive advertisements for drugs like tobacco. There are also advertisements for drugs that are sold in the black market. We have advertisements that ruin the brains of our kids through films.

Mr. Temporary Deputy Speaker, Sir, even if the Kenya Film Corporation operates under an Act of Parliament, the films that are shown on our screens at homes are appalling. When parents sit down with kids to watch television, what is shown as a commercial is completely obscene. Teenagers have come with heinous and dirty movies that are occupying our screens for 24 hours. That is the electronic technology that has come in. Unless we curb it, we will not succeed. The Government came up and banned publications that were displaying obscenities. Magazines like *Play Boy* and others were banned. But we still have nudity on television through the electronic media. What difference have we made? Are we talking about sex education when we view exclusive nude movies and music that is not appealing to the families? What kind of children are we bringing up? What kind of people are we looking forward to? Even this House has not set the age limit for drinking alcohol. We have distilled alcohol in the name of *chang'aa*, or "kill me quick" or "the lion's tears." All these phrases are advertisements. This House has powers to legislate and set the age limit for drinking alcohol and smoking. Children under the age of ten years should not smoke cigarettes because of the great influence of the advertisements.

Mr. Temporary Deputy Speaker, Sir, we do not care about the revenue tobacco companies contribute to the Government. We do not care about the taxes that East African Breweries remits to the Government. Do these companies contribute money towards the development or the destruction of our country? As I speak, nearly 29 million Kenyans consume alcohol and smoke tobacco. What can we do to alleviate the situation? The resources we have to alleviate poverty as a hardworking nation have diminished.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to second this Motion.

(Applause)

(Question proposed)

Prof. Oniang'o: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to thank Mr. Sungu for bringing this Motion before this House. I can imagine the hon. Member with his daughters sitting in front of a television set and some advertisement comes up which makes him leave the room or request the children to leave the room.

Mr. Temporary Deputy Speaker, Sir, we are in a problem. Right now, advertising in this country is not only destroying our children, but it is also destroying families and society. We are talking about a legislation which was put in place in 1963 to censure films. The Chair can imagine how far the media has gone right now. What we hear on the various media stations which have come up, and especially on television, is disheartening. Those of us who live in the cities with our children and have access to television know that there is nothing to control what the children see. Advertising is done at any time of the day even at lunch time. If you sit in front of your television

set at 5.00 p.m., you will see all kinds of dances and advertisements which encourage consumption of alcohol and tobacco products. As a nation, we are in trouble. I am surprised that the Government, which is the custodian of Kenyans, has not brought a legislation which will control what our youth see on television. As a teacher, what we see when we are young gets implanted in our brains and the picture never leaves our brains. It influences what we do later on.

Mr. Temporary Deputy Speaker, Sir, I have just come back from the United States of America (USA), which has about 150 television stations. In the USA, they have times when certain programmes can be aired. They also have warnings when certain programmes are aired. You can block off certain stations so that your children do not watch them so that they can study and become responsible citizens. What do we do in this country? In Kenya, a country which needs all this manpower and needs to control and protect our values, it is free-for-all. No wonder, this country is breaking apart. We no longer have cultural values, integrity and morals to speak of. Our children are exposed to advertising in the name of free expression by advertisers.

I believe that the same advertisers do not allow their children to watch some of the advertisements which appear on television. They leave the unassuming Kenyans, who do not know what goes on, to have their children's minds polluted by those advertisements. I have great issue I want to raise with television. I have a feeling that the print media is probably controlled. However, what we see on television and hear on unregulated radio stations is not acceptable to this society.

Therefore, I support this Motion. Mr. Sungu should be given leave to consult widely and bring a Bill before this House. I urge him not to give much space to advertisers because we already know the damage they cause on our people.

Mr. Temporary Deputy Speaker, Sir, I am shocked that the Government, which said that it would not allow alcohol advertising after the *kumi kumi* tragedy because we were all in distress. It also said that it will not allow advertising of tobacco products just as it is the case in Western countries. Here, we are saying that there is no regulation and there is freedom of expression. I thought that the Government is supposed to protect its citizens. The Government can bring legislation before this House and put in place measures to control such advertisements. For it to appear as if it is helpless and cannot go against what these two industries do to destroy our children, is unacceptable. The Government should probably take over this Motion from Mr. Sungu and bring a Bill before this House. It should regulate advertisements because it cares for its people.

Mr. Temporary Deputy Speaker, Sir, we have had many rape cases in this country. Kenya is on the world map as having the highest number of rape cases of women and young children. This is as a result of some of the advertisements we see on our television. We will not know this unless we control what is being advertised. We will not know this unless we make sure that people's minds are not polluted. They commit all kinds of crimes against humanity and get away with it.

As the Ninth Parliament, we have to put our foot down and restore the values of this country. One way of doing this is to control what our children seen on television. We should ensure that what is shown on television is regulated. As parents, we should determine what the children can see and not see on television.

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

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to also support the Motion on the Floor which is very timely. I want to congratulate hon. Sungu for bringing this Motion.

It cannot be gainsaid how urgent this Motion is because the advertisers and the private sector have failed to regulate themselves and, therefore, exposed families and school children to terrible viewing and reading. The minds of young children are like sponges which absorb anything and, therefore, they believe in anything they see. There are already very many complaints, even

from parents, that the school children are learning terrible habits from some of the advertisements. No matter what the parents and teachers do to educate these children and put them on the correct line, there is competition from visual aid. Also children like to experiment.

Mr. Temporary Deputy Speaker, Sir, I would like to strongly support this Motion and say that it is our responsibility, as legislators, to bring such kind of Motions and it should not only be the responsibility of the Government to do so. We are happy when an hon. Member brings such a Motion which the Government can also support and introduce a Bill for an Act of Parliament.

Mr. Temporary Deputy Speaker, Sir, I also want in particular to mention about advertising where women and young girls are being taken advantage of. You see pictures of girls who are scantily dressed being advertised on newspapers and television. It should not happen. I think a woman's body is sacred and it should be respected and our young girls should not be taken advantage of. During this time of moral decay and many cases of rape, the advertising world should exercise control and protect young girls from being taken advantage of.

Mr. Temporary Deputy Speaker, Sir, the current law on advertising was enacted in 1963 and it is outdated and does not work. If it works, then we should not be watching the kind of films we see on television. Its implementation needs to be made more strict and amendments to it should be brought to this House. The Minister for Information and Communications said that he will bring the Information Bill. We are waiting for it so that we can enact it in this Parliament because religious leaders are complaining about the rubbish which is being shown on our televisions. We have visited other developed countries and they do not show the kind of programmes that we view here especially at night. This Motion should be enacted into a Bill very quickly so that it becomes law and regulate advertising.

Mr. Temporary Deputy Speaker, Sir, there are also some harmful cosmetics which are used by people and we need to know their contents. The manufacturing firms should show the contents of these tubes of cosmetics so that our children are protected from harming themselves. I have seen some advertisements, especially for condoms, and it is as if the message the media is passing is that sex is all right as long as you do not get HIV/AIDS. They even show the young children how to be adventurous and practise sex. I think this is very wrong. Such advertisements should be withdrawn immediately. The Government should ban such advertisements. Whereas I have no quarrel with condoms being advertised for protection, it should not be done in such a way as to encourage young children to engage in sex. It is demoralising and dehumanising.

Mr. Temporary Deputy Speaker, Sir, the same thing applies to alcohol. There are young school children who have no idea of drinking alcohol until they are enticed by what they see on television. They then ask themselves: "What are we missing?" The same goes for cigarettes. We have seen some university students during their graduation ceremonies donned with their caps smoking. The message passed across here is that when one becomes learned, that is what he or she should do. It is wrong and rubbish and I think the private sector is taking advantage of the young people and it is immoral. No tax money can be worth the lives of our children and the future of this nation.

Mr. Temporary Deputy Speaker, Sir, the National Agency for the Control of Drugs and Alcohol (NACADA), which is headed by Mr. Kaguthi, has put out advertisements that cigarettes will be killing more people in the next ten years or so even more than HIV/AIDS, and yet we still see cigarette advertisements. I think cigarettes, drugs and excessive alcohol should be treated the way we are treating HIV/AIDS. We must support NACADA. I hope this Parliament will also vote more money for NACADA so that it can be able to carry out its work. However, the biggest responsibility lies with the private sector and advertisers because they are destroying the future of

the children and people of this country in order to make money and that is immoral. If they are responsible enough they should be able to regulate themselves before the law comes into force.

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

Dr. Rutto: Mr. Temporary Deputy Speaker, Sir, I also want to contribute to this Motion and say that it is timely and important that we legislate on advertising.

As an educator, I recognise advertising as one way through which communication of information may be provided. Advertising is also a channel through which values develop. It is a situation where we also provide an opportunity to develop some form of understanding. It has been said by some of my colleagues that we should not take advertising casually because it has a lot of influence in the way we see and value things and also in the way we channel information.

Secondly, advertising is a means by which we persuade consumers to take a product. We use it to draw and exhibit attention to the consumers to a certain product and in this respect, we are saying we should not take advertising lightly. Why should we legislate on advertising?

The basic question that we should address is, in fact, the need to regulate the kind of content that goes into advertising. My colleagues have hinted at some of the areas of content that are offensive to our values and development of the mind. There is need to legislate and, in actual fact, regulate the content.

Secondly, there is need to induce responsibility on those who advertise. Some of my colleagues have drawn our attention to the fact that there should be a measure of responsibility on the part of those who advertise their products. We need to legislate in order to induce certain basic responsibilities on the part of those who advertise. The third reason is to make sure that those who advertise operate within certain basic values. Some of those advertisements have thrown our values out of the window, and we are saying that there is need to tell those who advertise that they should operate within certain basic values. There is need to legislate on advertising in order to provide a legal framework within which advertisers should operate and, in particular, in the control of the channels of the adverts.

We are in an age when the internet is gaining prominence and some of the advertising materials find channels to reach our children and ourselves through the internet. There is need to have some basic legal mechanism to control the kind of information which comes through the internet. Television and pornographic literature have been mentioned and I think there is a need to provide a legal framework to regulate some of the information that we get from them.

Mr. Temporary Deputy Speaker, Sir, advertising tends to package information in a way that is not real. Of course, by legislating, there is need to send a message to the advertisers that, indeed, we require that they stick to the basic requirements of reality. Sometimes, they distort information and children, in particular, tend to consume that information as if it is real. There is need to regulate the way advertisers package their information; they should make it as true as possible.

Secondly, the packaged information should take into account the basic values of society. The contents that are advertised should, in fact, not devalue human integrity and dignity. The information packaged in advertising should also not mislead our children. Look at wrestling, for example; some of the pictures that we see in some of those programmes are not real. I am glad that in some cases, children are urged not to try those things at home. Now, we need to require most of those advertisements to tell us or our children that some of those things are not as real as portrayed on the screens, but advertisers tend to abuse some of those attributes.

Mr. Temporary Deputy Speaker, Sir, we need to regulate on the targeted consumers. We have talked about children; that, they should not be misled by the kind of information contained in advertisements; they should be as real and as true as possible. These advertisements should also not create appetites which are not consistent with our values or which are potentially destructive to the

moral growth of our children. Violence should not be encouraged through advertisements. Pictures that tend to encourage the sexual appeal should be controlled.

With these few remarks, I beg to support.

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

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

Mr. Kajembe: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion. I would like to say that advertising materials, products, *et cetera*, in this country have gone out of our control. I am saying "out of control" because all advertisements in this country have been left to the local authorities. If you go to our cities like Mombasa, Nairobi, Nakuru and Kisumu, you will see that the advertisements and billboards have been left in the hands of the local authorities, who only collect revenue. They do not know which advertisements are good according to our moral values; and they do not know which advertisements will help this country. So, I think it is very important that, if a law will be enacted by this Parliament, it should also control the by-laws which are made by the local authorities.

Mr. Temporary Deputy Speaker, Sir, big advertising companies are advertising imported products in a big way in this country, and they are not doing much for our country. So, we need to put this legislation in place. I am saying this because in the past, we used to advertise and market our own commodities like tea and coffee in the big cities of the world, for example, London, New York and elsewhere, and the Kenyan tea then was acceptable in every part of the world. But today, nobody is advertising Kenyan tea, coffee, pyrethrum and all other products this country exports abroad. If you go to supermarkets in our cities today, you will see that they have been flooded with products from foreign countries like South Africa, Egypt and other countries, and they advertise their products using our local authorities. I think time is ripe now to ensure that we advertised our own products.

There is one other issue which I think is very important to mention. There are some drugs which are not to be sold in pharmacies without a prescription from medical doctors. But this has been ignored. If you go to the chemists today you can buy any drugs without a prescription from any medical doctor. This is wrong. I think something should be done about it.

What is shown on our television stations nowadays cannot be shown in developed countries. Our young children are shown these things. As a result, they abandon their tradition. In the past, the Government was all the time giving instructions as to what was to be shown on television. At times, it would even move to media houses to regulate what was shown on television. But nowadays they do not regulate what should be shown on televisions. The Kenyan people today, especially the young men and women, have lost their culture, traditions and customs because there is no control of what is shown in the media. One day, this will be a country with the Western culture. We have our own culture which we want to protect and preserve. Today, young people who have attained university education or secondary education, are ashamed to listen to their own traditional songs, for example, Luo, Giriama, Digo and Abaluhya. They consider them primitive. So, I think we ought to teach our people to embrace what is good for this country.

I take this opportunity to request the Minister for Information and Communications to take steps to stop local authorities from advertising unnecessary things. I support one speaker who said that we should not advertise condoms on television. Why should we do so? When you are with your

children at home and advertisement on condoms is brought on television, they become very enthusiastic. They appear to be knowing more than their parents. I think this kind of advertisement should be brought to a stop. This is because even during workshops on HIV/AIDS awareness, we are told that condoms are not 100 per cent safe. But on television they say: "If you wear a condom and have sex, you are safe." These are things which are not acceptable in the African culture. Why should one take that pain of putting rubber on his organ? I think that is immoral! It should not be acceptable at all. Africans should ignore these things. This is a *Mzungu* style of sex. We have to maintain our own culture. We are proud of it. Even the religious denominations are against these things.

(Laughter)

Mr. Omondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the hon. Member on the Floor is trying to cheat us because it has been researched---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Omondi! That is unparliamentary language!

Mr. Omondi: Mr. Temporary Deputy Speaker, Sir, I will correct it. I think the hon. Member is not in order to say that the use of condoms is not safe. It has been researched all over and found---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Omondi! You are now advancing an argument which is contrary to his. The hon. Member is entitled to this opinion. You wait and catch my eye, and then you will advance your argument.

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, Mr. Omondi used the word "cheating" which is unparliamentary. Could he withdraw it before I proceed?

The Temporary Deputy Speaker (Mr. Khamasi): He has already withdrawn the remark.

Mr. Kajembe: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I know when I talk about the use of condoms, the Member of Parliament for Kasarani Constituency is feeling as if I am defying something. I am not! I am making my point.

With those few remarks, I beg to support this Motion.

Mr. Billow: Thank you, Mr. Temporary Deputy Speaker, Sir. This Motion has come at a very appropriate time because the subject matter is a very topical one today in the country. The issue I think the Motion seeks to address is about ethical practice by our businesses. This is what we are talking about. We are not talking about curtailing development of enterprises or business. But there has to be ethical practices in business. We are talking about social responsibility.

Many companies in business in this country tend to narrow down the meaning of social responsibility to giving some money for the development of a dispensary, school or something along that line. But I think social responsibility means a bit more than that. We have to do business in a way that will not harm those consumers who will use our products. I think this is where the businesses are failing. In any business, there has to be competition because there are alternative products on the market. We have to look for market, compete and survive. But this should not encourage businesses to engage in unethical and misleading practices, so that they get more markets. When we are talking about unethical practices, we are talking essentially about corruption. It is not corruption involving money only. In fact, I think most businesses have ethical codes of conduct that determine how they should conduct business to avoid corruption and so on.

The corruption we are talking about here, is corruption of the lives and minds of the people. Because of the things one says that his product is capable of doing and achieving, people get misled and rely on those advertisements and their lives become endangered.

Mr. Temporary Deputy Speaker, Sir, most governments in third world countries tend to look at the revenue point of view in most matters. I think it is wrong to give revenue the main consideration in determining whether businesses should advertise or not, especially businesses that advertise things like drugs, cigarettes and so on. Revenue will not help us. East Africa Industries (EAI) will tell you they are paying billions of shillings in advertisement, but it does not help them. Most of the people who consume their products are subjected to injuries or death. Children also suffer because of paying attention to some of these advertisements.

Mr. Temporary Deputy Speaker, Sir, the current advertisement of one of those beer products from the East African Breweries which is normally aired on television is completely impractical. You will see someone coming in a close encounter with a buffalo. The next minute he is having another close encounter with an elephant crossing rivers on top of logs and walking into a bar with a lion following him. These kinds of advertisements give children the impression that if you take that product, you would be as mighty as those animals and you can actually confront them. This kind of thing misleads the children who are exposed to it.

Mr. Temporary Deputy Speaker, Sir, we are talking about controlling advertisements; not just the content only. It is about controlling the advertisement. Some of the problems we have with media advertisements have to do with the timing. You will find unsavoury advertisements coming in at the prime time when families are watching television. If you read some of the pull-outs which are contained in the newspapers over the weekend you might get embarrassed. You will find that when you read a newspaper on Saturday you have to remove the pull-out before you give children the newspaper to read. This is true for many parents.

Mr. Temporary Deputy Speaker, Sir, our concern is that the lives of Kenyans are at stake with regard to the manner in which advertisements are not controlled, particularly advertisements of harmful products. Advertisements have an impact on the lives of children. Children are amenable to new ideas. When you are a child, you want to test things that you see. You want to imitate what adults are doing. When you see something happening, you would want to do something similar to that. That is why it is wrong to use those kinds of advertisements. We are not saying that all advertisements are bad, but there are some which are notorious. For example, there is the advertisements for the *Smirnoff* vodka which really borders on nudity some of the time. The things they do are likely to encourage people to get into situations where they might even be exposed to HIV/AIDS, and many other bad things. We have to protect the lives of our children. We cannot allow uncontrolled advertisements to be aired.

Mr. Temporary Deputy Speaker, Sir, the regulation that is being sought by this Motion is to control advertisements so that we address the issue of factual reporting. The law requires that the labels describe the ingredients contained in a product. The label is also required to describe the properties of that product. That is why we have a label. If a label, for example, on a bottle of drinking water indicates that it is mineral water when it is actually normal tap water, that is misleading. The ingredients shown on that bottle will also be misleading. This is what we are talking about when we talk of advertisements. It is not only what is contained in the print or electronic media. It also has to do with what is contained in the labels which are controlled by several Acts of Parliament. This also affects the level of truthfulness. The Bill also wants to address the issue of truthfulness, ethical issues, cultural and spiritual aspects.

Mr. Temporary Deputy Speaker, Sir, corporations or business entities have enslaved the world. They have literally created lust in people because of the way they advertise things which do not exist, or products which do not have those properties. Consequently, they create an insatiable appetite in human beings such that they start buying product after product, yet those products do not achieve any of those objectives that have been identified with them.

Mr. Temporary Deputy Speaker, Sir, the reason why businesses have succeeded in doing that the world over, is because they dangle the carrot which is in form of tax. They tell you they will pay taxes. Since they are paying taxes, they should be allowed to do whatever they want; they should not be controlled. We have read about this in the media in the last few weeks. We have seen manufacturing industries supporting their colleagues in the cigarette and alcohol industries by saying that advertising should not be controlled. These people are misleading Kenyans. We should not look at revenue alone.

Mr. Temporary Deputy Speaker, Sir, I will give you one example. When you buy a cigarette there is a message indicated on the packet that cigarette smoking is dangerous to the health of the user and is likely to cause cancer and other incurable diseases. This message is contained in all cigarette packets all over the world. There is a paradox here. Governments are telling people that smoking cigarettes is dangerous to their lives and at the same time allowing those companies to market that dangerous product because of money. I think we should say "no" to this. This is happening all over the world nowadays. That is why there are controls on where you should smoke, how you should smoke and so forth.

I think governments need to go further on this issue, because you cannot allow people to buy a product, and the only limitation is to tell them that it is dangerous to their health. If you allow companies to market that product, it is unfair and unethical. These are some of the controls we want to be put in place through this Act.

Mr. Temporary Deputy Speaker, Sir, somebody also mentioned that there are religious and traditional values which we need to protect. These are values which enhance the dignity of human beings. We should not allow our dignity to be trampled upon in the short-term interest of making money for the Government.

The other point which needs to be emphasised is the issue of sex. Some of these advertisements really give the impression that pre-marital sex is allowed and that you can do whatever you want with regard to sex. As a result, children end up dropping out of school and doing all sorts of things.

With those remarks, I beg to support.

The Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite):

Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion because it has come at the right time. I am happy that the Minister for Information and Communications is here. I am sure he has heard the comments of hon. Members, that there is urgent need for this Bill to be brought to the House so that the controls and directions which the hon. Members of this august House have sought can be implemented as soon as possible.

Mr. Temporary Deputy Speaker, Sir, local and international companies and industries that operate in this country have taken advantage of our quiet State and the fact that we have not brought to the attention of the people of Kenya that they have damaged our values and cultures. I say so because every company just wakes up and puts up an advert the way they want. They take the advantage of our youth who are unemployed by giving them little money to participate in these advertisements. They give them some little money, and because they do not have any other alternative, they succumb to that and agree to be used by the industries in the private sector. We want the industries and businesses in this country. We need investors to come to our country, but not at the expense of our people. We do not want them to destroy our cultural and religious values. To make it worse, they change the attitudes of our children, women, men and the entire nation.

Mr. Temporary Deputy Speaker, Sir, in other countries, they have upheld their values. They would not want Kenyans to go there and pollute their values. As a country, why do we accept our children's attitudes to be polluted at the expense of somebody coming to earn money from this

country and take it away? Even for fashion shows, those companies invite Kenyans, especially young girls, to go and compete. They wear dresses that leave them almost naked. That is done by companies that want to advertise their products. Why do they not provide those girls with smart dignified dresses? By doing so, they would still have advertised their products. Why do they have to copy the way other people in other countries put on? I do not even think that is what they wear. They just come with something for Kenyans. I want to advise the Minister for Information and Communications that, as far as we are concerned, he should have this Bill enacted immediately. It will enable us to protect, give directions and put in place controls as soon as possible.

Mr. Temporary Deputy Speaker, Sir, some hon. Members have spoken about television programmes in our homes. Today, almost every family has a television. Those without televisions have radios. Even those who do not have radios get pamphlets and magazines. We must protect our children, so that we have a nation that we can all rely on tomorrow.

[*(The light at the Table was switched on)*]

With those few remarks, Mr. Temporary Deputy Speaker--- Is my time over?

An hon. Member: It is not over!

The Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite): Mr. Temporary Deputy Speaker, Sir, I am sorry I was distracted by this light. I still have five minutes.

The Temporary Deputy Speaker (Mr. Khamasi): Do you still want to continue?

The Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite): Yes, Mr. Temporary Deputy Speaker, Sir. I still want to continue.

Mr. Temporary Deputy Speaker, Sir, we do not need to discuss a lot about this Bill. I think all the points have been raised in this House. It is very clear that we need a Bill. I hope the Bill will be brought before this House in the next two weeks. We have come to this House to protect our people. We are leaders who should give direction and protect our people.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Khamasi): We still have five minutes before we call upon the Minister to respond. I will give a chance to Mr. G.G. Kariuki to contribute for five minutes.

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, thank you for giving me five minutes to support this Motion very strongly. I request the hon. Member to bring the Bill as quickly as possible. But in the process of drafting whatever is going to come here, he has to come here with a clear definition of what the word "morality" means. We need to understand that in the world of business and money, a lot needs to be done. Advertisement is a business. There is no way you can do without advertisement in business. Our concern here is whether the process of advertising is going to interfere with other social cultures that we are proud of, especially the African culture. Africans need to know that they cannot have their cake and eat it. You have opened this country to all sorts of businessmen. People will come in to this country and do whatever they want to do just for money. We must understand in this Parliament that we are selling the future of our children for money. Sometimes, I feel offended when I hear an hon. Member complaining of things that are happening, when we have all the powers to control and legislate against anything that we do not want. We come here, play to the gallery and make statements that certain things are bad, and yet when we get out of that door, all those things are forgotten. Who does not know that we have a problem in advertising? Who does not know that our children have been terribly converted to hooliganism by advertisements? Who really does not know?

Mr. Temporary Deputy Speaker, Sir, we are talking about condoms and whatever. Those are small matters. You can do with or without a condom. It is not a major issue. The major issue here is when you are sitting down with your kids watching television and see shocking stories. Everybody laughs at it while we are destroying our culture. I think time has come to understand that there will be a lot. When the Bill comes to the House, it is not going to be simple. We need to deal with specific items. Today, in the immoral world, whatever is done in Chicago is done in Nairobi. We have sold our culture for money. We want to get money from alcohol. In fact, sometimes I go to the extent of asking myself: "Are we genuine? We are fighting bhang and many other intoxicating substances. But we have been advertising alcohol throughout.

Mr. Temporary Deputy Speaker, Sir, my time is over. Thank you very much for giving me the few minutes. I wish I had more time.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Minister, do you wish to cede part of your time?

The Minister for Information and Communications (Mr. Tuju): Mr. Temporary Deputy Speaker, Sir, I will donate five minutes to Mr. J.M. Mutiso.

Mr. J.M. Mutiso: Thank you very much, Mr. Minister. I wish to support this Motion because it is talking about advertisements. We have two forms of advertisements. There is the informative advertisements and persuasive advertisements. According to the background of the Motion, advertisement has been used to push defective and dangerous products into the lives of consumers. I think on one part, it is true, but on the other part, I think this is a policy regulation which should be taken up by the Kenya Bureau of Standards in trying to make sure that the products which are being advertised to the consumers do not touch on these defective and dangerous substances. Otherwise, this is the time when we should think about advertisement in a broader way. We are in a globalised world. The corporate world depends on advertisements. Government revenues hugely also are contributed out of advertisement.

Therefore, notwithstanding the middle class, particularly the youth and also the urban people, we have to know that there is a right to know. The right to advertise is a right to choose, and consumers have to be informed of certain products. However, the point in contention is, where do we draw the line as to what content should be advertised and what should not? Therefore, I think this is a technical field and that is why we need to legislate on it so that we can have control on advertisement.

It is mere rhetoric when we keep on talking about products like alcohol, cigarettes and drugs as narcotising our people and also infringing on our culture and practices. We should accept that time has come and in the global world, advertisement is there to be used as an eye to the corporate world. Therefore, the mere rhetoric, either religious-wise, moral or ethical-wise will not help us. We should come down and accept this as a matter of concept.

There is another tricky issue here, which I think should be done under the Penal Code. When we have to draw things like pornography, art and nudity, where do we draw the line? We have models on the stage trying to promote a product half-nude. When you go to the national theatre, museum or certain showrooms, you will also find models in art form being displayed as nude. Now, the question is, where do we put the standard between art, nudity and what is pornographic? Therefore, this is a legal point which the drafters of the Advertising Control Bill should look at. To what extent are we going to accept advertisement of people who are nude? What is the definition of nudity? What about a dancer or a stripper? Those are the points we need to look at.

Mr. Temporary Deputy Speaker, Sir, without much ado, therefore, I support the Motion and congratulate the Mover.

The Minister for Information and Communications (Mr. Tuju): Mr. Temporary Deputy Speaker, Sir, the current legislation that remotely relates to issues in advertising dates back to 1963. It is covered under Cap.222, the Films and Stage Plays Act. But since 1963, the media landscape has changed tremendously. In 1963, it was only envisaged that advertising would be on films and stage plays. The broadcast media was state-controlled and newspapers were very few in number and could be controlled under other legislations. But today, we have television, FM stations, SMS, billboards and internet; so the whole media profile has changed significantly. Therefore, I support this Motion. What we have in the statute books at the moment is extremely inadequate to address the challenges that we face today as far as the advertising industry is concerned.

Mr. Temporary Deputy Speaker, Sir, I congratulate hon. Sungu for bringing a well-thought-out Motion. The Ministry is ready to work with hon. Sungu to ensure that the resultant Bill will be in conformity with the right to commercial speech. The right to commercial speech is a fundamental right and not resident in my Ministry. We will also ensure that the resultant Bill will be in conformity with the regulatory legal frameworks in other countries that may be several steps ahead of us in this particular respect. We will borrow some best practices, for example, in countries like the United Kingdom, where they have an independent advertising commission that gives guidelines and works collaboratively with independent radio and television authorities. If institutions do not comply, then their licences can be revoked.

In working with the hon. Member, my Ministry is ready to work with the marketing and advertising industry, and other stakeholders, in improving this Bill, so that it can serve us well. Any time we talk about control, the players in this sector fall into the temptation of going up in arms because they feel that their freedom is about to be curtailed. I would like to assure those who are in this industry that the ethical and honest practitioners have nothing to fear. If anything, this piece of legislation will only work to help their industry. I would like to state at this moment that there is no contemplation in the Government of *ad hoc* banning of advertising. Indeed, we believe that this Bill will enable us to address the hon. Members' concerns, but within the context of the law.

Having made those remarks, I would like to take this opportunity to support the Motion to be introduced as an Act of Parliament to be entitled the Advertising Bill and remove the word control, so as to be politically correct.

The Temporary Deputy Speaker (Mr. Khamasi): What are you doing, Mr. Minister? Are you moving an amendment to the Motion or what are you doing?

The Minister for Information and Communications (Mr. Tuju): Mr. Temporary Deputy Speaker, Sir, I am supporting the Motion, but with a suggestion right away.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to say something.

Firstly, I want to support the Motion. I want to thank hon. Sungu for bringing up this Motion. Secondly, the advertising agencies in this country have gone wild. If you are sitting in your sitting room with your children and there is an advertisement showing nude women, you do not know whether to run away or what to do. Some of us come from cultures which do not allow us to view nude bodies with our children or even with our wives. Advertisers need to practise responsible advertising. They must take into consideration our cultural and spiritual values. There may be advertisements with a message that there is a cure for HIV/AIDS. This may lead to people engaging in unprotected sex because they know that they can get a cure for the disease. That destroys our country. Some advertisements state that if you are with a beautiful woman and use a condom, you cannot get HIV/AIDS disease. There should be a code of conduct to guide advertisers. The media people cannot come up with a code of conduct for themselves. The Ministry, which cares for the welfare of Kenyans should come up with a code of conduct for advertisers. The increasing cases of

rape--- I do not think that we have tried to research whether the increasing cases of rape are due to the increase in accessibility of pornographic materials. The country should come up with a way of assessing all the material before it is advertised. The hon. Member is providing a medium of coming up with legislation on some of the issues which we have not addressed since 1963.

The 1963 Act assumed that advertisers would be responsible Kenyans. However, these people have brought foreign cultures to this country. We must guard ourselves against foreign cultures so that we maintain our culture and integrity. We should not pollute the minds of our youths and even those of our senior citizens.

On the issue of advertising alcoholic drinks and cigarettes, we should stress that drinking should be done responsibly. We should also stress that people should drink moderately. We must make sure that when this kind of advertising is being done, a message of drinking after working hours is included. Advertisers should make sure that they tell their audience not to drink when they are travelling or driving.

With those few remarks, I beg to support.

Mr. Poghiso: Thank you, very much, Mr. Temporary Deputy Speaker Sir, for giving me this chance to associate myself with this Motion. I support it. From the onset, I was very keen---

The Temporary Deputy Speaker (Mr. Khamasi): Sorry, Mr. Poghiso. You only have five minutes!

Mr. Poghiso: Mr. Temporary Deputy Speaker, Sir, I have been very keen from the time we started discussing this issue. The Motion has come to this House so as to rescue Kenyans from the wanton destruction that is attributed to very bad advertising. This is advertising which corrupts our minds and misleads young people. It also shapes us to become people who do not have their own culture. The Mover of this Motion has every right and support from all of us to move to the next stage of introducing the necessary legislation required to control the sector. This is not an attempt to become strict or remove rights of advertisers. This is a very good thing for all of us. It is good for consumers as well as those who are selling the advertised products.

Mr. Temporary Deputy Speaker, Sir, a serious breach in advertising has come as a result of these producers wanting to help our young people in sponsoring sports. Sports advertising; for example, rugby which is very popular among young people, is usually sponsored by beer or cigarette companies. As they go along to where the sports events are going to be held, they will find banners advertising the products. In a way, these young people grow up to think that if you want to play rugby, you have to consume these products. I would like to request those who are sponsoring sports not to tie it with advertising. During the music festivals, young people come to Nairobi. You will find that wherever they are, there are people advertising these products targeting the youth. Let us not target our youth. Even before the legislation is in place, I would like to appeal to all who advertise, to stop targeting our children. They should not target our youth. Let us just plainly advertise truthfully so that people have a choice as to whether to consume or not. They should not push them until they are left without any option but to think that this is the way adults behave, and this is what adults enjoy, or it is going to give them extra energy in sports.

Mr. Temporary Deputy Speaker, Sir, there is a big weakness in the Ministry of Information and Communications. The weakness is that it is free-for-all. The Minister is helpless! He is not even struggling to be helpful. He is just there accepting his position of weakness. It is this kind of reckless and non-committal position that is ruining our youth. The Government needs to be serious and push for safe advertising so that our youth are saved from this situation. With those few remarks, I beg to support.

Mr. Wamunyinyi: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this Motion. I want to join my colleagues in supporting this Motion. It is

very important because it touches on the manner in which the personalities of our children are shaped. It talks about the manner in which our children are brought up in socialisation. No force is used in advertising, but it has a lot of influence on our children. It is, therefore, important that we introduce legislation which will ensure that we do not lead our children in the wrong way.

If you look at some of the adverts that have been carried in the media, you will find that some of them have very adverse effects. If you remember the Kiss FM advert, it did not take into account the ethical and moral values. Some naked lady was put in a full page in a newspaper. In the condom advert, Nyambane says: "*Yeye ana yake. Je, una yako?*" We are devout Christians. That advert encourages us to use condoms while we are supposed to abstain. When we encourage our children to carry condoms, what are we teaching them? We are encouraging them to be immoral. Some of these adverts must be checked.

Mr. Temporary Deputy Speaker, Sir, the East African Television (EATV) is about the music that is played everyday. For example, the "Smirnoff Experience" of Carnivore for children. What kind of experience is there that you have to advertise and tell the children about the "Smirnoff Experience" at the Carnivore Restaurant? Do we not think it will attract them to go and see the kind of experience that is there? What is in Smirnoff? Do we not know it? Does it help our children? Is it good experience for our children?

There is another advert for the Embassy Kings cigarettes that says: "Smooth all the way!" or "Smooth way to go places!" Why are all these directed to children?

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, I now call upon the Mover of the Motion to respond.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, with your permission, may I donate four minutes of my time to Mr. Raila, three minutes to Mrs. Tett who is my mother-in-law, and two minutes to Mr. Muriungi?

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Sungu, that makes nine minutes of your time. You only have one minute to respond.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, that is okay with me.

Mr. Poghio: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Mr. Sungu in order to refer to another hon. Member of Parliament as his mother-in-law? Do we have mothers-in-law here?

Mr. Wamunyinyi: But she is his mother-in-law!

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! If Mrs. Tett was aggrieved, she would have actually opposed that. So, I would like to let that matter rest there.

Mr. Raila, you have four minutes to make your contribution.

The Minister for Roads and Public Works (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, I support this Motion to the extent that we are dealing with unethical practices as clearly stated in the Motion.

However, I do not think we want to legislate and stop advertising generally. We do not want to stop, for example, people giving information which, in other people's opinion, is useful to the society. There is nothing wrong, for example, in telling people that they should use condoms. We know that the Catholic Church is advocating abstinence, but not all people are Catholics. It is a pity that people continue dying because they do not use condoms. Before Archbishop Ndingi Mwana Nzeki became a politician and began lecturing Kenyans about the constitution, and about being partisan and asking the President to crack the whip, he used to be somebody who was very moral. He used to tell people useful things until he became a true Catholic. He is now telling people to abstain.

We would like to see positive advertisements in our society. Sometimes lack of proper regulations promotes unhealthy competition like, for example, the competition where other advertisers ganged up to stop Adopt-A-Light Company from putting up street lights in our towns in exchange for putting up some advertisements around. Once that company is stopped from operating, those advertising companies will not even substitute it. They have been advertising all this time, but they have given nothing in return. Right now, in Kisumu City, street lights have been put back, thanks to an advertising company which is using advertising to ensure there are street lights. So, we would like to have regulations which will ensure that there is heavy competition within the advertising industry.

Mr. Temporary Deputy Speaker, Sir, if we do not want the tobacco industry, we should legislate against smoking in public places like in lifts, buses and toilets. However, if we do not want the use of tobacco products generally, we should just ban them. However, we cannot expect British American Tobacco (BAT) and Mastermind Tobacco (MT) to be producing tobacco, selling it and paying taxes and then we say they cannot advertise. They must advertise because advertising is a very important tool in marketing. We cannot stop East African Breweries Limited (EABL) from advertising. If we do not want beer, we should simply ban it. However, we should not try to legislate to restrict or stop commercialism. We should not stop commercial companies from advertising in order for them to be able to market their goods to the general public.

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

The Assistant Minister for Lands and Housing (Mrs. Tett): Mr. Temporary Deputy Speaker, Sir, I would like to talk about advertising, which is the fastest growing sector in Kenya today. It churns out Kshs3.1 billion annually. About 60 per cent of that revenue is net value for the industry. It employs 400,000 people annually with Kshs350 million as salaries. It also employs 6,000 part-time workers. I wish to support the creation of the Advertising Control Bill to ensure that advertisers do not take advantage of the consumer by giving false and unethical information.

As we all know, advertisers do exaggerate a lot. I can give some examples of some of the advertisements that we hear. There is an advertisement that says that a battery is everlasting. We know that there is nothing that is everlasting in this world. There is an alcoholic beverage advertiser who claims that a few sips of the drink will make you fly like a bird. How does that happen? There can never be a drink that can make you fly like a bird. There is an anti-sweat fragrance advertisement that says that you will remain fresh the whole day. What about if you are digging in a garden and you have put it on; will you really remain fresh the whole day? There is a laxative advertiser who claims that the product leads to better life when it is taken daily. We know that when you take a laxative, you will diarrhoea the whole day! Those are some of the things that we should not allow. Such fallacies should be punished because our people take whatever is advertised on the radio or newspapers as the gospel truth.

I support this Motion. We should have a Bill to control advertisement.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Muriungi, you have two minutes!

Mr. Muriungi: Mr. Temporary Deputy Speaker, Sir, thank you very much for allowing me to add my voice in support of this Motion. This Motion has come at a time when we are at a cross-roads, after we have been bombarded with a lot of electronic media advertisements. Our youths have a lot of faith in things that come through the media. So, it means that what they see should be regulated, so that they are not corrupted. We are not asking for too much because there are other fields which are regulated. For example, the environment is protected through National Environmental Management Authority (NEMA). Even corruption of the mind should be treated as a form of pollution and also regulated. There is excessive exposure to those experiences through advertising. They dominate the subconscious mind and our youths are forced to do things which

they have never done before. We know that advertisers will have other ways of reaching their consumers. It is not only consumable products that are corrupting our youth. We have music. The way it is delivered should also be regulated. It is very embarrassing to watch suggestive gestures in the table room, when everybody else is watching.

With those few remarks, I support the Motion.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I take this opportunity to thank hon. Members for supporting this Motion wholeheartedly. I want to confirm to hon. Members and the Minister that we are going to work in consultation with both the Government, Government agencies, the media, advertisers, stakeholders and Members of Parliament. It is now clear that Parliament has agreed. I want us to vote positively for this Motion because we actually need a law; a regulatory framework rather than a control framework. That way, we can enact a law that will help this country move forward with our ethical and cultural values. I also want to confirm that this Bill will provide for an Advertising Standards Authority.

With those few remarks, I beg to move.

(Question put and agreed to)

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

ESTABLISHMENT OF PASTORAL
DEVELOPMENT AUTHORITY

THAT, while appreciating the Government's commitment to developing the North Eastern Province and other marginalized districts; aware of the high levels of poverty, illiteracy, unemployment and insecurity in the districts within the Arid and Semi-Arid Lands (ASAL); concerned about lack of market for livestock, poor infrastructure, and the effects of drought within these marginalized areas; this House urges the Government to establish a Pastoral Development Authority to address problems affecting pastoralists within the ASAL areas.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Wario is not here? I will defer the Motion!

(Motion deferred)

INTRODUCTION OF INFORMAL SECTOR BILL

THAT, noting with concern the growth and proliferation of uncontrolled small-scale enterprises and hawking in our streets and road reserves, and appreciating that this informal sector is the source of livelihood of the overwhelming majority of our urban population who cannot procure jobs or who have been retrenched or retired; and aware that this sector of our population needs to be economically empowered and given legal protection and recognition; this House do grant leave for introduction of a Bill for an Act of Parliament entitled The Informal Sector (Small Enterprise and Hawking) Bill to establish a regulatory and oversight Authority and to provide for micro-finance to small business enterprises and to the hawking fraternity.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Wamwere not here? It is rather unfortunate that we are again getting into a situation where hon. Members are not present to move

their Motions. In future, the Chair might think about what to do when hon. Members deliberately know that their Motions are on the Order Paper but do not avail themselves to move them. In future, the Chair might decide to drop such Motions if this continues.

The Minister for Roads and Public Works (Mr. Raila): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am not challenging what you have said right now. However, we always know that it takes two hours to dispose of a Motion of this nature. Usually, it is unlikely that a Motion which was partly deliberated upon and the following Motion are disposed of. So, these hon. Members assumed that their Motions will not see the light of the day in this sitting. That may be the reason for their absence. The Chair should caution hon. Members that an hon. Member whose Motion is on the Order Paper will be dropped if he is not there to move it. Therefore, they need to be present to move their Motions when the time comes.

Mr. Angwenyi: I think he is right!

The Temporary Deputy Speaker (Mr. Khamasi): Order! Mr. Raila, you have literally challenged what I have said. Once your Motion is on the Order Paper, you must be ready at any time that day to move it because, for any reason, you may be called upon to move it. So, the excuse of those hon. Members thinking otherwise does not arise. We encourage hon. Members to be present whenever their Motions are on the Order Paper. It is not necessary that a Motion must take two hours. It could take less time for any reason. We encourage hon. Members to be present to move their Motions as and when they appear on the Order Paper.

(Motion deferred)

ADJOURNMENT

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

The House rose at 12.25 p.m.