

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 29th June, 2005

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

DIRECT ELECTION FOR MAYORS
AND COUNCIL CHAIRPERSONS

Mr. Kembi-Gitura: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, considering the significant role played by the local authorities in this country, and the need for local authorities to be fully independent of the Executive, this House urges the Government to amend the Local Government Act, Cap.265, Laws of Kenya, to provide for the election of mayors and chairmen of local authorities and their deputies by universal adult suffrage.

QUESTIONS BY PRIVATE NOTICE

EVICITION OF SQUATTERS
FROM LANET RESEARCH CENTRE

Mr. Wamwere: Bw. Naibu Spika, naomba kumuuliza Waziri katika Ofisi ya Rais Swali Maalum lifuatalo.

(a) Je, Waziri anafanya nini kuwatafutia maskwota 118 waliochomewa vibanda vyao tarehe 21 Mei, 2005, katika shamba la Serikali linalotumiwa na Beef Research Centre, Lanet, msaada wa chakula na pahali pa makao, ili vikongwe na watoto wao wasiuawe na njaa, mvua na baridi kali ya msimu huu?

(b) Kwa nini vibanda hivyo vilichomwa?

(c) Waziri anachukua hatua gani ya kisheria dhidi ya wale waliohusika na uhalifu uliotajwa hapo awali, akiwemo District Officer wa tarafa ya Bahati, Chifu wa Dundori na kundi la askari tawala?

Mr. Deputy Speaker: Waziri hayuko?

The Assistant Minister, Office of the President (Dr. Machage): Bw. Naibu Spika, naomba radhi kwamba mwenzangu ambaye angejibu hilo Swali hajawasili. Naomba umpe muda kidogo, huenda akaingia wakati wowote.

Mr. Deputy Speaker: Bw. Wamwere, wasemaje?

Mr. Wamwere: Bw. Naibu Spika, kama alivyoomba Waziri Msaidizi, tunaweza tukasubiri kidogo kuona kama Waziri ataingia. Kama hatakuja, basi Swali linaweza kuwekwa kando mpaka kesho.

Mr. Deputy Speaker: Bw. Wamwere, hilo si jambo la kawaida, kwamba Bunge liketi hapa limsubiri Waziri. Kwa hivyo, hatutafanya hivyo. Swala hili litawekwa kando hadi kesho.

(Question deferred)

NUMBER OF CHOLERA
VICTIMS IN EASTLEIGH

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

(a) Could the Minister inform the House the number of people who have died since the outbreak of a waterborne disease in Eastleigh area of Nairobi?

(b) How many people have been treated and discharged due to this disease?

(c) What measures has the Ministry taken to make sure that the disease does not spread to other parts of the city?

Mr. Deputy Speaker: Is the Minister for Health also not there? Dr. Kulundu, what do you have to say about this?

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Deputy Speaker, Sir, I will convey the information to the Minister, but, hopefully, she will arrive before we go through all the Questions.

Mr. Deputy Speaker: Mr. Ndolo, what do you have to say?

Mr. Ndolo: Mr. Deputy Speaker, Sir, I will be guided by the Chair.

Mr. Deputy Speaker: Obviously, this is unacceptable; that Ministers are missing without any apology. This Question has to be deferred until tomorrow, yet it is urgent and it must be answered within 48 hours.

Mr. Ndile: Jambo la nidhamu, Bw. Naibu Spika! Ikiwa ninakumbuka vizuri, si ni kawaida kama Waziri hayuko, Maswali yanaachwa mpaka baadaye halafu yarudiwe tena?

Mr. Deputy Speaker: Hapana; hukumbuki vizuri!

(Question deferred)

ISSUANCE OF TITLE DEEDS
TO MAU INVESTMENT LTD

Mr. Bett: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Lands and Housing the following Question by Private Notice.

(a) Is the Minister aware that Mau Investment Ltd bought land parcels Nos. LR.7596 and LR. 9675 in 1976 and fully paid the amount due to the owner, the late hon. James Onamu?

(b) Why have title deeds not been issued to the company owners to date?

(c) What immediate measures is the Minister taking to defuse the stand-off between the members of the company and other people currently being settled by the Government on the said land?

Mr. Deputy Speaker: Is the Minister for Lands and Housing not here?

Mr. Muturi: On a point of order, Mr. Deputy Speaker, Sir. I rise to demand some explanation from the Leader of Government Business, who is himself also absent, on this very appalling situation where Questions by Private Notice are going unanswered because Ministers are absent. Is this confirmation, in the words of Mr. Speaker recently, that even the Government is at "various stages of ill-health?"

Mr. Deputy Speaker: The absence of the Leader of Government Business also surprises me. I think we will certainly seek an explanation from him. This is unprecedented.

Mr. Sungu: On a point of order, Mr. Deputy Speaker, Sir. Will you now issue an order, using

your authority as the Chair, to ensure that a senior Member of the Cabinet comes and explains to the House why they are putting this Parliament into disrepute by not coming to answer Questions which are validly put to them by Members?

Mr. Deputy Speaker: I think we should proceed until we see the gravity of the matter as we go on.

The Assistant Minister, Office of the President (Mr. Shitanda): On a point order, Mr. Deputy Speaker, Sir. Maybe the Chair can help us sort out this problem. What happens is that in most cases, Questions are just put on the Order Paper and there is no indication from this House to the Ministries that such and such a Question is coming to the Floor of the House, on which date. So, in most cases, some Ministers just find the Questions already in the Order Paper.

Mr. Deputy Speaker: Order! I think, hon. Shitanda, you are just making things worse. It is not possible that Questions can be put on the Order Paper unless the Ministry has been informed. If there are some inefficiencies in the Ministries, then it cannot be the responsibility of this House.

So, the Question is deferred until tomorrow.

(Question deferred)

Mr. Bett: On a point of order, Mr. Deputy Speaker, Sir. What has happened to my Question?

Mr. Deputy Speaker: The Question has been deferred to tomorrow.

DESTRUCTION OF WATER CATCHMENTS IN TAITA-TAVETA DISTRICT

Dr. Ojiambo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Environment and Natural Resources the following Question by Private Notice.

(a) Is the Minister aware that there is ongoing destruction of water catchments in Mbale and Sagala locations of Taita-Taveta District?

(b) Is he further aware that on 11th May, 2005, and also on 9th and 10th June, 2005, Government lorry registration number GK A755D, and Toyota Landcruiser GK A432H, were used to ferry logs of timber from the destroyed forests to unknown destinations in the district?

(c) Could the Minister inform the House who issued the logging permits to the people involved in cutting trees in the catchment areas?

Mr. Deputy Speaker: There is no one from the Ministry of Environment and Natural Resources. Dr. Ojiambo, what do you say?

Dr. Ojiambo: Mr. Deputy Speaker, Sir, I am appalled because this is a very urgent Question and I would have liked it to be answered today. Could you order the Minister to give me a reply by this afternoon?

Mr. Deputy Speaker: The Chair lacks words to express its disgust.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I wish to plead with the Chair. These are Questions by Private Notice and they have not been answered. There is a possibility that some Ministers might come in the course of Question Time and they should answer the Questions before they are deferred. Finally, could the Chair declare that it is the Executive side that is suffering from ill-health and not the whole of Parliament?

The Assistant Minister for Roads and Public Works (Eng. Toro): On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to implore the Chair to revert to the old system that we used to use before, where Questions are called for the first time and if the hon. Questioner or the Minister is not in, then they are called for the second round? The system of dropping Questions after they are called for the first time is inconveniencing the House. For example, the Minister for Lands and

Housing and the Minister for Health have come after the Questions have been called and dropped. If they Questions were to be called for the second round, the Ministers are already here to answer the Questions.

Mr. Deputy Speaker: Eng. Toro, what does that imply? Does it mean that Ministers cannot be punctual, so that they will be given other chances? We must be serious with our business. This is meant to ensure that hon. Members, including Ministers, are serious with their businesses.

The Question is deferred until tomorrow.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.084

FAMINE RELIEF FOOD TO MAKUENI RESIDENTS

Mr. Ndile alimuuliza Waziri Katika Afisi ya Rais:-

(a) kama anaelewa ya kuwa kutokana na ukame ulioko Wilayani Makueni, ni watu 380,000 wanaohitaji vyakula vya msaada na sio 120,000 wanaojumuishwa kwenye mpango huo hivi sasa;

(b) ana mipango gani ya kuwapa vyakula watu waliosalia 260,000; na,

(c) kuna mipango gani ya kuwapatia watu wa Kibwezi aina nyingine ya vyakula kama vile matoke, unga ngano, mayai, mchele na maziwa.

The Assistant Minister, Office of the President (Dr. Machage): Bw. Naibu Spika, ninaomba kujibu.

(a) Ninaelewa ya kuwa idadi ya watu wanaohitaji vyakula vya msaada Wilayani Makueni kwa hivi sasa ni asilimia 21 ya idadi ya watu wa wilaya hiyo. Waliohusishwa kwenye mpango wa vyakula vya dharura mwezi wa tatu mwaka huu ni idadi ya watu 133,350, na wala sio watu 120,000, kama vile Mbunge anavyosema.

(b) Kiwango cha idadi ya watu walio chini ya huu mpango wa dharura hutoka kwa kamati za wilaya kwani hali inazidi kubadilika kila mwezi. Kamati ya Wilaya ya Makueni ndiyo itatoa idadi kamili kwa miezi inayosalia, hadi mwezi wa nane mwaka huu, ambapo huu mpango unatarajia kufikia kikomo. Serikali pia imeweka aina kadhaa za mbegu za kupanda msimu wa mvua mwezi huu.

(c) Mpango unaoendelea kwa sasa unagawa mahindi, maharagwe, mafuta ya kupikia na pia chakula muhimu cha watoto na akina mama waja wazito. Hivi vyakula ndivyo vinavyohitajika mwilini. Serikali haina mpango wowote wa kutoa chakula cha aina nyingine kwa wakati huu.

Mr. Ndile: Bw. Naibu Spika, tunavyoongea, hali ni mbaya sana Kibwezi. Kama sikutumia pesa za Constituency Development Fund (CDF) kupatia watu chakula, sijui wangukuwa namna gani. Mimi sasa ndio ninapeana chakula badala ya Serikali.

Waziri hakujibu swali la mwisho. Je kuna mipango gani ya kuwapatia watu wa Kibwezi aina nyingine ya chakula? Watu wanaogopa kula mahindi ili wasipate ugonjwa wa mahindi kama ule uliotokea Kibwezi mwaka jana.

Mr. Deputy Speaker: Bw. Ndile, uliza swali!

Mr. Ndile: Bw. Naibu Spika, Waziri ana mipango gani ya kuwapatia watu wa Kibwezi vyakula vingine kama mayai, mchele, unga ngano na matoke? Hatutaki yale mahindi ambayo yanaua watu.

Dr. Machage: Bw. Naibu Spika, ingawa Mbunge mwenzangu angetaka wananchi wake wapewe chakula kama vile mayai, Wizara yangu haina mpango kama huo kwa sababu hatuna hela.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, it is common knowledge that Makueni, Machakos,

Kitui and Mwingi districts have not been receiving rainfall for the last several years. There are people who have not even seen any green crop for the last many years. How prepared is the Government to provide famine relief food in these areas? The situation is going to be more serious than before.

Dr. Machage: Bw. Naibu Spika, Serikali imejiandaa kwa dhati kupigana na hili janga. Kuanzia mwezi wa Septemba mwaka jana, tulifikiria kuwa watu milioni 2.2 ndio watawekwa chini ya mpango wa kulishwa kufikia mwezi wa pili mwaka huu. Kuanzia mwezi wa pili hadi mwezi wa nane, tulitarajia kulisha watu 1.6 milioni. Hata hivyo, US\$42 milioni zilihajika

[Dr. Machage]

kununua chakula tani 241,000. Tulipungukiwa na tukakusanya chakula tani 28,000. Serikali ilijitolea na ikatoa chakula tani 86,000. Vyakula vingine vilitolewa na wafadhili. Kutoka mwezi wa tano hadi mwezi wa nane, Wizara ilikuwa na upungufu wa chakula. Hata hivyo, mpango wa ulimwengu wa kugawa chakula umehitajika kukopa karibu tani 10,000 kutoka kwa mpango wa kuhifadhi chakula cha watoto shuleni ile tuweze kugharamia mpango huu.

Ningetaka kuchukua nafasi hii ili kutoa mwito kwa wafadhili kwamba, tunahitaji chakula zaidi kwa sababu hatukupata mazao ya kutosha kama tulivyotarajia.

Dr. Manduku: Bw. Naibu Spika, nikiwa mtoto nilielewa kuwa Wakamba ni watu wa njaa. Serikali ina mpango gani wa kudumu wa kuwapatia Wakamba chakula ili wajitosheleze kuliko kungojea kupewa chakula na Serikali na wafadhili kila mwaka?

Dr. Machage: Bw. Naibu Spika, ni kweli kwamba Wakamba hawana shibe wakati wote. Lakini sio kwa hiari yao. Ni kwa sababu ya mazingara wanamoishi. Kwa sasa, Serikali imetoa hela nyingi kwa mpango wa kusaidia maeneo ya Bunge, na tunatarajia kwamba Wabunge kutoka eneo hilo watatumia hizo pesa kuanzisha mipango ya kunyunyuzia mashamba yao ili wapate mavuno mazuri.

Mr. Deputy Speaker: Dkt. Machage, ninafikiri Dkt. Manduku aliuliza swali la maana sana; kwamba ni mpango gani wa muda mrefu ambao Serikali itazingatia kuhakikisha ya kwamba wale watu wanaoishi sehemu hiyo wanajitosheleza kwa chakula? Ninafikiri jawabu mahsusi haliandamani na CDF.

Dr. Manduku: Bw. Naibu Spika, hiyo ni mojawapo ya mipango ambayo Serikali inatekeleza. Sehemu nyingi za Ukambani zimehusishwa kwa mipango ya maendeleo ya maeneo ya nchi hii ambayo ni kavu. Serikali imefanya kazi nyingi sana. Haitachukua muda mfupi kupata majibu, lakini, nina hakika kwamba Wizara ya Kilimo na Wizara ya Maji zina mipango mahsusi ya kufanya maendeleo ya kuwasaidia wananchi wa sehemu hizo.

Mr. Sasura: Mr. Deputy Speaker, Sir, it is very clear that this Assistant Minister is not taking this Question seriously. Could he tell us the reason why his Ministry always depends on the World Food Programme (WFP) to carry out nutritional surveys in these affected areas, and yet we have enough personnel in the country to do the surveys for the local people, for example, in Ukambani? Could he tell us why the Ministry is always depending on the WFP and confirm that that is why they are always misled and why they cannot solve the perennial problems of the people from ASAL districts?

Dr. Machage: Bw. Naibu Spika, mawazo ya Mbunge mwenzangu siyo ya kweli kabisa kwa sababu, kila wilaya ina kamati iliowekwa wakfu kutupatia ripoti kila mwezi, juu ya hali ilivyo katika maeneo yote ya nchi hii. Kwa hivyo, hatutumii Shirika la Ulimwengu pekee kupata ripoti hii.

Mr. K. Kilonzo: Bw. Naibu Spika, hivi sasa kuna hali ya kiangazi katika eneo la Ukambani. Kwa hivyo, watu wanaopata chakula ni wachache ilihali kuna njaa mahali pote Ukambani. Jana nilikukwa katika eneo Bunge langu. Nilienda lokesheni moja ambayo ina watu 9,000 na walikuwa wamepatiwa magunia ya mahindi 24 peke yake ya mahindi. Serikali ina mipango gani ya kuhakikisha kwamba watu wanaotoka katika sehemu za ukame wanapatiwa chakula?

Dr. Machage: Bw. Naibu Spika, ni ukweli tuna upungufu kidogo. Tunajitahi tani karibu 76,000. Serikali imejitolea kabambe kutoa tani 20,000 kwa sasa. Ningependa Wabunge walio hapa

waelewe kuwa tuna upungufu wa chakula na Wizara inajaribu kuhifadhi na kutoa kiwango cha chakula kinachohitajika kwa mwezi wa tano hadi mwezi wa nane. Ninajaribu sana kutafuta hiki chakula, na nitayaangalia masilahi ya wananchi vilivyo.

Mr. Ethuro: Bw. Naibu Spika, hili jambo linahusu wilaya nyingi katika nchi hii. Huko Turkana kuna watu karibu 100,000 ambao hawajawahi kupata hiki chakula. Waziri Msaidizi anasema Wizara haina chakula cha kutosha kuwapa watu wa Makueni au Turkana. Kila wilaya ina hiyo kamati ya kuyaangalia mambo haya. Kwa nini Wizara haiwezi kuwapa watu chakula cha kutosha? Waziri Msaidizi ametenga hela gani katika Bajeti ya mwaka ujao kuhakikisha ya kwamba tuna chakula cha kutosha baada ya mwezi wa nane?

Dr. Machage: Bw. Naibu Spika, tunajua kwamba ukulima na ukuzaji wa chakula nchini unategemea sana dua la Mungu kutupatia mvua inayofaa. Maeneo mengi nchini yamepata mvua kiasi, ingawa eneo la Kaskazini na Kaskazini Mashariki nchini halikupata mvua ya kutosha. Serikali inajua mambo haya.

(Loud consultations)

Tafadhali nipeni nafasi ya kujibu!

Mr. Deputy Speaker: Lazima Waziri Msaidizi apewe nafasi amalize kujibu swali.

Dr. Machage: Bw. Naibu Spika, kuanzia leo, tutaanza mpango wa kupitisha makadirio ya Wizara ya Ofisi ya Rais ambayo yatakuwa yenye manufaa kwa kununua chakula. Ninaomba kwamba Bunge lipitisha haraka makadirio hayo. Siwezi kuwaambia hivi sasa ni kiwango gani kimetengwa kwa hakika, lakini ninafikiri ni karibu Kshs3 bilioni kwa minajili ya kununua chakula kuwalisha wananchi ambao waliathirika.

Mr. Boit: Hoja ya nidhamu, Bw. Naibu Spika. Mwezi uliopita nilipiga ripoti kwa huyu Waziri Msaidizi kwamba kuna watu wa Baringo Kaskazini waliokufa kwa njaa. Alisema kwamba mvua imekuja. Mvua ikinyesha, unaweza kupanda maharagwe kwa siku moja na uwapatie wale? Naomba Waziri Msaidizi huyu aichukulie kazi yake maanani. Hiyo ndio sababu Bw. Spika alisema kwamba Wabunge wengine hapa sio waaminifu. Haya ndio mambo ambayo Bw. Spika alikuwa akilalamika juu yake.

Mr. Deputy Speaker: Bw. Boit, ninaelewa chanzo cha hasira yako, lakini hiyo haikuwa hoja ya nidhamu. Hata hivyo, nitamuuliza Waziri Msaidizi ajibu.

Dr. Machage: Bw. Spika, ninaelewa sana kwamba huwezi kupata mavuno baada ya mvua kunyesha kwa siku moja. Habari nzuri tuliyonayo ni kwamba, katika maeneo mengi nchini, hali ya malisho ya mifugo imeimarika. Kwa hivyo, tumeanza kupata kiasi kidogo cha maziwa na mifugo imeanza kuwa na afya nzuri kidogo na kuwa mizuri ya kuuza ili watu wapate hela za kununua chakula kwa mpango huo. Ninaelewa sana shida iliyompata Mbunge huyo katika sehemu yake, lakini tunaangalia jambo hili vilivyo.

Mr. Ndile: Bw. Naibu Spika, kwanza ningependa kuwashukuru Wabunge na Waziri Msaidizi kwa kuongea kiswahili sanifu. Wamejaribu sana. Waziri Msaidizi aliulizwa jambo muhimu sana; kwamba, Serikali hii inachukua hatua gani ili kuhakikisha kwamba kuna suluhisho kwa shida za sehemu ya Ukambani na sehemu nyingine za ukame katika nchi hii? Waziri Msaidizi hakujibu swali hilo. Mwaka jana, Serikali hii ilitengea Wilaya ya Nyeri Kshs800 milioni za kunyunyizia maji na hali huko kunanyesha.

Mr. Deputy Speaker: Mimi nina shida na wewe Bw. Ndile. Tafadhali uliza swali lako.

Mr. Ndile: Bw. Naibu Spika, nimeona kuwa Kshs1 bilioni zimefichwa katika Bajeti. Wizara hii ina mpango wowote wa kutumia hizo pesa huko Ukambani ama itachimba borehole nne peke yake? Hilo silo suluhisho.

Dr. Machage: Bw. Naibu Spika, ni kweli kwamba eneo la Ukambani linakumbwa na shida

nyingi. Lakini siangalii eneo hilo tu, bali ninaangalia nchi nzima. Kuna mipanago kabambe ya kutafuta pesa za kujaribu kupunguza maafa katika sehemu zilizoathirika na ukame. Hata hivyo, ningependa kutoa wito kwa waheshimiwa Wabunge katika wilaya za Ukambani kuwafundisha wananchi katika sehemu hizo wageuze mipango yao na kuanza kupanda mimea inayostahimili ukame kama vile mhogo, viazi na mtama. Wasitegemee mahindi pekee.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order, hon. Members!
Next Question, Dr. Kibunguchy.

Question No.099

LACK OF FACILITATION FUNDS
IN LUGARI DISTRICT

Dr Kibunguchy is not there and his Question is dropped.

(Question dropped)

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

Mr. Deputy Speaker: Mr. Wanjala, could you, please, sit down. You are not Dr. Kibunguchy.

The Assistant Minister for Finance (Mr. Obwocha): On a point of order, Mr. Deputy Speaker, Sir?

Mr. Deputy Speaker: What is your point of order, Mr. Obwocha?

The Assistant Minister for Finance (Mr. Obwocha): Mr. Deputy Speaker, Sir, hon. Katuku is ready to answer that Question. The Opposition side is making a lot of noise about the absence of Ministers and our failure to answer their Questions. They should now tell us the whereabouts of Dr. Kibunguchy.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order, Members! The fact of the matter is---

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

Mr. Deputy Speaker: Mr. Wanjala, you are not Dr. Kibunguchy and you have no permission to ask his Question. Could you, please, sit down?
Next Question, Mr. Choge.

Question No.321

COMPLETION OF KEBURO BRIDGE

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

(a) whether he is aware that the construction of Keburo Bridge in Kaptumo Location of Aldai Constituency is incomplete; and,

(b) what he is doing to have this valuable project completed for use by the intended beneficiaries.

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

(a) I am aware that construction of Keburo Bridge in Kaptumo Location of Aldai Constituency is incomplete.

(b) I am requesting the hon. Member to use part of his constituency funds to backfill the bridge structure, and open up the 2.5-kilometre road, so that this valuable project can be completed for use by the intended beneficiaries.

Mr. Choge: Mr. Deputy Speaker, Sir, the CDF is not a panacea for Government failures, or lack of planning. Before work on this bridge started, there must have been costing and some budgetary allocation for its completion. Could the Assistant Minister tell this House why the construction work was not completed after that budgetary allocation?

Eng. Toro: Mr. Deputy Speaker, Sir, this bridge has had two allocations from the Emergency Fund. In the year 2001/2002, a total of Kshs1 million was used on it, and in 2002/2003, a total of Kshs1.5 million was used, making a total of Kshs2.5 million. Construction of the bridge was not completed because there were no other emergency allocations. It now requires only Kshs800,000 to be completed. Since there is no further allocation from my Ministry, I am requesting the hon. Member to use the District Roads Committee and CDF money to ensure that construction of this important bridge is completed. The hon. Member also has some funds at his disposal.

Mr. Abdirahman: Thank you, Mr. Deputy Speaker, Sir. I am sure that many hon. Members in this House are keen and realise that most of the responses we get from Ministers concerning funding of projects are always about use of CDF money to complete major projects like bridges. The CDF will not be an excuse for Government failure. I would like to know from the Assistant Minister, since in many areas bridges have collapsed or are about to collapse, what plans does he have in the coming financial year to ensure that most of the bridges in question, including the ones in my Habaswein Sub-District, are catered for? Could he tell us exactly what he has in store to address this issue?

Eng. Toro: Mr. Deputy Speaker, Sir, I agree that there are many bridges that require our attention. However, we do not have enough funds to repair all of them within one or two financial years. We have a bridging programme, in which we have invested a lot of money. Most of the projects under this programme are carried out to construct major bridges on big rivers. For the smaller bridges, which require small amounts of money, for instance those that require Kshs1 million or Kshs2 million, we request hon. Members to use resources at their disposal to complete them. If they wait for the Ministry to carry out all the projects, then it will take a long time.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Please, consult in lower tones!

Mr. Bahari: Mr. Deputy Speaker, Sir, I think this is a very serious matter. The hon. Member wants to know what the Assistant Minister will do to ensure that the project he started is completed. The Assistant Minister is not saying what he will do within his purview to complete the project. He is instead advising the hon. Member to use the Constituency Development Fund (CDF) to complete the project. The CDF and the District Roads Committee (DRC) funds are meant to cater for minor projects. These funds are very little, particularly the DRC fund, and cannot be used to complete major projects. Why can the Assistant Minister not use his kitty to complete the project? Could he tell us how much money it would cost to complete the project?

Eng. Toro: Mr. Deputy Speaker, Sir, this road is classified as "E" and is under the direct purview of the DRC. While the Ministry has injected Kshs2.5 million into the project, the hon.

Member should be complementing the Ministry by injecting some of his CDF money into the project. At the moment, we do not have more money to inject into the project, which is supposed to have been completed by now.

Mr. Choge: Mr. Deputy Speaker, Sir, this Question was filed at the Clerk's Office last year. When the Assistant Minister was preparing his Ministry's budget, he must have known that this project was still incomplete. What reasons can the Assistant Minister give this House for having failed to incorporate this project in his budget as one of the incomplete ones, so that he can ask this House to allocate funds for it?

Eng. Toro: Mr. Deputy Speaker, Sir, the first time this bridge was allocated funds was before the demarcation of roads which would be constructed by the DRC's and those which would be under the Ministry's Roads Department. After the policy division was done, as per the Act, a lot of concentration of the roads department shifted to classes "A", "B" and "C" roads. The amount of work remaining on the bridge is not a lot. I do not think I am asking too much by requesting the hon. Member to put in some money, which is about Kshs800,000, to complete this important bridge in his constituency.

Question No.385

BAN ON SUB-DIVISION OF
AGRICULTURAL LAND

Mr. Mwanzia asked the Minister for Lands and Housing:-

- (a) to confirm whether the Ministry has banned the sub-division of agricultural land below one hectare with immediate effect;
- (b) if the answer to "a" is in the affirmative, if he has considered its serious consequences on land transactions especially in populous districts; and,
- (c) if he could consider urgently revoking the ban to await the land reform policy.

The Assistant Minister for Lands and Housing (Mr. Mungatana): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry has initiated new guidelines to regulate division or subdivision of agricultural land. The regulations, already published in the Kenya Gazette, specify that no land control board shall consent to subdivision of agricultural land into parcels of less than one hectare.

(b) The measures have been taken after due consideration to arrest uneconomic subdivision of land and safeguard agricultural productivity especially in the populous districts.

(c) The formulation of a national land policy which is expected to address all matters relating to land is ongoing and, therefore, the new regulations shall stand until the policy formulation and implementation process is completed.

Mr. Mwanzia: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for that answer. However, I am aware of the National Land Policy which gives a limit of two-and-a-half acres as the minimum piece of agricultural land one can have. The answer given by the Assistant Minister in "b" is that measures to arrest uneconomic subdivision of land have been taken. However, I want to know from the Assistant Minister, what measures he has put in place to cater for ancestral land, which we are supposed to inherit from our fathers. How are five sons supposed to subdivide a 10-acre piece of land among themselves, especially in the populous areas of Thika, Machakos and Kiambu?

Mr. Mungatana: Mr. Deputy Speaker, Sir, I understand the difficulties the hon. Member is having with regard to subdivision that involves ancestral pieces of land. But, as a Government, we are discouraging subdivisions that will result to uneconomic units of land being held by Kenyans. This is land which will be held by Kenyans, but will not be useful in terms of productivity. So, if the hon.

Member wishes to do so, I advise that the Government will not give title deeds to people who subdivide agricultural land beyond two-and-a-half acres. We do not want uneconomical units of land to exist, but we cannot interfere with ancestral land and stop people from subdividing it. However, we will not give title deeds for such units of land.

Mr. Deputy Speaker: That was the last question on that issue.

The next Question is by Mr. Wario!

Mr. Wario: Mr. Deputy Speaker, Sir, I will ask Question No.127, although I do not have a written response.

(Mr. Konchella stood up in his place)

Mr. Mwanzia: On a point of order, Mr. Deputy Speaker, Sir. I did not hear your ruling.

Mr. Deputy Speaker: Please, sit down, Mr. Assistant Minister. How many questions did you ask, Mr. Mwanzia?

Mr. Mwanzia: Mr. Deputy Speaker, Sir, I had asked one question.

Mr. Deputy Speaker: Are you right?

Mr. Mwanzia: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Then, I am very sorry.

Mr. Mwandawiro: Bw. Naibu Spika, ni kweli kwamba kanuni ya kuhakikisha kwamba ardhi haitagawanywa katika vipande vidogo vidogo ni nzuri. Lakini haiwezi kutekelezwa kwa sababu ya vile ardhi yetu ilivyo sasa. Je, Wizara inaweza kuharakisha marekebisho ya mipango ya ardhi, ili watu binafsi walio na maekari mengi ya ardhi wawe na kiwango cha chini cha ardhi wanayoweza kumiliki, ili wapunguze shida ya maskwota?

Mr. Mungatana: Mr. Deputy Speaker, Sir, the issue which Mr. Mwandawiro has raised is very fundamental and is being considered in the National Land Formulation Policy. We will bring the Policy Paper here for discussion. We also plan to have a retreat for hon. Members so that they can put their minds together with other stakeholders and come up with the right policies. We will then bring the issue to this House for discussion. When this House decides on a minimum acreage of land one can own, then that will be effected.

Mr. Waithaka: Mr. Deputy Speaker, Sir, although the idea by the Ministry is welcome, I would like the Assistant Minister to confirm whether those people who have subdivided their land into smaller plots and have already sold them, particularly in Mutonyora Settlement Scheme in Kinangop Constituency, will not get title deeds. Most of the settlers on those plots fled tribal clashes in Rift Valley Province to settle there. Is the Assistant Minister saying that they will not be issued with title deeds when they have already settled and built permanent structures?

Mr. Mungatana: Mr. Deputy Speaker, Sir, that is a good question. Every law or policy that we pass can never be retroactive. In the Kenya Gazette Notice No.42 of 17th June, 2005, Supplements No.44 as Legal Notice No.64 on Land Control (minimum) Acreage Regulations 2005, we said that from then on, we shall try to enforce this new regulation. However, the ones that were done before will not be retroactive.

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. Did you hear the Assistant Minister say that any law that is enacted by Parliament can never be retroactive? Is he in order to mislead the House and the public that this House does not have powers to enact laws that are retroactive, when the Constitution makes it clear that the House does, indeed, have power to do so? Is he right in saying we cannot pass retroactive laws?

Mr. Deputy Speaker: Mr. Mungatana, indeed, you have heard what Mr. Muite has said.

Mr. Mungatana: Mr. Deputy Speaker, Sir, with a lot of respect to Senior Counsel and the

hon. Member for Kabete Constituency, what I intended to say is that the policy of the Ministry, in this particular instance, was not meant to be retroactive, and it will not be retroactive. I would like to clarify that.

Mr. Deputy Speaker: Yes, Mr. Serut. He is the Shadow Minister for Lands and Housing.

Mr. Serut: Thank you, Mr. Deputy Speaker, Sir. You have heard the Assistant Minister say that subdividing land that is less than two-and-a-half acres is not

[**Mr. Serut**]

economically viable. The economic value of any asset is based on the real asset, which in this case, is land, and not the title deed. What does the Government intend to achieve by not allowing these people to subdivide, especially customary land, and yet the people on the ground would have subdivided it into smaller portions of less than two-and-a-half acres?

Mr. Mungatana: Mr. Deputy Speaker, Sir, I brought before this House a Ministerial Statement and we had an opportunity to discuss and, probably, went over some of these issues. However, what we, as a Government, are trying to do is to look at land in terms of agricultural productivity and food sufficiency. We do not want to encourage a situation where we have uneconomical units. As far as agricultural land is concerned, we do not want land to be subdivided into units that will not be economically viable. So, through this policy, we will not register title deeds that are below two-and-a-half acres. This is what we will do.

Mr. Deputy Speaker: Last question, Mr. Mwanzia!

Mr. Mwanzia: Mr. Deputy Speaker, Sir, there is a problem which has been caused by this directive. In fact, the directive does not consider the interest of Kenyans. You have heard that one cannot inherit land from his or her father if there are just about 10 acres. You have also heard that one cannot get a title deed. There is yet another problem which has cropped up because of this directive. Banks and other financial institutions in Kenya now do not accept title deeds for land that is less than two-and-a-half acres. What will the Assistant Minister do about this? Could he suspend this directive until the National Land Formulation Policy (NLFP) is out and has been discussed here, so that Kenyans get a way forward with regard to this issue?

Mr. Mungatana: Mr. Deputy Speaker, Sir, as far as banks refusing to accept title deeds that are less than two-and-a-half acres is concerned, that is wrong. That is not the intention of this policy. This policy is intended to protect food sufficiency and not cancel title deeds that are already in existence. So, that should not be the case. I think banks are, therefore, misdirected. Unless evidence is supplied, I do not think I would agree to that suggestion. However, as far as the suggestion the hon. Member has made to suspend this legal notice until the NLFP is put in place is concerned, we, as a Ministry, have taken a decision that we will implement this policy. As far as the NLFP is concerned, we expect that if, in the wisdom of this House, this recommendation is passed, and you will not want this particular issue to be there, then we will go by the decision of the House. However, for now, we feel that in order to protect food security in this country, it will be necessary to maintain this policy. I would ask, with a lot of respect to the hon. Member, that he bears with us because we expect that the NLFP will be over by September.

Mr. Deputy Speaker: Next Question, Mr. Wario!

Question No.127

REVIEW OF COST-SHARING POLICY

Mr. Wario asked the Minister for Health:-

(a) if she is aware that the cost-sharing programme in public health facilities is in conflict with the Government policy of offering affordable medical care; and,

(b) if she could consider reviewing the policy now that Sessional Paper No.2 of 2004 on National Social Health Insurance Scheme has been approved.

The Assistant Minister for Health (Mr. Konchella): Mr. Deputy Speaker, Sir, first, I would like to apologise for not being able to answer the Question by Private Notice by the hon. Member for Makadara Constituency this morning because I did not have the answer. I also believe that Mr. Wario has not received his copy of the response because I could not reach him within the precincts of Parliament.

However, I beg to reply.

(a) The cost-sharing programme in public health facilities is not in conflict with the Government policy of offering affordable medical care. Fee levels set by local district health management boards are nominal and reflect considerations of local socio-economic backgrounds of communities. The patients who are unable to pay are waived a two-step discretionary process based on inability to pay. The Ministry also has certain categories of patients, illnesses and chronic conditions that are automatically exempted from payments. These include HIV/AIDS cases, TB, Leprosy, people from district homes, people under policy custody, prisoners, downward or upward referral cases, and re-admissions occurring within 14 days.

(b) The Ministry has started the preparatory process of implementation of the National Social Health Insurance Scheme (NSHIS). Implementation will be a gradual process that will start with preferential shift from out-of-pocket expenses to pre-payment of premiums. The Government will take care of medical bills of the poor under this scheme.

Mr. Wario: Mr. Deputy Speaker, Sir, first, the answer I received is not signed by the Assistant Minister. Secondly, you have heard of cases where both patients and bodies are retained in hospitals because of not clearing their bills. Could the Assistant Minister sensitise the poor people to the fact that when they are unable to pay their medical bills, they can still access treatment and have their bills waived?

Mr. Konchella: Mr. Deputy Speaker, Sir, at every facility, the medical staff are aware of those provisions. As soon as the National Social Hospital Insurance Fund (NSHIF) Bill is operational, funds will be allocated directly to the medical facilities to enable the poor have access to medical services. However, the registration process will take time to identify the people who are unable to pay their medical fees so that they can be taken care of. Nonetheless, I would like to assure the House that it will be done in the long run.

Dr. Khalwale: Mr. Deputy Speaker, Sir, in an effort to wipe out Tuberculosis, the Government has allowed patients to get free treatment. Could the Assistant Minister also allow the patients who are going for Anti-Retrovirals (ARVs) to get them for free? Just like Tuberculosis, we desire to also wipe out HIV/AIDS.

Mr. Konchella: Mr. Deputy Speaker, Sir, the Ministry realises how difficult it is for patients, especially with HIV/AIDS, to access the ARVs. They do not get treatment because they are not able to pay fees for testing and drugs. The Ministry is considering providing free ARVs in every Government hospital. However, at the moment, development partners are supporting us by providing ARVs to different institutions. It is only a matter of assisting those who require the ARVs.

Mr. Wario: Mr. Deputy Speaker, Sir, I have no further question.

(Prof. Oniang'o stood up in her place)

Mr. Deputy Speaker: Mr. Wario, have you given your chance to somebody else?

Mr. Wario: Mr. Deputy Speaker, Sir, I have allowed Prof. Oniang'o an opportunity to do so.

Mr. Deputy Speaker: Mr. Wario, you are not the one to give a chance to another person. I

will give a chance to Mr. Wanjala!

Mr. Wanjala: Mr. Deputy Speaker, Sir, last week, many Kenyans died because **[Mr. Wanjala]**

of drinking cheap beer. They cannot afford expensive beer. It is equally expensive for them to access health care. That is why most patients die at home. Could the Assistant allow village elders, assistant chiefs, chiefs, DOs and councillors to write referral letters for patients whenever they go to hospital to be treated? They are the people who can identify the poor unlike the Medical Officers of Health (MoHs) who turn away every patient because they cannot tell whether they are rich or poor.

Mr. Konchella: Mr. Deputy Speaker, Sir, the medical management boards of every facility review the cases presented to them and give waivers where necessary. It is, therefore, not automatic that one will get a waiver. It is the patients themselves, either directly, or through their relatives, who should apply and appear before them to explain. If they convince the board that they are unable to pay their bills, they will be given the waiver.

Question No.349

REVIVAL OF YOUTH POLYTECHNICS
IN OLOITOKITOK

Mr. ole Metito asked the Minister for Labour and Human Resource Development:-

- (a) whether he was aware that Oltiasika and Namelok Youth Polytechnics in Oloitokitok collapsed a long time ago;
- (b) what measures the Government is taking to revive these institutions; and,
- (c) when the Government will start a grade-testing centre in Oloitokitok for these and other polytechnics in the area.

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Oltiasika and Namelok Youth Polytechnics in Oloitokitok collapsed due to low enrolment of trainees.

(b) The Government will support the initiative of the local community to revive the collapsed said youth polytechnics by giving them grants. Currently, Oltiasika Youth Polytechnic receives grants to three instructors. The grants amount to Kshs8,260. Namelok Youth Polytechnic is yet to submit the names and qualifications of their instructors recommended by the management committee. However, consideration for grants will be given once the above documents have been made available.

(c) The Government has identified three centres for Trade Test Grade III, commencing December, 2005, in the following areas:-

- (i) Namelok Youth Polytechnic will offer dress-making, tailoring, carpentry and joinery.
- (ii) Skylink Youth Polytechnic will offer motor vehicle mechanics and motor vehicle electricity.
- (iii) FPFK Community Training Centre will offer dress making and tailoring.

Candidates from the area can now start booking for the Trade Test Grade III in the three centres. Codes for the centres will be made available very soon.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members!

Mr. ole Metito: Mr. Deputy Speaker, Sir, I would like to take this opportunity to thank the Minister for very thorough investigations carried out by officers from his Ministry. I have enough supplementary information from the officers at the Ministry. However, I would like to tell the Minister

that most of the reasons why polytechnics, collapse is because of lack of instructors and facilities, especially in the workshops. What is the Ministry doing to equip these polytechnics especially with facilities in the workshops like those offering carpentry, masonry and joinery? The Government should also send instructors to those institutions. According to the supplementary information I was given, Oltiasika Youth Polytechnic is said to be having three instructors, but there is only one instructor who has been there since 2002, called Mr. Thomas Maoka.

Dr. Kulundu: Mr. Deputy Speaker, Sir, we cannot increase the number of instructors because according to our records, Namelok Youth Polytechnic has only one student while the other one has three students. There has been a struggle between two churches; the Anglican Church of Kenya (ACK) and the Kenya Assemblies of God (KAG). We would like to encourage the community to tell students to go to these institutions because we know that we are able to subsidise the community's effort through paying instructors in this institutions.

*(Several hon. Members stood
up in their places)*

Mr. Deputy Speaker: Order, hon. Members! I will have to go for the last question. Proceed, Mr. ole Metito!

Mr. ole Metito: Mr. Deputy Speaker, Sir, according to the salary scale from the Ministry, a manager of a youth polytechnic earns Kshs3,000, an inspector earns Kshs2,000 and another inspector earns Kshs1,700. Could the Minister explain the criteria they use to pay those three inspectors a total of Kshs8,000 per month?

Dr. Kulundu: Mr. Deputy Speaker, Sir, the hon. Member should understand that youth polytechnics are run by communities. We do not interfere with what they pay their managers and other staff. The Ministry gives each instructor a subsidy of Kshs2,000 per month. That is likely to go up if Parliament approves the Sessional Paper that we are doing on youth polytechnics.

COMMUNICATION FROM THE CHAIR

DEATH OF DR. GEOFFREY
WILLIAM GRIFFIN

Mr. Deputy Speaker: Order, hon. Members! There is a short communication from the Chair. It is with deep sorrow that we, as the Parliament of Kenya, mourn the passing on of a distinguished Kenyan who has devoted all his adult life to the noble cause of our youth. The late Dr. Geoffrey William Griffin founded the Starehe Boys Centre from the ashes of the independence war, caring for orphans, street children and those deeply affected by the Mau Mau war. He touched their lives in a special way. His commitment to the welfare of the youth is testified by the dynamic contributions made to our nation by those who had the privilege to pass through his hands.

Hon. Members are aware of the work of the late Dr. Griffin in the establishment of the National Youth Service (NYS), which is as successful as it is today. I am sure that I speak for all hon. Members when I say that this House has lost a dedicated, committed and a true Kenyan. We are the poorer with the departure of such a glorious son of Kenya who could walk in the streets of our towns with his head high. We all feel proud of his contribution to the welfare of our society. May I, on behalf of all hon. Members, and on my own behalf, pray to our good Lord, so that he may keep his soul in eternal peace. We also pray for his family, friends and, above all, his students at the Starehe Boys Centre, whom he dearly loved so much, for comfort, love and mercy during this trying period of

mourning.

Thank you.

**NOTICE OF MOTION
FOR ADJOURNMENT
UNDER STANDING ORDER NO.20**

DEATHS CAUSED BY ILLICIT
BREW CONSUMPTION IN MACHAKOS

Mr. Mwanzia: On a point of order, Mr. Deputy Speaker, Sir. I rise to request for adjournment on a matter of urgent national importance under Standing Order No.20. As you are aware, in the last five days, we have lost over 52 lives due to consumption of an illegal brew in Machakos Town and Kathiani constituencies in Machakos District. Many people are lying at Machakos District Hospital and Kenyatta National Hospital suffering from the effects of that illegal brew. Others have lost their sight. In view of that national tragedy, I wish to move a Motion of adjournment under Standing Order No.20 in order for Members of the august House to discuss that matter of urgent national importance. I appeal for your consideration under Standing Order No.1 to allow me to move this Motion today, 29th June, 2005.

Mr. Deputy Speaker: The requisite number is 15 Members. Does he have 15 Members?

*(Several hon. Members stood
up in their places)*

Very well! Please, sit down! Hon. Members, I confirm that I received a request from the hon. Member in accordance with Standing Order No.20. I want to confirm that the matter he referred to is of urgent national importance. Therefore, having received the requisite number of Members, I, thereby, concede that this matter may be discussed. I, hereby, allocate it two hours, beginning at 10.30 a.m., this morning.

(Applause)

POINTS OF ORDER

NON-COMPLIANCE WITH
FINANCIAL REGULATIONS IN
BUDGET MAKING

Mr. Billow: Mr. Deputy Speaker, Sir, I rise on a point of order on a matter that is of grave importance to Members of this House. It is our constitutional responsibility as Members of Parliament to exercise an oversight role over the expenditure of the Government. One of the ways that we exercise that role is through the scrutiny and approval of the Budget.

The Government financial regulations, which are the necessary governing laws, set out the procedures we shall use for sanctioning the Government's utilisation of revenues for projects and programmes, which are set out in the Printed Estimates. The procedures for the format and presentation of the Estimates are provided in those financial regulations. I just want to seek the indulgence of the House to quote what the regulations say with regard to the expenditures which must be provided for---

(Loud Consultations)

Mr. Deputy Speaker: Order, hon. Members! The Shadow Minister for Finance is raising a very important matter! I ask hon. Members to give it ultimate attention. If you are, for any reason, unable to listen, please retire!

Continue, Mr. Billow!

Mr. Billow: Mr. Deputy Speaker, Sir, as I was saying, the financial regulations spell out the procedures for the preparation of the estimates and the format in which they should be submitted. They read:-

"Each Vote should be designed to show the services and the purposes for which the estimate is presented, including the total amount of the money to be spent, and to prescribe the authorised personnel and vehicle establishments."

In other words, the law requires the estimates to show, if it is the salaries, how much is spent on the establishment in that Ministry. With regard to Sub-votes and Heads, the law reads:-

"These should be in itemised details of expenditure which make up the net amount of the grant required."

So, the regulations are very clear. What the Minister has done this year, is to depart from the procedures that have been used in the past. I want to illustrate, with the indulgence of the House, by giving two or three examples very quickly.

Mr. Deputy Speaker, Sir, if you take Vote D01 of the Office of the President, Head 603 is on National Aids Control Council (NACC). There is one single entry. It reads:-

"Capital grants to Government and other levels of Government - Kshs3.5 billion."

There is nothing else. If you compare that to what it showed last year, you will notice the difference. It had itemised all those Heads. It read:-

"Special Global Fund for tuberculosis and malaria was allocated so much money. HIV/AIDS Control Unit, community activities, NACC operations and Great Lakes Initiatives were allocated so much money."

It was broken down into itemised details. That is one illustration. Let me take another illustration. If you take the Vote for the Ministry of Finance, Head 135 - Headquarters Administrative Services, you will find a statement which says:-

"Capital grants to Government agencies and other levels of Government."

That is the same description that was used in the other one. The amount is Kshs7.2 billion. You have no idea what that money is for!

If you looked at last year's Printed Estimates, the same Vote and Head of the Ministry of Finance read as follows: "Constituency Development Fund (CDF), Kshs4.5 billion". So, if you look for CDF in this year's estimates you will not actually find it. It simply says: "Grants to Government and other agencies of Kshs7.2 billion".

Mr. Deputy Speaker, Sir, if you take that last example for Roads and Public Works, on Head 400, it says: "Construction and Civil Works, Kshs2 billion". This is under the Architectural Department. Under the Architectural Department, it says: "Construction and Civil Works, Kshs2 billion". When you go to the Roads Department, it says "Construction of Roads, Kshs3.1 billion". It further says: "Overhaul and Refurbishment and Civil Works, Kshs4.9 billion". It does not say what those roads are, where they are and all those details. If you compare it to last year's Printed Estimates, the latter gives the details of all the roads. It lists all the roads. If it is buildings, it says which buildings are going to be done. For example, for the Police Force, it says: "Purchase of Houses, Kshs600 million". Where are those houses going to be purchased?

Mr. Deputy Speaker, Sir, that is the problem in all the Votes that have been provided in this

year's Printed Estimates. The impact of this is as follows: One, the Printed Estimates do not comply with the Government financial regulations. Two, the Members of Parliament in this House are required to vote for an expenditure that they do not know anything about because we will just find "grants to Government agencies" and we will be voting for those things and yet we do not know how that money is going to be used. The Minister in charge of a respective Ministry will now have the powers to decide how to spend that money. So, tomorrow, for example, the Ministry for Roads and Public Works can decide to use all the Kshs5 billion allocation for roads on one particular road and this House will have given him authority. This is the same way the Goldenberg Affair came about due to things being hidden in this manner. Three, the Government is giving the Ministries powers to divert money the way they want because there will be no control. Lastly, the Controller and Auditor-General and all the people who will audit these things later will face very great difficulties in finding out what actually the House voted on.

Mr. Deputy Speaker, Sir, so, this whole process and these Printed Estimates make a mockery of this House. We are being asked to vote for money that we do not know what it will be used for and it is contrary to the regulations. I seek your ruling on this matter. I request and pray that you will actually order the Minister to publish these Printed Estimates afresh in the manner that is required by the law.

(Applause)

Mr. Deputy Speaker: Hon. Members, as you are aware, Mr. Billow wanted to raise that point of order yesterday and there was no time for him to do it. We decided that we will give him all the time he needed and he has had it. Minister for Finance, what do you have to say?

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, thank you for giving me the opportunity and I want to thank the hon. Member for raising the issue. However, I want to seek the indulgence of the Chair to give a considered response maybe today or tomorrow afternoon.

Mr. Deputy Speaker: Hon. Members, this is not a matter to debate about. The Chair wanted to hear from the Minister and then from there a ruling can be formulated. Now, in view of the Assistant Minister's request for time, I rule that the Minister for Finance issues the Ministerial Statement this afternoon and then the Chair will make a ruling probably tomorrow or the day after.

Mr. Billow: On a point of order, Mr. Deputy Speaker, Sir. I just wanted to point out that from tomorrow, we will start debate on the Printed Estimates and we will appreciate if this ruling could be done before then so that hon. Members can contribute effectively.

Mr. Deputy Speaker: Yes, I am aware that tomorrow will be the last day for debate on the Motion for Approval of Taxation Measures. This is why the Assistant Minister for Finance has to issue his Ministerial Statement today so that the Chair can give a ruling before the debate on the Printed Estimates starts.

EVICION OF SQUATTERS FROM MAU FOREST

Mr. Ndambuki: On a point of order, Mr. Deputy Speaker, Sir. Last Wednesday, I rose on a point of order and requested for a Ministerial Statement regarding the eviction of people from Mau Forest and I was promised that it will be issued this morning but it has not been done.

Mr. Deputy Speaker: Is the Minister of State, Office of the President in charge of internal security here and ready with the Ministerial Statement?

Hon. Members: He is not here!

Mr. Deputy Speaker: Could a Minister say something on his behalf?

The Assistant Minister for Health (Mr. Konchellah): Mr. Deputy Speaker, Sir, I believe the Minister is in Nakuru with his deputy attending to other matters and I request the hon. Member to give him time to return to Nairobi and issue the Ministerial Statement tomorrow afternoon.

Mr. Deputy Speaker: So, will you undertake that that Ministerial Statement will be issued tomorrow?

The Assistant Minister for Health (Mr. Konchellah): Mr. Deputy Speaker, Sir, let me not say tomorrow since they are not here. I will try to contact them now and then give the response in the afternoon.

Mr. Deputy Speaker: All right! Do that as soon as possible.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, I would like the Minister to issue the Ministerial Statement as soon as possible because people are suffering. People are living by the roadside. Children are not going to school. We would like to know exactly what the Government is doing to save these children and mothers who have no place to stay.

(Applause)

PLIGHT OF SUSPENDED NURSES

Mr. J. K. Kilonzo: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Health regarding the nurses who have been handed suspension letters all over the country. I am just wondering whether this Government is taking into account matters of health. I want to be told whether they are going to be reinstated.

The Assistant Minister for Health (Mr. Konchellah): Mr. Deputy Speaker, Sir, I will issue a Ministerial Statement on this matter next Tuesday.

Mr. Mwandawiro: On a point of order, Mr. Deputy Speaker. Is it in order that the Government also issues a Ministerial Statement on sacked civil servants who went on strike?

Mr. Deputy Speaker: Mr. Mwandawiro, you know the point of order was directed to the Minister for Health in relation to suspended nurses. If you wish to seek another Ministerial Statement on sacked civil servants you will have to direct it to another Minister. So, it will not be in order. The Minister for Health will only issue a Ministerial Statement in relation to suspended nurses as requested by Mr. K. Kilonzo.

Mr. Weya: On a point of order, Mr. Deputy Speaker, Sir. I think Tuesday next week will be too late because at the moment the staff of very many district hospitals are really suffering and no treatment is going on in these hospitals.

Mr. Deputy Speaker: Mr. Assistant Minister, could you issue the Ministerial Statement earlier than Tuesday?

The Assistant Minister for Health (Mr. Konchellah): Mr. Deputy Speaker, Sir, we will need to consult with other departments of Government and I think Tuesday will be the right time to issue it.

Mr. Deputy Speaker: I think it is reasonable to give the Assistant Minister up to Tuesday. Hon. Members, I have five minutes before the Motion of Adjournment by Mr. Mwanzia is discussed. Next Order!

MOTION

INTRODUCTION OF COMPULSORY
COMPUTER STUDIES IN SCHOOLS

THAT, in view of the ever increasing importance of computers, this House urges the Government to introduce Computer Studies as a compulsory subject in all schools and provide all public and secondary schools with computers for teaching purposes.

(Mr. Karaba on 8.6.2005)

*(Resumption of Debate
interrupted on 8.6.2005)*

Mr. Deputy Speaker: Mr. Onyancha was on the Floor and he concluded his contribution. Does anyone else want to contribute to this Motion? Yes, Capt. Nakitare!

Capt. Nakitare: Thank you, Mr. Deputy Speaker, Sir. I stand to support this important Motion which addresses the matter of Information Communication Technology (ICT) in this country. As you can see, we are introducing computers in schools, Government offices and even in our homes. Our Government should not sit down on its laurels and just watch other countries develop in terms of technology while we remain behind. The idea of sending letters through the post office has been overtaken by the use of computers. Today, through e-mails, people can communicate within seconds.

Mr. Deputy Speaker, Sir, much as we say that our technological advancement is hampered by lack of electricity in most parts of the country, I am aware that some years ago, a certain businessman introduced computers in the Customs Department without any back-up technology. For the last 20 years, those computers have been lying unused in the Customs Department.

Computer science involves a lot of instructions and reading. We have opposed the introduction of computer colleges. Even here in Parliament, we are not able to send e-mails simply because we do not have a computer network. If an elaborate computer network, including the internet, is established here in Parliament, we shall be able to communicate with the entire world. I am convinced that this technology should be made compulsory in schools, hospitals, colleges and institutions of higher learning. I know of students who go overseas to study and yet they have no knowledge of computers. When they get abroad, they realise that computer science there is advanced. As a result, they are forced to study computer skills for two years. At the time they begin to do their core studies and adopt to the new systems in the developed countries, they will have wasted two years. That is a strain to parents. We look ignorant in the eyes of the world if we do not make efforts to be computer literate.

Mr. Deputy Speaker, Sir, some years ago, there used to be a radio programme that served well as a means of learning through the media. That has been outdated now. With computers now, children can chat with others who are overseas. There are various computer programs on education, commerce and so on. As I speak now, there are computer programs whereby one can do marketing through computers. One can visit market centres like E-Bay and procure or sell goods by use of the computer. Within a day, one would have sold his goods and services or received the same from other countries. It is, therefore, imperative for us to wake up to advanced technology. I believe that computer science should be taught to children in primary schools. In developed countries, parents buy computers early enough and engage their children in using them. They teach them how to play computer games and by the time they go to school, they are knowledgeable about computer application.

Mr. Deputy Speaker, Sir, we cannot say that Kenyans are unable to do well in computer science. I remember that in the Civil Service, 20 years ago, there were typists---

Mr. Deputy Speaker: Order, Capt. Nakitare! You have five minutes to make your contribution. If you wish, you will continue next Wednesday.

Capt. Nakitare: I will, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Very well.

Hon. Members, it is now time to ask hon. Mwanzia to move the Motion for Adjournment in relation to the Machakos deaths.

Hon. Mwanzia you have up to 15 minutes, but I advise you to give as many hon. Members as possible an opportunity to contribute by limiting your contribution.

**MOTION FOR THE
ADJOURNMENT UNDER
STANDING ORDER NO.20**

DEATHS CAUSED BY ILLICIT
BREW CONSUMPTION IN MACHAKOS

Mr. Mwanzia: Mr. Deputy Speaker, Sir, I will surely heed your advice. I will not take much time because I am aggrieved by what happened.

First and foremost, allow me to register my thanks to the Chair and the House for giving me this chance to move this Motion. A tragic event occurred in Machakos and it has affected the people of Kenya. It is not only the people of Machakos who are aggrieved because the killer illicit brew was consumed in an urban centre.

On behalf of the people of Machakos, I wish to register our appreciation to his Excellency the President for sending his condolences to us. He has assisted us very much at this time of grief. There are several Ministers, Members of Parliament, religious leaders and people from all walks of life who have gone to Machakos District Hospital to console the victims who are in hospital and the aggrieved families. We thank them a lot for what they have done.

Mr. Deputy Speaker, Sir, I cannot forget the nurses and doctors in Machakos District Hospital and Kenyatta National Hospital who have been working tirelessly and under very difficult conditions with no medicine or equipment. They have tried their best to save lives, but unfortunately 52 people have so far died. Several people are still in hospital and others have turned blind, but we appreciate what the doctors and nurses have done. We also thank the Government for agreeing to foot the funeral expenses.

The deaths that occurred as a result of consumption of illicit brew are not happening for the first time in this country. The consumption of illicit brews has been going on for a very long time. There are so many instances; for example, here in Nairobi at a place called Mukuru Kwa Njenga, over 130 people died and 22 were rendered blind after taking an illicit brew. The scenario in Kyumbi, Machakos is a repetition of what occurred in Mukuru Kwa Njenga which falls under hon. Mwenje's constituency. Dead bodies of people who had consumed the illicit brew called *kumi kumi* were picked on the roadside, shambas and beds. So, this is something that has been going on and I do not need to enumerate all the incidences. However, in order to give a bigger outlook of the tragic incidence in Kyumbi, Machakos, over 80 people died in 1998 in Narok and Mai Mahiu after consuming the illicit brew. In Maragua, nine people died and nine others lost their eyesight for taking the illicit brew. In Makueni, 12 people died in 2003 and eight others lost their eyesight after consuming an illicit brew too. In 2002, in West Pokot, 10 people died because of the same reason. Mr. Deputy Speaker, Sir, the statistics and the incidences countrywide are evidence enough that consumption of illicit brew has killed and caused blindness to many Kenyans.

This year, the illicit brew has caused a lot of pain to our people. That is why today, hon. Members need to raise their voices and speak out against this illicit brew. We need to ask ourselves, "What should we do about this illicit brew?" Why should we allow it to continue? If you look at the impact of the consumption of the illicit brew, it is, indeed, harmful. For instance, 52 people have been

reported dead in Machakos.

Mr. Deputy Speaker, Sir, if each of the deceased persons was married and has left behind three children and a widow, it means that a total of more than 150 children have been orphaned, and 50 women widowed. We are talking about 200 people who have lost their bread winners. If we consider the number of people in the extended families of the deceased persons who were depending on them for their livelihood, the number of persons who have become destitute as a result of this tragedy would reach the 2,000 mark. This is simply because of the consumption of this illicit brew. It is just because a few people have decided to earn their living through other people and causing death.

I am happy that the President has directed the police to uncover the sources and distributors of this illicit brew. In previous incidents of this nature, similar directives were given to the police. Presidents and Ministers issued directives to the police to look for the distributors of this illicit brew so that they could be put behind bars. However, that has never happened. That is why these incidents have continued to happen.

Mr. Deputy Speaker, Sir, we should also find out why people take these concoctions. Let me call them a mixture of chemicals, because to me, it is not an illicit brew. People take these substances because they are poor. They need cheap drinks. They deserve to drink something. Whether we like it or not, people will continue drinking. As Mr. Kombo said in Machakos yesterday, we should not encourage Kenya to become a drinking nation, but we should realise that people will always drink liquor.

It is, therefore, high time that the Government looked for cheaper and hygienic drinks. When we talked to the survivors of this tragedy at Machakos Provincial Hospital, they told us that when they were buying this drink, they thought that it was safe. That is what they believed. Otherwise, they would not have bought or taken it if they had known the consequences of doing so. They were misled to believe that the drink was safe, and that is why they took it. They also bought it because it was cheap. We have watched on television some of the survivors confess that they had to buy something cheap - for Kshs20 - so that it could knock them out very fast.

Mr. Deputy Speaker, Sir, the cheapest alcoholic beverages produced by the East African Breweries Limited, such as Senator and Allsops, cost Kshs40 per bottle. How many people can afford them? And would a single bottle worth Kshs40 knock them out as quickly as they wish? It is high time the Government looked for some cheap and safe brew, which these people can afford, so that we can discourage them from taking poisonous drinks.

(Applause)

Mr. Deputy Speaker, Sir, the drink that caused this tragedy at Kyumbi is being referred to as an illicit brew. I do not understand what an illicit brew is. We should define what an illicit brew is. I believe that an illicit brew is any alcoholic drink which has been banned by the Government. They include traditional alcoholic drinks like *muratina*, *mnazi*, *busaa* and *chang'aa*. However, these beers never used to kill people. The drink that was served to the victims of the Kyumbi tragedy was tested by the Government Chemist and found to be 94 per cent methanol. You cannot call such a substance an illicit brew. That was poison which was administered to our people by somebody who knew what she was doing.

Mr. Deputy Speaker, Sir, I know the five women who were involved in this business. They had been arrested six times before, and I participated in their arrest. They were taken to court, but the charge was always "dealing in illicit brew". That is why the courts and the police are defending themselves. They always charged these women as petty offenders. I submit that, if these people are arrested, they should be charged with murder, because they actually administered poison on the people.

I believe, the police should have charged the people who deal in this substance under Section 235 of the Penal Code, since it has been tested by the Government Chemist and found to be methanol, which is poisonous. Countrywide, the police charge these people, with the offence of dealing in illicit brew, which only attracts a maximum fine of Kshs10,000. A magistrate in Machakos has been convicting these ladies to between two and ten days community service or a Kshs1,000 fine, so that they can go on with their business and take money to the magistrates and the police.

Mr. Deputy Speaker, Sir, you have heard that the Officer Commanding Police Division (OCPD), Naivasha, has denied that the methanol that killed people in this tragedy was from Naivasha. One of the suspects, who was arrested by the police in Machakos, confessed that she bought the substance in Naivasha. Then how are the police, who are supposed to unearth the source of this substance, as directed by the President, going to do this work? They will still cover up! The OCPD, Machakos, said that the methanol originated from Naivasha, but the OCPD Naivasha, has denied this, despite the fact that the suspect confessed that she bought it in Naivasha. It is the duty of the police to take this lady to Naivasha, so that she can show them the person from whom she bought the liquid, so that we can know the source of this methanol and its distribution chain. Unless we destroy the source and the distribution chain of this substance, we will not make much progress.

With those remarks, I beg to move.

Mr. Deputy Speaker: Towards the end of the debate, I will call upon one of the Ministers to respond.

Hon. Members, in debates of this nature, each hon. Member is allowed to speak for ten minutes. However, with the indulgence of the House, we can reduce that time to five minutes, so that we give chance to as many hon. Members as possible to speak.

(Applause)

Is five minutes agreeable?

Hon. Members: Yes!

Mr. Deputy Speaker: So be it!

Mr. Ndambuki: Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. First, I would like to take the opportunity to condole the families of those who lost their beloved ones, and those whose loved ones are still hospitalised. I would like to say *pole* to them and wish those who are still in hospital quick recovery.

Mr. Deputy Speaker, Sir, it is really a pity to see a country like Kenya losing so many people in a span of less than 12 hours, because of an illicit brew. This brew does not even fall under the Traditional Liquor Act. It is poison. Whoever made it had an intent to destroy some people. It is very interesting that after losing some people only recently for consuming contaminated maize, we have now lost 52 people in Machakos because of this brew. I wonder why the people of Ukambani have had to suffer two major tragedies successively. At first, it was contaminated maize and now it is an illicit brew. I would like whoever will respond to this Motion to tell us exactly what this is all about.

Mr. Deputy Speaker, Sir, secondly, I would like the Chair to tell us the effect this debate will have on those people who sell illicit brews. Is it going to have any impact, or we will just discuss it here and leave the matter to rest there, without any action being taken? The President has ordered that action be taken in the form of a probe, but we have seen so many probes being done and we have never seen any results. If we continue losing our own people at this rate, I can assure you that we are not going to have a nation. This is something which needs a lot of attention and it needs to be taken seriously. These are young people and a majority of them are between the ages of 30 and 40 years old. Those were young people who had just started their families and were needed seriously by their families. So, very serious action needs to be taken on those people.

Mr. Deputy Speaker, Sir, I will also go further and wonder if the illicit brew came all the way from Mai Mahiu, and whether it was flown or transported to Machakos by road? How did it get there? Since we have very many road blocks, how come they did not nab those people? How come we only learnt about those illicit brews after people were dead or lost their eyesight? This is an issue which needs to be taken seriously.

When the culprits are arrested and taken to court, they are fined peanuts and they laugh at us saying: "Hey, you took me to court and now I am out here"; and they continue getting wealthy because of selling the illicit brew and our people die because of taking the ten-shilling brew; they buy their deaths. We need to repeal the Traditional Liquor Act and enforce the penalties on somebody who is caught selling those illicit brews.

(Applause)

On the other hand, in as much as we say that 85 per cent of Kenyans are Christians, like it or not, people will continue drinking alcohol and we have to look for a way of dealing with this issue of drinking. We should go to each tribe and legalize their traditional brews and then have somebody to check on the quality of that brew. In the 1970s, we used to have clubs and you would know that if you wanted to drink, it was going to open at around 3.00 p.m. and close at 6.00 p.m. No other person in the villages was allowed to sell or to do anything without a permit from the chief or assistant chief, and everybody who wanted to drink used to go there. We have to find a way of dealing with this matter, and it is not the way we are dealing with it now by saying: "We are stamping it out" or "we are going to ban it", and we ban it just through talking! For example, the way we are talking now about 52 dead people, we are going to end our discussions here and nothing is going to happen. We would like to see a situation where, once we talk about something of this gravity, action is taken immediately.

With these few remarks, I beg to support.

The Assistant Minister for Co-operative Development and Marketing (Mr. Kenneth): Thank you, Mr. Deputy Speaker, Sir. Let me also start by condoling the relatives of those who died in this very sad disaster. We must live in a country where we do not wait for disasters to take place. We seem to be reactive instead of being proactive. We have spoken about illicit brews a number of times in this House and, indeed, hon. Kembi-Gitura brought a Motion last year on how even the local brews or the brews prepared in Naivasha need to be packed in bottles rather than in sachets, yet this has not been implemented.

Mr. Deputy Speaker, Sir, there is a chief, an assistant chief and a police station in every location in this country. This means that wherever those drinks are brewed or prepared, we have arms of the Government in those respective places and they have not been able to arrest the perpetrators. In fact, in most areas, the local administration is in cahoots with those who are preparing those brews, in ensuring and safeguarding those who are selling those drinks. There are cartels which could be worse than the *matatu* cartels. Actually, the Ministry in charge of Provincial Administration and National Security needs to take some drastic action because there are many other disasters waiting to take place even as we speak here. Today, we heard in the media that yesterday, people were dying of drinking the same alcohol, yet they already knew that other people were dying of the same reason.

Mr. Deputy Speaker, Sir, when we talk of chemicals and we are told that it is not an illicit brew, as the Mover of the Motion has said, we have the Kenya Bureau of Standards (KEBS). How is it that those drinks are allowed to be prepared and sold when we have trade officers in the respective areas where such drinks are sold? How is it that a serious poisonous chemical can be allowed to leave Muhoroni or Chemelil, where it is prepared, and it finds its way to a brewery somewhere? How is it that we keep on talking about Mai Mahiu as if it is a place outside Kenya where there are no local representatives of this Government who can take action to ensure that these poisonous drinks do not

get out of Mai Mahiu? We keep talking and, as hon Ndambuki has said, we keep talking "hard talk" and saying: "We must do this, we must do that". I think it is high time we actually walked the talk! We cannot keep on saying here: "This is dangerous", we agree here as hon. Members of Parliament to adjourn the House to discuss a serious issue, yet no action is taken! There must be a time when whatever we agree on here is implemented, there must be a way that this House can follow up on what has been agreed on in this House. If we agree that we are going to implement or stop the question of illicit brews being sold in Kenya, there must be a formula which we can pursue to ensure that whatever we agree here is implemented.

Mr. Deputy Speaker, Sir, it is 43 years after Independence and we still continue having these deaths. We look at the disasters that are likely to happen, not just from drinking illicit brews, but there are other areas also. If you look at our roads, you will see quarries coming up next to major highways and you know that there is a disaster ready and waiting to happen. We must have a department in the Government that can handle or look into areas where disasters are likely to happen.

With these few remarks, I beg to support.

Mr. Moroto: Asante sana, Bw. Naibu Spika, kwa kunipa nafasi hii, ili nichangie Hoja hii iliyo mbele yetu, na ambayo ni muhimu sana. Nataka nianze kwa kutoa pole kwa wale waliopoteza watu katika jamii zao, marafiki na hata wapendwa wao. Nina swali moja ambalo limekuwa likinisumbua, nalo linahusu swali lililoulizwa na Mbunge mmoja hapa: Kwa nini wakati mwingi mambo haya hufanyika Ukambani? Tunajua kwamba kuna eneo kubwa katika Jamhuri ya Kenya ambako watu wanapewa vyakula vya usaidizi, kwa mfano, Turkana, Pokot na sehemu nyingine. Lakini hakuna pahali pengine ambako tumeambiwa watu wamekufa kwa kula chakula hicho--

[Mr. Deputy Speaker left the Chair]

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

An hon. Member: Ukambani!

Mr. Moroto: Ndio, jibu limepatikana, ni Ukambani. Nikizungumzia pombe haramu ambayo sasa imeua watu 52, tunaambiwa kuwa inatengenezwa huko Naivasha. Hata hivyo, hatujasikia kuwa mtu yeyote amefariki kwa kukunywa pombe hiyo. Mahali ambapo tumesikia kuhusu vifo ni sehemu za Ukambani. Maombi na mwito wangu wakati huu ni kwa Serikali iingilie kati na kuhakikisha kwamba jambo hili halitokei tena. Tunahuzunika sana tunawapoteza Wakenya wenzetu.

Bw. Naibu Spika wa Muda, ikiwa kweli pombe hiyo haramu ilitengenezwa kule Naivasha na ikasafirishwa hadi Wilaya ya Machakos bila kuzuiliwa licha ya vizuizi vingi vya polisi barabarani, basi ni wazi kwamba polisi hawa wanashirikiana na walaghai hao. Ni wazi kwamba polisi hawa wanapokea mlungula kutokana na biashara hii haramu. Nafikiri hata sasa wanasheherekea wakati Wakenya wenzao wamekufa. Kwa hivyo, ningemsihi Kamishna wa Polisi na Waziri ambaye anahusika na usalama wa kitaifa kuchukua hatua kabambe kuangamiza biashara hii haramu. Watu wetu kufariki ovyo ni hasara kubwa kwa nchi.

Bw. Naibu Spika wa Muda, siku ya Jumapili nilihudhuria maombi katika kanisa la AIC katika Wilaya ya Machakos. Baada ya ibada tuliulizwa na kasisi wetu twende tukawaombea wale ambao waliathiriwa na pombe hiyo haramu. Tulipofika hosipitalini, tuliingia katika wadi moja. Tulipata wahasiriwa watatu ambao walikuwa tayari wamefariki kutona na pombe hiyo haramu. Wengine walikuwa wamepofuka. Tulipoendelea kuzunguka na kuwaombea wahasiriwa, Waziri wa Afya, Bi. Ngilu, aliwasili. Kilichonishangaza ni kwamba ijapokuwa Bw. Mwanzia aliwasifu madaktari kwa kufanya kazi nzuri, Waziri aliingia na waandishi wa habari kwa majivuno. Alidai kuwa aliwahirumia wale watu. Watu wawili waliletwa kwa gari la aina ya Pick-up na punde, mmoja wao akafariki. Yule

mwingine alikuwa hali mahututi. Licha ya Waziri kuitwa kujionea alichukuwa muda kuitisha huduma ya kwanza. Waandishi wa habari waliendelea kumpiga picha Waziri. Ni ajabu kwamba Waziri alikuwa anasimama wima ili apigwe picha na waandishi hao. Ilichukua dakika 30 kabla ya mtambo wa kusaidia kupumua kuletwa kumsaida yule mgonjwa. Ningekuwa na mawe karibu nami ningewarushia wale watu. Hatuwezi kukubali kuona watu wakifa ilhali wakuu wanaohusika na mambo ya afya hawafanyi lolote. Hata wale wauguzi katika wadi hizo walikuwa vijana ambao wamehitimu hivi juzi. Hata mmoja alitambua kwamba alikuwa karibu kutoroka kazini kwa sababu watu walikuwa wanakufa kwa wingi kutokana na ukosefu wa vifaa halisi vya kuokoa maisha yao. Hili ni jambo ambalo lazima tuliangalie.

Kwa hayo machache, naunga mkono Hoja hii.

Mr. Weya: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity to contribute to this Motion. I would like also to convey my sincere condolences to the bereaved families. It is only last week that I brought a Question to the House asking the Government to legalise these traditional brews. The Minister, however, trivialised the issue. If we visit five-star hotels, for example, Carnivore and Pan Afric, during cultural events, we see them selling *busaa* and *muratina* to the elite. Even during traditional weddings and funerals, there are these traditional drinks.

(Loud consultation)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! There is too much loud consultation.

Proceed, Mr. Weya!

Mr. Weya: Mr. Temporary Deputy Speaker, Sir, last Friday, during the Kisii function at Carnivore Restaurant, there was *busaa* being sold there. So, between the elite and the poor, who have the right to take these drinks? In the rural areas you will find the police every end of the month, collecting Kshs1,000 from women who brew the traditional drinks. These traditional drinks were curbed by the colonial government. If you go to our neighbouring countries, Uganda and Tanzania, they have legalised traditional brews and there are systems put in place to ensure that they are brewed with the right standards; having the right alcoholic content.

Our people have been consuming traditional brews from time immemorial and yet, we have not seen them dying out of them or having these problems we have right now. As the Member of Parliament for Machakos Town said, these drinks that are killing people are chemicals. These companies which manufacture chemicals sell them to people who go and brew this deadly drinks, and yet, the Government has laws in place that prohibit the sale of these chemicals to other places apart from mortuaries. We have to bring these traditional brews from the underdogs to be able to monitor them. If you go to a country like Holland where they have legalised many of these things which are illegal here, you will find that the Dutch themselves are not consuming even drugs. Instead, foreigners go there to consume those drugs. Even where acts like prostitution have been legalised, you will find that in those countries, it is not a hazardous thing, because there are some controls and safeguard measures put in place by the government.

Mr. Temporary Deputy Speaker, Sir, today it is Machakos. Tomorrow it could happen in Kisumu or Siaya. We have to take this matter very seriously because it is Kenyans who are dying. If we do not stop it today it will continue. What we call *chang'aa* here in Kenya is called *Waragi* in Uganda. There are companies which collect this drink from the rural areas and go and bottle it. In that way, we can stop these lethal brews from being sold in an unscrupulous manner. A similar thing happens in Tanzania. The Government collects this traditional drink from the brewers and then bottles it and re-sells it. In this way, the alcoholic content is checked. The East African Breweries Company is trying with some of the drinks, but it seems not to be working. Indeed, it is making much profits. Similarly, some of these women who are brewing traditional drinks in the rural areas make a lot of

money from them. Recently, a Minister said that most Kenyans do not drink illicit brews and barely a week later 50 of them die from drinking. What does that show? We cannot continue burying our heads in the sand and pretend that our people are not drinking much, and yet, the East African Breweries Limited is making huge profits. It is very clear at the Nairobi Stock Exchange that its shares are going up. This shows that most Kenyans are drinking heavily. Some are drinking because of frustration. Some of them, just get little money and when they budget how to spend it, they find it is easier to go and drink and bury themselves in more problems.

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

Dr. Godana: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to also make a modest contribution to the debate. I stand to support the Motion. Again, we have had to face the sad spectacle of seeing poor Kenyans die because of consuming supposedly alcoholic intoxicants which people have taken for recreation and which indeed, are poisonous. The saddest part of it, perhaps, for me, was to learn yesterday that, among the patients who are in hospital, is a one-year old child whose father, while consuming the stuff, decided to treat him to a sip of the same. This definitely suggests a major malice in our society. The way we respond to this, as leaders, will really determine whether this society is prepared to face the challenge of poverty. The problem we are facing is partly brought by worsening conditions of poverty in our rural areas. People who have lost hope of ever coming out of misery have to look for any opportunity to drown their miseries in temporary reliefs of poisonous substances, which pass for intoxicating drinks. People have become so merciless that they are prepared to make anything which operate as a drug on the mind and sell it to the locals. Mr. Temporary Deputy Speaker, Sir, I have heard Mr. Weya plead for the liberalization of traditional brews. I think we have missed the point. We should act even tougher on the so-called traditional drinks. When traditional brews were brewed by our societies in the past, they were not for commercial business. They were meant for local recreation and family weddings. The difference now is that because the business has been commercialised, the individuals who sell it will not stop at anything to maximise their wicked returns. This includes brewing things which are so potent and will attract people, in their view, but which can kill.

How do we handle drugs which people consume, whether it is alcohol, the so-called drugs that the West is now worried about and *miraa*, which causes slow destruction of societies especially in northern Kenya? I think we need to have more comprehensive laws to deal with this. Personally, I wish that we banned *miraa* and went out to uproot all the *miraa* trees. I know that Marsabit District, poor as it is, on the mountain where we used to have some small-scale farming, people are increasingly resorting to planting *miraa* because they say that the returns are much higher than the returns they get from maize and beans. This is so and yet this is an area which experiences perpetual food shortage and has to frequently appeal for famine relief.

Mr. Temporary Deputy Speaker, Sir, we should not allow consumption of any drugs unless they have been certified by the medical process. In the case of the Uganda *waragi*, it is interesting Mr. Weya said: "Although, it is brewed, it is not allowed for public consumption or sale unless it has gone through the industrial process where it is subjected to modern scientific tests." The State knows that the medical doctors and chemists have certified that this is the alcoholic content and that it is not hazardous if it is consumed within the limits that intoxicating substances are consumed. The problem with the chemicals passing for alcohol which cause these deaths, such as *kumi kumi* or *mulika*--- The people who lose their sight completely said: "*sioni lakini inaonekana sasa ndio ninaona sawa sawa.*" The problem with this stuff is that we do not know its composition, and yet it is sold to wananchi. Where are the police, the chiefs and responsible citizens? Is it the responsibility of the police or the chiefs alone to arrest this situation? To dismiss the chiefs is to pass the buck. I do not know the circumstances of this problem, but it must be malice. I plead with the Government to come up with an emergency response to this matter.

Mr. Temporary Deputy Speaker, Sir, thank you very much.

Mrs. Mwendwa: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion.

From the outset, I wish to convey my condolences to the affected families. I was at Machakos District Hospital and the situation is pathetic. The people who took the illicit brew are very poor. Those who are admitted to that hospital are blind. If you go into that ward, you will see real poverty. What we have seen in Machakos District is a good example of what is happening in many parts of our country. There are many poor people in this country. It is like poverty has increased instead of decreasing. Those people will still drink illicit brews because they are poor. We will live with poverty in this country for a while because we have not done anything to alleviate it. Those people are forced by circumstances to take illicit brews and we should save them. Since they take any brew which comes their way, the Government should come up with a policy to ensure that they are safe.

A few years ago, we used to have safe local brews made of honey or sugar in Ukambani. However, this is not the case today.

(Applause)

Those people will drink any brew which makes them drunk. Therefore, the Government should intervene and save their lives. Let us not be ashamed by the illicit brews those people take because that is what they can afford. However, we should ensure that it is safe. We should have cheap but safe brews for those people.

Mr. Temporary Deputy Speaker, Sir, I agree that the Provincial Administration should stop the consumption of illicit brews. However, we know most of those administrators make money out of the illicit brews. The administrators say that *kibuyu moja ni yao*. A chief should follow the law and stop consumption of illicit brews. I am sure that if the police were working, they would have intercepted the illicit brew when it was being transported from Rift Valley to Ukambani. I am sure that the brew will be sold in another part of this country. Our law enforcement agencies should do their job properly.

We have also had many cases of people dying in Ukambani. The other day, people died after eating contaminated maize in that area. That maize had come from another part of this country, but up to now, we have not known it. Today, we will give proposals on what should be done. That is the same thing we do every time we have calamities, such as famine. When there is famine, we talk about irrigation and propose very good ideas. However, the matter rests there. If I call ourselves a talking nation, I will not be wrong because I will be stating a fact.

(Applause)

We just talk and that is the end of the story. Fifty people have died today. Tomorrow, I will rise here to speak when another group of 100 people die from starvation. We are a talking nation. We talk a lot but implement very little.

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

Dr. Rutto: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion. It is worrying that we have to lose so many Kenyans through an issue of that nature. We should expect more of those tragedies along the Kisii-Nakuru Highway, where there are dens which sell brews of similar nature. The result of that is that our young people have been destroyed by brews of similar nature that are being sold recklessly along the main highway between Nakuru and Kisii. It is worrying because the brew causes death. We are now mourning 50 Kenyans who died in Machakos. I am sure that, if we do not take serious and quick measures, we are likely to

mourn more.

Mr. Temporary Deputy Speaker, Sir, the brews are reported to cause impotence, destroy the lives of young people, break families due to wastage of resources and curtail production. We have witnessed women in Kikuyu Constituency taking up the responsibility of destroying those dens by themselves. That is very sad. Consumption of illicit brews is wasteful and reduces the productivity of our people. It also diverts energy. Those of us who have observed people who consume those brews in the rural areas know that they are not productive. They visit those dens as early as 8.00 a.m. and come back home when they are completely useless. What do we do?

Mr. Temporary Deputy Speaker, Sir, I would like to ask the Government to strengthen locational leadership in this Republic. The chiefs and the security machinery at the location level should be strengthened. We have weakened the leadership structures by bashing chief left, right and centre. We have not encouraged them to do their work properly. Some chiefs who collude with people who peddle those brews should not be allowed to serve in those capacities. They should be sacked and their jobs given to hard working people. The Government should establish machinery on the ground to destroy those dens that produce dangerous chemicals. I do not want to call that brew traditional. That is because traditional brews are safe. It is poison being brewed by irresponsible individuals to kill Kenyans. The Government should establish a local network to destroy those dens in the rural areas.

Secondly, we should organise *barazas* to educate the public on the impurities that are found in such brews. Very many people are not aware that those brews contain dangerous chemicals. We need to go down to the grassroots and educate our people on those chemicals.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I send my condolences to the relatives, especially the children and widows who have been left without bread-winners. One of our problems is that, as a nation, whenever we have a tragedy like this one, we focus on treating the symptoms, instead of diagnosing the disease and treating it.

(Applause)

What is the disease in that case? The disease is the divide between the rich and the poor. We also have an attitude or a nomenclature that, some how, those poor people are not human beings. They do not have the same inclinations or tastes as those who have money. Why do we allow whiskies and vodkas, if we want to make this nation a nation of teetotallers, like Mc'Carthy tried to do in the United States of America (USA). We should ban all alcoholic drinks.

(Applause)

Try to do that and there will be war in this country. But because you and I can afford a whisky, we do not spare a thought for poor people who cannot afford whisky or gin. We need to recognise and accept that those are fellow Kenyans and they have the same needs and inclinations as anybody else. We should come up with a formula to produce healthy drinks that are affordable. Trying to preach to people that they should be teetotallers is just like telling them to refrain from sex. They will hear you, but they will not stop. They will still continue. So, we do not want to continue losing lives. We want to save lives.

Mr. Temporary Deputy Speaker, Sir, the former President may have meant well when he took over the reins of power in August, 1978. He banned all traditional drinks. We need to revisit that issue.

(Applause)

In Ukambani, they used to make *uki*. *Muratina* was brewed in Central Province. Those traditional

brews are not there these days. We have health officers in every area in this country. So, we need to factor in those issues and urge the Government to come up with a comprehensive policy that is going to ensure that there are affordable healthy drinks for those people who are now dying. Only then can we begin to preach about morality and the need for not indulging in alcoholism. Unless and until we do that, we will continue to show our concerns, but we will not be treating the disease. We will be waiting for another tragedy to happen. I urge the Ministry of Health and the Government to listen very carefully to the points that are being made in this House, and come up with a formula that is going to accommodate poverty. Even as they eradicate poverty in those areas, we must have some short-term measures. We should get the health officers to revisit the Liquor Licensing Act. Nobody has died in Ugenya, where they have the best quality *chang'aa*. Even in Western Province, where they used to brew *busaa*, nobody has died as a result of that. Let us revisit the issue and ask the Provincial Administration and health officers to supervise brewing. As long as we are focusing on Mama Erick - and I am not suggesting she should not be charged - there will be other "Mama Ericks". Those things will continue. So, let us come up with a formula that will give us a permanent solution.

With those few remarks, I beg to support.

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, let me join the rest of Kenyans in giving my condolences to the families of those who have been left by their breadwinners. This is a sad day because 52 people, in their prime age, have died partly because of this illicit drink, but also because of the negligence on the part of this Government. This is a pretentious Government, and it must accept responsibility. This is a very reactionary Government. It pretends to act when a calamity befalls its citizens but, thereafter, it forgets all about it.

Mr. Temporary Deputy Speaker, Sir, the Mover gave statistics of people who have lost their lives or have become blind because of consuming illicit brews. Every time this has happened, either in Nairobi or other parts of the country, you hear that the Government has ordered a crackdown on the brewers. But it dies a silent death soon after because they just do it for public show.

(Applause)

Mr. Temporary Deputy Speaker, Sir, when this tragedy was reported, the Machakos District Commissioner held public meetings to educate citizens about the dangers of consuming the brew. What did he do? He dismissed two chiefs; poor Kenyans who were serving their people in that area. What happened to the Government machinery in the area of production? The brew was brought all the way from Mai Mahiu. There are a number of roadblocks manned by police. The jerrycans used to ferry this illicit brew are not invisible. They were seen by police officers, but they must have been partakers of bribes, and that is why it managed to pass all the way through Nairobi to Machakos. It is incumbent upon the Government to tell us the origin of the brewers, and they should be brought to book. For the Government to allege they are looking for a lady called "Mama Eric" and splash her picture in all media houses as if she is a terrorist, it is not going to help.

Mr. Temporary Deputy Speaker, Sir, I was in Machakos yesterday. What saddened me is that the medical personnel at the Machakos District Hospital have already been given suspension letters. Their morale is down, yet people are dying. The Government is not giving the necessary first aid to try and save a few lives.

As a person from Ukambani, what the people are asking is, why Ukambani? Just recently, our people were poisoned by famine relief. Now, we have this brew, which has killed our people. Is there more to it than meets the eye here? That is the question we ask ourselves as we go to bury our dead.

The Assistant Minister for Finance (Mr. Katuku): On a point of order, Mr. Temporary Deputy Speaker, Sir. Can you hear some loud music in the background?

The Temporary Deputy Speaker (Mr. Khamasi): Could the orderlies find out where that

music is coming from?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, the music is coming from the road. It is not within this House.

The Temporary Deputy Speaker (Mr. Khamasi): I want somebody to find out!

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, as we go to bury the dead, my only plea to this Government, which is not very concerned about what is happening, is that it should take care of the orphans left behind by those who have died. The Government should shoulder the burial expenses and, last and not least, get to the bottom of this big problem of illicit brews.

An hon. Member: How do you expect them to do that without your assistance?

Mr. K. Kilonzo: How they are going to do that is their problem, but we are going to help them.

Ms. Mbarire: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion. First and foremost, I want to pass my condolences to the families that have been bereaved in Machakos. We should look at this issue more seriously. It is important that the Government looks at this issue as an issue that calls for national attention. It is an issue about the rich versus the poor and families have broken down.

I stand here feeling very saddened because the greatest sufferers in all this are the young people. I do not know whether you are aware that, as we speak, many young men who take illicit brews like the one that was taken in Machakos, though they are lucky they are not dead and they are not blind, are impotent. Many married women today will tell you that they are living with husbands who cannot give them children. Many married women today will tell you that their husbands are not just unable to give them children, but they cannot even meet their conjugal rights. This is a serious issue because it is breaking up families. If we allow it to continue, we are likely to find Kenya without young people.

We need to think about what alternative we can give to the poor person, who earns less than US\$1 a day, but still wants to enjoy a drink like the rich person who goes to clubs like the Nairobi Club and has his vodka, viceroi, wine or tusker. The poor people also want to enjoy at the end of the day; after a day's hard work. Our traditional societies had local brews that were healthy. For example, in my community, we had *Karubu*, which was made from sugar-cane. Among the Kikuyus, there was *Muratina*, which was made from honey. These were healthy alcoholic beverages. We should go back to them. That is a challenge.

As much as I feel that the local administration has contributed to the spread of illicit brews, it is a big issue that cannot be left in the hands of the chiefs and the sub-chiefs. It is an issue of poverty and the Government must provide a solution to the poor on the ground. It is time we legalised the local brews and standardised their quality. They should be tested to ensure that they are fit for human consumption. Once we do that, then we will be giving an alternative to the poor people, so that they do not resort to drinking unsafe brews leading to calamities like the one we have in Machakos today.

Mr. Temporary Deputy Speaker, Sir, as was said earlier here by hon. Mwendwa, it will be very wrong if today we are debating this issue and no serious efforts are made to solve this issue once and for all, and in a few months, we will be talking about a similar calamity and complaining over and over again. As hon. Mwendwa said, it is about time we started to walk the talk. We should come up with policies that make sure that Kenyans get healthy alcoholic beverages across the country.

Mr. Temporary Deputy Speaker, Sir, let me also talk about the health implications of these illicit drinks. When a young man goes to drink at 8.00 a.m. in the morning, he cannot be productive the entire day. He will end up being too drunk to work. Even if he works, he will not perform to his best. Women are left to do the major household work. They will have to cook, go to the farm and fend for their children. When their husbands do not get money to drink in the evening, they come back to ask for the little amount that the wives tried to earn for the children.

Mr. Muturi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I want to join my colleagues, and the rest of Kenyans, in sending out my condolences to the families of the deceased, more so, to the dependants that have been left bereaved out of the consumption of this illicit drink. I want to begin by removing the misconception that appears to be with us; that traditional liquor is not legal.

We have the Traditional Liquor Act, Cap.122, of the Laws of Kenya which came to force on 1st July, 1971. This law regulates the manufacture, possession and sale of traditional liquor. There have been various administrative actions that have tended to cause confusion. Sometime in 1980, a blanket ban was imposed without repealing that Act. The traditional liquor licensing courts gave licences to people, who manufacture and sell traditional liquor, to continue operating within Nairobi Province and Machakos District.

Mr. Temporary Deputy Speaker, Sir, the truth had better be told. The courts continued to function in those two places. In the rest of the country, the traditional licensing courts chaired by DCs were administratively banned. There was a consequence that followed that. In some areas, the DCs could not allow people to make some little brew in their homes, even when they had traditional ceremonies. People then resorted to the illicit drinks. A point must be made to the Government that, since that law still exists, the public health officers have a duty and responsibility to ensure that where people make those drinks--- It would be wishful thinking for us to start saying that we want to ban one thing or the other.

In 1980 when we enacted the *Chang'aa* Prohibition Act, the definition given in this Act was not conclusive. It says: "*Chang'aa* shall include such drinks as "Kill me Quick" and "Kisumu Whiskey". That is a half-hearted measure. We must appreciate that there will always be segments in society which will be forced by their economic situation to partake of certain drinks. We need to ensure that we have policies that enable them to drink clean and healthy drinks. The Ministry of Health should enforce that law.

Mr. Temporary Deputy Speaker, Sir, I am surprised that the Assistant Minister is busy talking, and yet it is his Ministry which should ensure that there is proper regulation! He should get more personnel on the ground!

I want to join my colleagues who have said that even if one went to the Kamaliza Bar, they would not have any technical knowledge as to whether the drink was either a "Kill Me Quick", *busaa* or *chang'aa*. Those people who take the brews do not have the capacity for that. It is, therefore, the public health officials who should have become curious to know what Kamaliza Bar was dealing with. The bar must have been licensed by somebody. We know that in the current Budget, the Minister has removed most trading licences. So, the temptation to engage in more businesses like this will increase since those running them will no longer require licences. What will save us is if the Ministry of Health employs more technical personnel to be on the ground. Health officers should not go round arresting people who are having their traditional liqueurs during traditional ceremonies. The officers should ensure that people take clean, hygienic liqueurs that they can afford.

With those few remarks, I beg to support.

Mr. Kembi-Gitura: Thank you, Mr. Temporary Deputy Speaker, Sir. I think one must start by consoling the families, which lost their loved ones in Machakos District. As we mourn with those families and talk about Kyumbi, people are dying in all parts of our country, owing to the consumption of the illicit liquor. It is common knowledge that we tend to get concerned about issues when a tragedy like this one occurs.

Mr. Temporary Deputy Speaker, Sir, last night, as I was watching a television programme on the issue, I realised the impact of this tragedy. The television station had a feature on a major crackdown in Kiambu and other parts of the country. Any time we have a case of a serious road accident, there is a very big crackdown on buses and any other forms of public transport. Why do we

do this? I take the view that we are a reactionary country. We react to situations; we are not proactive.

What happened at Kyumbi was bound to happen. This has happened in every corner of this country. In Murang'a, last year, the illicit brew killed nine people. In Kakuzi area, it killed 12 people. In Murang'a again, at a place called Kigumo, where it all started, 15 people died while others went blind. That was the first time we heard of the "power alcohol" as an illicit brew. What exactly are we doing about it? Will we react to this situation?

I am happy that the Government will finance funeral expenses for those affected. But, in my view, that is just like sugar-coating. The Government is just making people consume sorrow more easily. This can be compared to taking a glass of water to swallow a bitter pill. This cannot be a solution! This is a serious problem and we must find a final solution to it. Hon. Members have spoken about it this morning and said that we must find a lasting solution. I agree to this. Some are saying that the Provincial Administration is not to blame. I place the blame almost fully and squarely on the Government, through the Provincial Administration.

I understand that the police officer who was in charge of the area has been transferred. If that police officer was taking bribes and has now been transferred, then we have just transferred the problem. We have not sorted it out. I understand that some chiefs have been sacked. The question is: Who will be taken there to replace the chiefs? This is a big problem and we must find a lasting solution to it. However the solution should not be short-term.

Several deaths have occurred in my constituency, as has happened in other parts of this country, as a result of people consuming these illicit brews. However, I believe that the Provincial Administration can stop or, at least, curtail the sale and consumption of illicit brews, if they want to. Only last year, I moved a Motion in this House calling for the stoppage of sale of alcoholic drinks packed in sachet form. I am grateful that the Government legislated, by way of gazetement. However, the brewers went round it very easily. If you visit Kyumbi, Kiharu Constituency and several parts of this country, you will find the same drinks that were being sold in sachets being sold in open containers. All that people are doing is selling these drinks in a glass instead of sachets. With this kind of behaviour, death cases will continue. As long as there is no will, and I do not believe that there is any will on the part of the Provincial Administration, these deaths will continue.

Corruption is the bane of our country today. As much as we have cartels in the transportation industry, especially in the *matatu* industry, we have cartels in the sale and consumption of illicit brews. We note that at every place where these brews are sold, bribes are being given. As I speak here, maybe nothing of this sort is happening because the people concerned all know there is a crackdown. Come next week, however, the story will be different; it will be business as usual. There must be will on the part of the Government. The will is not just talk. I am happy that the President has cracked the whip on this issue. I hope that we will not sort out this problem for just a week and normal business resumes after the dust settles.

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

Mr. Twaha: Mr. Temporary Deputy Speaker, Sir, I would like to join my colleagues in also conveying my condolences to the affected families in the recent tragedy in Ukambani. As we examine this problem, we, as leaders in this country, should note that there are two sides to it. There is the supply and demand side. We need to address both sides if we are to come up with a solution that will ameliorate the bad effects that alcoholism is causing in the country.

We need to understand the cause and effect of poverty which has made our people consume cheap drinks. We also need to understand if it is alcoholism that is causing people to underperform and thus perpetuate their poverty. I am sure, in Machakos District, there are people who are self-disciplined, who drink in moderation instead of drinking with the aim of knocking themselves out, those who go to church for spiritual enrichment so that they can withstand the frustrations of life. These people may not be as poor as those who drink alcoholic products every day. Alcohol is an

addiction just like that caused by consumption of heroine, *miraa* and *bhang*. This has been eloquently put by Ms. Mbarire.

Mr. Temporary Deputy Speaker, Sir, we need to focus our attention on ensuring that our people have adequate information about various products they are bound to consume. The problem in this case is not just that of people being able to buy alcoholic products or not, but they do not have information about the effects of alcohol on their bodies and their souls. I have a friend who only used to consume Johnnie Walker. We lost him at the age of 32 from liver failure. So, all forms of alcohol are harmful. So, our people need to be educated on its effects. It is not just the *kumi kumi* which is harmful, but we should also tell them the danger posed by some forms of alcoholic products. Some will kill them more faster than others. So, the message that Mr. Mwanzia should pass on to his people is that of moderation. People should drink to relax not to knock themselves out.

Mr. Temporary Deputy Speaker, Sir, there are alternatives of coping with frustrations in life. Besides going to churches and counselling sessions, we could involve ourselves in doing exercise. This way they will go home and sleep properly. If they also spent enough time with their wives, they will sleep very soundly. These are facts of life. We usually waste time in bars and that is why our women end up complaining. Control of drinking habits also compounds the spread HIV/AIDS. If women are not taken care of at home, they end up becoming promiscuous, not out of choice, but out of necessity. This brings about the HIV/AIDS problem. In fact, to explain this, the National Aids Control Council (NACC) has, through the media, been carrying out a publicity campaign for people to control their drinking habits. They say: "*Unavyokunywa zaidi ndivyo unavyoteleza zaidi*". So, this is a complex problem and there are many factors at play which need to be addressed.

Mr. Temporary Deputy Speaker, Sir, we have to look at the global picture so as to see how other countries have dealt with such problems. Some of these things we hear about are non-existent in other countries. At the risk of being called a fundamentalist, I will give the example of Saudi Arabia where, if you are caught intoxicated either from drinking a Kshs10,000 bottle of champagne, or from drinking *kumi kumi*, the penalty is that you get lashed in public. This is a deterrent. We have enumerated here the social costs involved. Let us forget about the people who died and have not even been buried yet. They were over 18 years old; which means they were eligible to vote and drive cars. They had also a bigger responsibility to take care of themselves. Ultimately, we are responsible for our own bodies and well-being. However, as a deterrent, people need to be told that alcohol is not good.

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

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, on behalf of the people of Ikolomani, I would like to send our condolences to the affected families.

I would also like to talk to the Government. The Government of Kenya should not, as we have witnessed from the time this disaster struck, behave as if Kenya is a nation of born-again Christians. It is a nation of all manner of people. Whether some people in the Government like it or not, Kenyans want to take alcohol. The fact that Kenyans want to take alcohol, those of us who have the capacity to access the so-called licensed brews should not condemn our people who do not have the means to access them. I was in a group of hon. Members of FORD(K) and LDP Parliamentary Groups, including Mr. Musyoka, who went to visit the patients in the hospital. It was very disheartening to note that one of the patients was a driver who was involved in an accident with the President's car during the 2002 campaign. They forgot him and did not even tell him *pole*. This time I hope the President will be warm hearted and help this man because he is blind.

The reaction of the Government to transfer the magistrates in Machakos and sack assistant chiefs and chiefs is management by crisis. It is important for Dr. Rutto to be honest enough, since he is laying his academic credentials on the line, and tell the world that what killed the people in Machakos was not alcohol, but the chemicals that were added to that particular brew.

(Applause)

I understand that it was formaldehyde which is used in mortuaries. We must be honest when we allow the public to benefit from our professional knowledge. We have pure *chang'aa* brewed to its character in Western Province. It does not kill people. It only kills people if they have abused it for a number of years. If you take a glass of that liquor and you instantly become blind, lose your manhood or drop dead, that is not *chang'aa*. As the Government continues reacting, you will notice that they are looking for Mama Eric and Mama Mboga. I hope that these women, who are currently at large, are listening to us. They should come forward and present themselves to the police. If the police understand human rights, those two women are important material witnesses. They should not be treated as crooks. They were simply distributors. They are not scientists who would have known that the brew they were distributing had been laced with chemicals. They are going to be the key witnesses who will show us the person who added chemicals to this particular drink.

Mr. Temporary Deputy Speaker, Sir, I know that in Ugenya, Kakamega, and most parts of Western Province, people drink *chang'aa*. If only we could allow the establishment of a "Kakamega Breweries", and brew a Kenyan Gin in form of *chang'aa*, we can have a cheap and safe alcoholic drink which can be accessed by all the people. Until we do that, that problem will continue. Just a few weeks ago, the Government Spokesman came out of the blues and said that they are going to ban advertisement of alcohol on television and print media. We must be serious and realise that the alcohol industry is the biggest and most universal industry anywhere in the world. We cannot just sit back as Parliament and see all those jobs being destroyed.

The Temporary Deputy Speaker (Mr. Khamasi): Your time is up!

Dr. Khalwale: With those few remarks, I support.

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this Motion. On behalf of the people of Sigor, and on my own behalf, I send condolences to the people who have lost their relatives and loved ones in Machakos. That is a very bad situation for this country. We are mourning the loss of 52 lives. There are those who have lost their sight.

Mr. Temporary Deputy Speaker, Sir, in the Bible, we are told that, when the sons of Israel asked for a king of their own, one whom they could see, they were given. They wanted to have a king that they could see and identify as their own. Many hon. Members have said that we should legalise illicit brews. If Kenyans want those brews to be legalised, standards must be set. Let the Ministry of Health take care of what is supposed to be done. If you ban something, people tend to be interested in finding out why. So, they will go for it.

Mr. Temporary Deputy Speaker, Sir, yesterday, the Minister for Labour and Human Resource Development said that the Government has created 1.2 million jobs. The Minister for Finance, during the Budget Speech, said that the economy has grown by 4.3 per cent. We should be able to see the employment opportunities created for our people. When somebody goes to drink *kumi kumi* worth Kshs10, it is evident that poverty is looming in this country. Kenyans elected this Government on a platform of creating employment. But, yesterday, the Minister shamelessly said that the *Jua Kali* sector has employed many people. Many people sit on the roadside and drink those illicit brews because of lack of employment.

The Assistant Minister for Roads and Public Works (Eng. Toro): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Rotino to say that people drink *kumi kumi* because they are poor?

Hon. Members: Yes! Yes!

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, I think the Assistant Minister should be wise enough. If people in his own constituency have Kshs100 or Kshs200, why should they drink *kumi*

kumi worth Kshs10? They can go to a bar and drink beer worth Kshs50. It is evident that people do not have money. The Government should prove to Kenyans where the 4.3 per cent growth rate has been realised. It should be evident through the employment of our people. The Government should be truthful and tell Kenyans that it is not able to create the jobs that it had promised and, therefore, even the 4.3 per cent growth rate in the economy is false.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Health should be prepared to fight disasters. Is the Government prepared to fight disasters since these *kumi kumi* deaths have occurred many times? We will again hear it has happened somewhere else. If an earthquake occurs, is the Ministry of Health prepared to fight it? The Ministry should be able to prepare itself to fight such disasters. Even Kenyatta National Hospital should have a unit that fights disasters. When something like this happens, it should have equipment that can respond to the situation immediately instead of reacting much later. We know this problem is caused by poverty. As poverty increases disasters such as this one are bound to happen. I am urging the Government to be able to prepare itself to fight disasters at any time.

Mr. Temporary Deputy Speaker, Sir, many of my colleagues have said that this thing---

The Assistant Minister for Regional Development Authorities (Mr. Odoyo): On a point of information, Mr. Temporary Deputy Speaker, Sir.

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, I do not need the information. My colleagues have spoken and said that this chemical never "flew" to Machakos if indeed it was manufactured in Mai Mahiu. Where were the police? There are many roadblocks. They are supposed to be inspecting vehicles. We should be able to control the rate of corruption within the police force. I will even go further and say that the police were involved in this disaster. It was not one jerry can. There were more than five jerry cans being carried on a bus or pick-up.

With those few remarks, I beg to support.

The Assistant Minister for Agriculture (Mr. Kaindi): Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to join my colleagues, first of all, in sending my condolences although I come from that area. Indeed, Kyumbi is in Kathiani Constituency.

First of all, allow me to thank the very many Government agencies, individuals and the country at large who have joined us in Kyumbi and Machakos Hospital in giving us assistance and consoling the bereaved. I specifically wish to thank the Press and the electronic media because the events of Friday night and Saturday morning were well covered. Indeed this is the instrument that we used at our disposal to appeal to those ones who were ailing to come to the hospital.

Mr. Temporary Deputy Speaker, Sir, I want to share the concerns of hon. Members that as a nation, the events of Kyumbi in Machakos have taught us quite a number of lessons. One of them is that, as a nation, we have not developed sufficient and rapid emergency response mechanisms. The reason why hon. Rotino spoke about inactivity on the part of the Ministry of Health was because on Friday and Saturday there was pandemonium in Machakos Town. The hospital was not prepared to deal with so many people coming there and, therefore, the few doctors were not able to cope sufficiently. I want to commend them for a job well done even under those circumstances, particularly the students from Machakos Medical Training College (MTC). That was the only arm that really assisted us on that particular day. I urge the Ministry of Health to build and develop sufficient rapid response emergency mechanisms so that they can be able to deal with calamities. I also think this applies to the entire nation that disasters have a place in our society and, therefore, we need to develop capacities to be able to deal with them.

However, just like hon. Rotino and many hon. Members have alluded to, certainly there was laxity because the people of Kyumbi spoke loud and clear about this drinking of illicit brew. Even at one time they gave the registration numbers of the vehicles that were seen on occasions transporting this chemical to the police but they never listened to them. Indeed, there is a depot that is built in one

of the firms in Kyumbi. They gave the report to the police and no action was taken. I think when hon. Members talk, these are some of the concerns that they raise. We are talking about deaths. We are talking about lives of individuals in Kyumbi which will never be the same. Families have been affected by the loss of their loved ones. As we talk here, there are families which have no option, but to wait and see whatever happens. Children have lost their parents and wives have lost their husbands. Who is going to address the plight of these people? It is not enough for the Government to give the services that it has already offered. Will it be able to sustain the lives of the affected individuals? I think there are real issues here. If the problem has anything to do with inadequate statutes or laws, as a House, can we not be able to address those concerns? We really need to look at these issues comprehensively.

Mr. Temporary Deputy Speaker, Sir, some examples were given by hon. Mwanzia. He said that similar deaths occurred in Mukuru Kwa Njenga here in Nairobi and in other distant places such as Kapenguria. Those are glaring examples of how inefficient we have become as a system. We need to be bold enough to say that death is not just death. We are losing individuals. Our beloved ones are dying. Are we able to deal with the situation at hand? Are we just going to talk of the deaths in Kyumbi today and forget about them tomorrow? I hope that the Government's Responder to this Motion will be able to give us the Government's programme of action showing what it will put in place in order to deal with some of these problems. Otherwise, we will only talk and fail to act.

We also need to call upon those who are concerned, particularly the Office of the President, to intensify their level of investigation. As the hon. Member of Parliament from the affected area, I think there is sufficient evidence that there was laxity on the part of the administration. This is because the lady who brewed the illicit drink was spotted at Kitengela. When the police moved there, they were unable to arrest her. A gentleman came and ferried her in a car in the presence of the police. If that is not laxity, what is it?

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

Mr. Wario: Ahsante, Bw. Naibu Spika wa Muda, kwa kunipa fursa hii ili nami nichangie Hoja hii. Ningependa kutuma risala za rambi rambi kwa jamii zote ambazo zimeathiriwa na maafa haya.

Bw. Naibu Spika wa Muda, tunapokumbwa na janga kama hili, si vema tulaumiane bali ni muhimu tukae pamoja ili tuone ni vipi tutaweza kujiepusha na janga hilo tena. Hivyo ndivyo tunaweza kuzuia madhara zaidi katika nchi yetu. Mbunge wa sehemu iliyokumbwa na maafa alisema kwamba Serikali ilikataa kuchukua hatua ya dharura ya kuingilia kati uuzaji wa pombe haramu na kumshika mama aliyekuwa akiuza pombe hiyo kabla ya maafa kutokea. Ni masikitiko makubwa na ndiposa tungetaka kujua ni kwa nini Serikali haikumchukulia hatua kali mwaaji huyo.

Hadhi ya jamii yetu imeathirika kiasi kwamba mzazi anaweza kuchukua pombe na kumpa mtoto wake wa umri wa mwaka mmoja. Je, tutarekebishaje tabia kama hii? Je, tutailaumu Serikali kwa tabia kama hii? Haya ni mapenzi gani ya kumpa mtoto kileo? Hii ni mojawapo ya dhuluma dhidi ya watoto ambazo tumewahi kuzungumzia humu Bungeni kwa muda mrefu. Sharti Wakenya wasimame wima katika kulinda hadhi na utu wao.

Matatizo makubwa yametukumba lakini Mwenyezi Mungu ana hekima kubwa. Yeye anatusa kwamba tusikaribie pombe, wacha kuinywa. Sisi tunamkaidi kwa kusema kuwa kuna pombe haramu na pombe halali. Mwenyezi Mungu anatuambia tusizini, nasi tunasema "tumia *condom*". Hakika mwanadamu ni kiumbe cha ajabu. Mazungumzo yake Mwenyezi Mungu ni bayana na yanafahamika wazi kabisa.

(Applause)

Sisemi haya kwa sababu maafa yametupata bali ni kwa sababu sharti tushikamane na mafunzo ya dini. Huenda mafunzo haya ya dini yakatusaidia sana katika kuepuka maafa mengine. Hebu tazama yaliyotokea Machakos. Leo hii tunawalaumu madaktari na Serikali.

Bw. Naibu Spika wa Muda, hakuna mtu aliyefikiria kwamba hospitali ya Wilaya ya Machakos ingepokea maiti 50 kwa siku moja. Kwa hivyo, inafaa Wakenya wamrudie Mwenyezi Mungu. Katika mafunzo yake, Mwenyezi Mungu anatueleza jinsi tunavyoweza kuepukana na janga kama hili. Kutofuata maadili ya kidini hutoa fursa kwa baadhi ya matatizo yanayotukumba kutokea. Nikisema watu waache kunywa pombe kwa sababu ni haramu, nitaitwa jina fulani sasa hivi katika Bunge hili.

Hivi majuzi, NACADA ilipiga marufuku kutangazwa kwa pombe katika vyombo vya habari. Sote tunazijua athari za kutangaza bidhaa za pombe katika vyombo vyetu vya habari. Watoto wengi wamechochewa na matangazo kama hayo na kuanza kunywa pombe. Lakini, Wakenya wamesimama wima na kuiunga mkono hoja ya kutangazwa kwa bidhaa hizo katika vyombo vyetu vya habari. Je, tutaweza kurekebisha tabia za watoto wetu?

Bw. Naibu Spika wa Muda, katika kila kata, kuna kata ndogo. Kila chifu yuko na chifu msaidizi. Na kila chifu msaidizi yuko na wazee wa mitaa kadhaa chini yake. Huwa inajulikana wazi kwamba katika kijiji fulani kuna uuzwa pombe haramu. Katika sehemu yangu ya uwakilishi Bungeni kuna vijiji viwili vinavyoitwa Mororo na Kambi Moto. Tumezungumza juu ya jambo hili mara kwa mara. Chifu, OCS na OCPD wanajua kuwa biashara hii haramu inaendelea, lakini kila wakati hutokea janga kama hili. Leo, tunakimbilia kufanya msako wa pombe haramu. Tutalaumiana, tutukanane na kupigana bure. Jambo hili tulilizungumzia kitambo. Serikali inapaswa kuchukua hatua kwa wakati unaofaa. Haifai kungoja mpaka maafa yatokee ndipo tuanze kutafuta suluhisho. Maafa yaliyotokea huko Machakos yametupatia funzo. Ni muhimu hospitali za wilaya ziboreshwe ili ziweze kuhudumia masuala ya dharura kama haya.

Kwa masikitiko mengi, ninaomba kuiunga mkono Hoja hii.

The Temporary Deputy Speaker (Mr. Khamasi): I will give a chance to the hon. Member for Kandara and then call upon a Minister to give the Government response.

The Assistant Minister for Roads and Public Works (Eng. Toro): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to air my views on the issue of illicit brew consumption.

My constituency also happens to be a victim of deaths arising from consumption of illicit brews. Early this year, at a market place called Kabati, about six people died after consuming the infamous *Kumi Kumi* brew. Until you face the reality of death through this brew, it is not possible to imagine the damage that this brew is causing to our people, especially young men.

Mr. Temporary Deputy Speaker, Sir, an hon. Member said that people take *Kumi Kumi* because they are poor. I disagree with him totally, because this is not the first time a section of the Kenyan population has been faced with poverty. Poverty has been there; it has not been eradicated. In those old days, the poor in this country never used to take illicit brew. So, why are they taking illicit brews these days? We have to address that question. Where is the power to curb the production and consumption of illicit brews vested? If it is vested in chiefs and assistant chiefs, have we given them enough power to enable them cope with this situation?

Mr. Temporary Deputy Speaker, Sir, as we are all aware, in 1997, this House reduced the power of chiefs and assistant chiefs. We are now facing the naked reality; that chiefs and assistant chiefs, through the Chief's Act, were doing something for Kenyans. Nowadays, chiefs can only arrest suspects and take them to police stations. When the police are compromised, such suspects will never be taken to court.

Mr. Wamunyinyi: Jambo la nidhamu, Bw. Naibu Spika wa Muda.

The Temporary Deputy Speaker (Mr. Khamasi): What is it?

QUORUM

Mr. Wamunyinyi: Bw. Naibu Spika wa Muda, tunajadiliana kuhusu vifo vya Wakenya wengi

na ni muhimu tufuate sheria wakati swala hili linapojadiliwa katika Bunge.

The Temporary Deputy Speaker (Mr. Khamasi): Order! You have already said what you wanted to say; that there is no quorum and, indeed, there is no quorum. Ring the Division Bell!

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order! Order! We now have a quorum. You may continue, Eng. Toro!

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Temporary Deputy Speaker, Sir, as I was saying, the powers of the chiefs under the Chief's Act need to be revisited, so that they can continue doing the work they used to do. They should be given enough powers to help them curb this business in illicit drinks. The powers of the chiefs have been minimized and they are now spectators, like everybody else.

Mr. Temporary Deputy Speaker, Sir, when some people died in Kandara because of drinking illicit brews, the only thing that was done was to sack the chief and assistant chief. But, nevertheless, partaking of illicit brews still continues in Kandara and it is very hard to eliminate it as long as the reports made to police stations are not acted on by the police officers. When you report to police stations about where the drinks are hidden, some of the police officers go and warn those people, and they hide those drinks when the policemen go to arrest them. Something must be done urgently, and this is the time we should ask His Excellency the President to use his powers. I remember when former President Moi took over power, he used his presidential powers to ban the sale of traditional brews. There is no reason why the President cannot use his powers to put a total ban on second generation illicit brews so that once he has done that, policemen, chiefs and everybody else will know that selling and partaking of those illicit brews is banned by a Presidential Decree. That is the only way to go and if it is not done, we are not going to get anywhere.

Thank you, Mr. Temporary Deputy Speaker, Sir.

I beg to support.

The Temporary Deputy Speaker (Mr. Khamasi): Yes, Mr. Minister!

The Minister for Environment and Natural Resources (Mr. Musyoka): Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Musyoka! I thought I had called upon the Minister in charge to respond. However, if he wants to cede a few minutes, so be it.

Proceed, Mr. Assistant Minister!

The Assistant Minister for Health (Mr. Konchella): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to respond to this Motion as the Government Responder. Since Mr. Musyoka is a senior Minister, I will give him one minute to send a word of condolence.

The Minister for Environment and Natural Resources (Mr. Musyoka): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I want to also thank my colleague the Assistant Minister for Health for giving me this opportunity to join the House and, indeed, the whole country, in sending our heart-felt condolences to all the affected families in Kyumbi, Machakos and Makueni districts, following this tragedy. As Mrs. Ngilu put it, this, indeed, is a national tragedy. I had occasion to visit Machakos on Sunday and what I saw was very painful.

Mr. Temporary Deputy Speaker, Sir, this issue is poverty-related. Unless we address the whole issue of clear fight against poverty, we will continue to witness incidents of this type. I, therefore, decided to call on my colleagues to use the facility under the Constituency Development Fund (CDF), because I am advised that we can use up to 10 per cent, to give bursaries to poor families over and above what the Ministry of Education, Science and Technology is giving to secondary school students and others in colleges. At least, we can help some of these parents who go out to drink

because they are unable to afford the school fees of their children. Tomorrow we, as a part of the NARC team, will be going to console the people of Kyumbi. I want to invite everybody to come. Whatever you are able to give to the affected families, I am sure, the whole community will appreciate.

With those few words, I beg to support.

The Assistant Minister for Health (Mr. Konchella): Thank you, Mr. Temporary Deputy Speaker, Sir. I wonder how I can respond to this Motion within five minutes and give proper Government guidelines and programmes to solve this problem.

First and foremost, I would like to send my condolences to the families for the loss of their loved ones. I also wish to say that the Government, as a gesture, has made arrangements to provide funds for burial arrangements and pay all bills involved in both private and Government hospitals and mortuaries. The Government has also provided relief food to support the bereaved families.

I also want to correct one or two other impressions which have been created by some hon. Members. While I do appreciate their concerns and feelings about the whole incident--- On the issue of the driver who was with the President, I would like to urge hon. Members not to drag the name of the President into this because it was just a coincident. First of all, he was not his driver. He is one of the drivers who was first to arrive to assist him to come to hospital. The other issue is the one raised by Mr. Rotino where he asked whether the Ministry of Health has a rapid response. Yes, it does. There is a Question which I will answer this afternoon on the issue of cholera and I will show that, indeed, the Ministry is capable of doing so. But all said and done, the Government has a Disaster Management Committee at the Office of the President. It is both an inter-sectoral and inter-Ministerial Committee and it responds to calamities.

On the issue of illicit brews, methanol and others, there are laws in this country which, if followed, will able to solve most of these problems. It is the onus of this Parliament to ensure that we review these laws to make penalties proper. As of now, this is because a lot of these things are happening because penalties are not proper. We have got the Liquor Licensing, the Methylated Spirit, the Traditional Licensing, the Industrial Alcohol and Compounding of Portable Spirits Acts.

Mr. Temporary Deputy Speaker, Sir, on the Liquor Licensing Act, at the district level, the DCs are supposed to meet on every first Monday of May and November of every year to issue licences to liquor operators. That has not been happening and that is why we have many problems. I direct all the DCs in the entire country to ensure that they comply with the law immediately. The Act is there and they know it!

Secondly, the Traditional Liquor Licensing Act is operational, although, administratively, hon. Members have said that it has not been working. That Act is in place and the DCs are supposed to issue licences to traditional liquor operators on the first Monday of June and December of every year. These brews have not been banned. It is the DCs who have not been doing their job. It is high time they woke up and followed the law because it is in place.

We also have the Methylated Spirit Act in place, and power alcohol falls under this Act. Because of time factor, I would direct that an Inter-Ministerial Committee be set up by the Office of the President under the chairmanship of the Permanent Secretary and the Secretary to the Cabinet and Head of Public Service. That committee should comprise of officials from the Ministry of Trade and Industry, the Provincial Administration, the police, the Ministry of Health and the Ministry of Transport. It will come up with a Sessional Paper which will be laid on the Table so that hon. Members can debate on the punishment spelt out in the Act and enhance it. The people who are found trading or holding spirits are fined Kshs5,000 or six months imprisonment.

Secondly, I direct public health officers countrywide to visit every bar in the country and ensure that they stock and sell only what they are licensed to. The methylated spirit which is used to make *kumi kumi* is poisonous. They mix it with water at the ratio of 10:90 and sell it to wananchi.

I also direct the Office of the President to vet public officers to minimise cases of corruption in

this trade. An officer should be appointed to study the importation of power alcohol for the last 24 months in this country. By doing this, we will know the importers and the distributors or wholesalers they have sold their spirits to. This will enable us to come up with regulations on the sale and distribution of those products.

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

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 12.30 p.m.