

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 2nd June, 2004

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

ATTACK ON MR. WILLIAM MUKANGASIA BY NISHI TRANSPORTERS GUARDS

Mr. Osundwa: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice. However, I have not received the written reply.

(a) Is the Minister aware that on 6th May, 2004, at about 9.00 p.m., guards employed by Nishi Transporters in Mumias beat up Mr. William Onyango Mukangasia who later died while undergoing treatment at St. Mary's Mission Hospital in Mumias?

(b) Under what circumstances did the management of the above firm transport the body of the deceased from Mumias to Bungoma Hospital, where a postmortem was done without involving family members?

(c) Could the Minister explain why Mr. Mukangasia was kept in Mumias Police Station for three days despite the injuries sustained, and only released when his condition worsened?

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

(a) Yes, I am aware that the late Mr. Mukangasia was caught and beaten up by employees of Nishi Transporters at about 10.00 p.m. after he and other suspects cut through the perimeter fence of the company yard and stole two batteries from a parked lorry.

(b) It is not true that the body of the deceased was moved from Mumias to Bungoma Hospital for postmortem without involving the family members. Mr. Alinza Makhoke and Mr. Gregory Shiundu, who are the mother and uncle to the deceased respectively, accompanied the body of the deceased to Bungoma Hospital.

(c) The late Mr. Mukangasia was handed over to the police for the offence of stealing. The police took him to Matungu Health Centre where he was treated and discharged on 7th May, 2004, in a stable condition. He was, however, taken back to hospital when his condition started deteriorating.

Mr. Osundwa: Mr. Deputy Speaker, Sir, I have complained here that I do not have the written reply. I do not know what the Assistant Minister has to say about that. Secondly, the postmortem on the body of Mr. Mukangasia was done in Kisumu and not in Bungoma Hospital. This young man was walking from Mumias Sugar Company Ltd. where he had visited relatives alone. He was not in the company of anybody. He was arrested by guards who were chasing some thieves.

The thieves managed to escape and the guards got hold of the young man and beat him up. He was taken to Mumias Police Station where he stayed for three days without any medication. His relatives later took him to Mumias Hospital where he died. If the Assistant Minister does not have

the facts of this case, I am willing to go and discuss with him in his office, rather than him giving us untruths here.

Mr. Deputy Speaker: Mr. Tarus, could you, please, address the issue of the written answer not being available to the hon. Member?

Mr. Tarus: Mr. Deputy Speaker, Sir, I cannot understand why the answer was not sent in due course. However, I will find out and make sure that in the future, hon. Members do receive their written answers before they come to the House.

Mr. Deputy Speaker, Sir, secondly, it is true that the first postmortem was done in Bungoma Hospital, but the report communicated to the members of the family was contested by the members of that particular family, and the body was again taken to Kisumu District Hospital where the truth was established, that, indeed, Mr. Mukangasia had died of physical injuries inflicted by a blunt object.

So, we have the facts and, indeed, there was an erroneous report that stated that he had died of anaemia. However, it was later proved that he died out of physical injuries.

Mr. Muiruri: Mr. Deputy Speaker, Sir, the way I get it from the Assistant Minister is that Mr. Mukangasia was beaten to death by the guards of Nishi Transporters. What action has the Assistant Minister taken against the actual people who beat up the young man to death?

Mr. Tarus: Mr. Deputy Speaker, Sir, the following employees of Nishi Transporters were arrested as a result of beating Mr. Mukangasia: Messrs. Bob Ouma Kau; Priyesh Shimandi Giti; and Chandresh Mahinda.

Mr. Deputy Speaker: Mr. Tarus, even more important, you said that the postmortem that was done was contested by the family members of Mr. Mukangasia, and a further postmortem confirmed that the man died as a result of being beaten. What action, then, did you take against those people who gave the false report? We are talking of human life here.

(Applause)

Mr. Muiruri: Mr. Deputy Speaker, Sir, my question was not fully answered. Arresting the culprits is not enough. Have they been charged in a court of law?

Mr. Deputy Speaker: Mr. Tarus, you can now address yourself to those two questions.

Mr. Tarus: Mr. Deputy Speaker, Sir, the people who beat up Mr. Mukangasia were not only arrested, but were also charged in court.

Mr. Deputy Speaker: With what have they been charged with?

Mr. Tarus: Mr. Deputy Speaker, Sir, they have been charged with the offence of manslaughter, contrary to Section 202 as read with Section 205 of the Penal Code, vide Case Record No.925/2672004 and Case File No.2402004, which was mentioned in May, 2004.

Mr. Deputy Speaker, Sir, with regard to the information given on the false report on the postmortem which was done at the Bungoma Hospital, we have not taken any action yet. But I want to confirm that we shall take appropriate action.

Mr. Twaha: It has been a time-honoured tradition in Kenya that when somebody breaks into your *boma*, you *tandika* him. Is the Assistant Minister now telling us that we are not supposed to beat up robbers when they come into our premises?

(Laughter)

Mr. Tarus: Mr. Deputy Speaker, Sir, the hon. Member is lucky because he is saying that he has been beating up people in the House. Otherwise, we would be---

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

Mr. Deputy Speaker: Order, Mr. Twaha! Let the Assistant Minister finish.

Mr. Tarus: Mr. Deputy Speaker, Sir, nobody is allowed to beat anybody unless you have proved--- When the person has been arrested, it is right that the due process of law should take place. Nobody is allowed to beat anybody else.

Mr. Twaha: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead the House that---

Mr. Deputy Speaker: Order, Mr. Twaha! I think you are trying to suggest strange things here. There is no way you will justify--- I think the Assistant Minister has clearly stated that you should not take the law into your own hands.

Proceed, Dr. Khalwale!

Dr. Khalwale: There were two medical experts who attended to this dead body. Each one of them gave a different reason as to the cause of the death. Now that the Assistant Minister is convinced that the second doctor gave the correct information, what action has he taken, including reporting this doctor to the Kenya Medical Practitioners and Dentists Board (KMPDB), and further to that, having him arrested as an accomplice to this particular murder?

(Applause)

Mr. Tarus: Mr. Deputy Speaker, Sir, I did indicate that we shall take appropriate action with respect to this particular medical personnel who gave a false postmortem report with regard to this particular case.

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

Mr. Osundwa: The second postmortem report revealed that this man was murdered. Could the Assistant Minister tell this House why the Government is treating this case as manslaughter, when it was actually murder? Secondly, why did the management of Nishi Transporters take it upon itself to transport the body to Bungoma for a postmortem test, where they returned a verdict of malaria as the cause of death of this gentleman? Can a man who is sick of malaria go to steal?

Mr. Tarus: Mr. Deputy Speaker, Sir, I have said that those who are behind the action taken by Nishi Transporters have been arrested, and they have been charged in court. So, the question of "why" will be addressed by the court.

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

Mr. Deputy Speaker: What is it, Mr. Too?

Mr. Too: Mr. Deputy Speaker, Sir, is the Assistant Minister not misleading this House by telling the House that these fellows were charged with manslaughter, yet the hon. Member is asking who decided that they should be charged with manslaughter, and yet they should be charged with murder?

Mr. Deputy Speaker: Mr. Tarus, I want to remind you that, that man is an expert.

(Laughter)

Mr. Tarus: Mr. Deputy Speaker, Sir, I do not doubt the hon. Member's competence when it comes to cases of this nature. But I know that it is possible that through the process of investigations, the officers who were charging these employees may have considered it fit to charge these people with manslaughter. But I can see the inaccuracy of having determined to charge them with manslaughter instead of murder. But I will undertake---

Mr. Deputy Speaker: Mr. Tarus, first of all, let us understand that we are dealing with human life. Those who arranged to get a false postmortem report might still be the ones who decided that the charge should not be murder, but manslaughter. Therefore, the question that Mr. Too asked is, who is that competent person who decided that this is manslaughter and not murder? I think we

should address ourselves to that issue. Mr. Tarus, can you address this issue, or, would you like us to give you more time?

Mr. Tarus: Mr. Deputy Speaker, Sir, I do not want to ask for more time. This is a matter which we can undertake to investigate and make sure that we take appropriate action, if we have a case of inefficiency resulting from our own officers.

Mr. Osundwa: On a point of order, Mr. Deputy Speaker, Sir. This case is in court, and these gentlemen who killed this young man are being charged with manslaughter. Could the Assistant Minister go and substitute this charge with murder today?

Mr. Deputy Speaker: Mr. Tarus, you may wish to consult the Attorney-General over this issue; do you not think so?

Mr. Tarus: Yes, it is true. Since the case is in court, then it is beyond our jurisdiction.

(Loud consultations)

Mr. Muiruri: On a point of order, Mr. Deputy Speaker, Sir. I would like this matter to come to an end. But, practically, people who cause other people's death are normally charged with murder. It is the court which reduces the charge of murder to manslaughter. So, is the Assistant Minister not misleading this House when he outrightly says that these people were charged with manslaughter instead of being charged, in the first instance, with murder, and then during the hearing, the court reduces the charge to manslaughter?

Mr. Deputy Speaker: Exactly! The Chair understands that to be the procedure. It starts with a higher charge, which is later reduced to a lower charge. Mr. Tarus, what do you have to say about that?

(Applause)

Mr. Tarus: Mr. Deputy Speaker, Sir, I understand the arguments which have been brought forward, but in view of the fact that this case is already in court, I do not think that I still have much to do except to allow the court to proceed with the case.

(Loud consultations)

Mr. Deputy Speaker: Order! I know that this is a very--- I can see experts, for example, hon. M. Kariuki and Mr. Too. So, we can take a very long time on this Question. I think I will defer this Question and ask the Assistant Minister to go and consult the Attorney-General over this matter so that he comes back with an answer to this House on Tuesday afternoon.

(Question deferred)

Next Question by Mr. Moroto!

INVASION OF KANYARKWAT SFT FARM
BY APs/POLICE RESERVISTS

(Mr. Moroto) to ask the Minister of State, Office of the President:-

(a) Is the Minister aware that armed Police and Administration Police Reservists, led by the Kwanza DO, invaded Kanyarkwat SFT Farm, burnt 15 houses, injured three people and raped women on 26th April, 2004?

- (b) Could the Minister inform the House why the police took this action?
(c) What measures is he taking against the officers involved and to ensure that the residents of Kanyarkwat SFT Farm live in peace?

Mr. Deputy Speaker: Is Mr. Moroto not there? We will come back to it.

Next Question by Mr. Wario!

GOVERNMENT EXPENDITURE ON
GOLDENBERG COMMISSION OF INQUIRY

Mr. Wario: Mr. Speaker, Sir, I beg to ask the Minister for Justice and Constitutional Affairs the following Question by Private Notice.

(a) Could the Minister inform the House how much the Goldenberg Commission of Inquiry has cost the Government so far?

(b) Could the Minister table the daily expenditure of the Commission?

(c) When will the inquiry end?

Mr. Deputy Speaker: Is the Minister not there? We will come back to it.

Next Question by Mr. Mwanacha!

FREE MEDICINES FOR CANCER PATIENTS

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

(a) Is the Minister aware that prices of medicines for the treatment of cancer are high and unaffordable to cancer patients?

(b) Could the Minister consider giving them free of charge to patients like those of malaria?

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) It is true that the current prices of medicines for the treatment of cancer are high and unaffordable to cancer patients, and that cancer drugs, other than being poisonous, are generally toxic to the skin. However, due to the specialized equipment and techniques, there are a few companies that can afford the manufacture of these drugs. The Ministry of Health imports cancer drugs from outside the country.

(b) The Ministry of Health does not have a policy to provide free cancer treatment currently. However, there is a waiver and exemption system in place to guarantee access to cancer drugs to patients who cannot afford them. On the other hand, cancer requires specialised treatment with a few hospitals offering it because of the expensive equipment required to go along with chemotherapy. To make this treatment affordable, the Ministry of Health will require additional funding by the Government. Once we put the National Social Health Insurance Scheme (NSHIS) in place, we will ensure that patients afford these drugs.

Mr. Mwanacha: Mr. Deputy Speaker, Sir, I thank the Minister for the answer. She has said that there is no policy in place to offer free treatment to cancer patients. In view of the fact that breast and cervix cancers are the most prevalent, when will this policy be put in place, so that cancer patients can have access to free drugs? She has admitted that cancer drugs are expensive.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, as I said, cancer patients require specialised treatment. This can only be done in specialised hospitals. We have a policy in place to waive bills for cancer patients who cannot afford to pay them.

Dr. Godana: Mr. Deputy Speaker, Sir, the Question is about cancer drugs, but this is something we have raised with the Ministry before. Is the Minister aware that for the last one-and-a-half decade, oesophagus cancer, which was unknown in many of our societies, is increasing at a rapid rate, especially in the pastoral areas? If so, what is the Ministry doing about this?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, it is true that some of the diseases that are prevailing today were unknown some decades ago. Once we become aware of their existence, we create awareness and educate the people about them. For instance, breast cancer has become very common now. We educate women to check themselves and if they suspect that they could be suffering from breast cancer, they should visit a doctor.

Mrs. Kihara: Mr. Deputy Speaker, Sir, now that the Minister has conceded that breast cancer is life-threatening and is very common, has her Ministry considered carrying out breast cancer tests on the rural women free of charge?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, as I said, the Ministry has taken upon itself to create awareness about breast cancer because it is a silent killer. Sometimes, women seek treatment when it is too late. Once breast cancer is discovered, for those who cannot afford to pay for its treatment, we have a waiver system in place. We have been treating women and will continue to do so.

Mr. Bahari: Mr. Deputy Speaker, Sir, still on the issue Dr. Godana has raised, there is an upsurge and high incidence of oesophagus cancer in the northern part of this Republic. I am told that it is even in other areas like Bomet. It is in this regard that Dr. Godana has asked his question. Is the Minister aware of this and what is she doing about it?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I can undertake to have a proper research carried out on that and report back to this House.

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

Mr. Deputy Speaker: Dr. Godana, you are concerned about the oesophagus cancer. I am allowing this because it is a very important issue.

Dr. Manduku: Mr. Deputy Speaker, Sir, chemotherapy treatment for cancer is very toxic and the other alternative treatment for cancers is radiotherapy. Radiotherapy is only done in Kenyatta National Hospital (KNH). We used to have two radiotherapy machines in the KNH, but currently, one of them has broken down. The one which is working is very heavily loaded. Does the Ministry have any plans to ensure that these machines are functional?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, in actual fact, the hon. Member is right. Chemotherapy and radiotherapy machines at the Kenyatta National Hospital are almost outdated. The latest equipment that I know of, and I have seen in some hospitals in Europe is the one that just spots the affected area and therefore, patients do not have to lose their hair or suffer any side effects. This is what we expect to bring to the Kenyatta National Hospital very soon. The equipment is rather expensive. Some equipment costs about Kshs200 million. I expect to buy some in the course of this year.

Dr. Godana: Mr. Deputy Speaker, Sir, while I thank the Minister for promising to carry out research on oesophagus cancer, I want to underline the urgency of this matter. When I was launching the Constituency AIDS Committee in my constituency only a few weeks ago, civic leaders, in the presence of the medical personnel from the Ministry, said that for them, cancer is a more dangerous killer than HIV/AIDS. It is that bad and serious in some of our areas. I remember writing to the Director of Medical Services---

Mr. Deputy Speaker: Dr. Godana, what is your question?

Dr. Godana: Mr. Deputy Speaker, Sir, could the Minister give us a firm promise that she will come back with the outcome of the research within a specified time? She should also keep us posted on what, in the Ministry's view is the reason for this sudden upsurge of a new type of cancer in areas where it was not known before.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I have already undertaken to do that. I will get in touch with the Kenya Medical Research Institute (KEMRI) and then report back to the House.

Mrs. Mwau: Mr. Deputy Speaker, Sir, cervix, breast and uterus cancers are the biggest

women killers. Could the Minister tell us whether there are good clinics for women in the district hospitals to detect cancer before it kills women?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, we have women clinics in district hospitals and we encourage women to visit our health facilities. We are educating them on how to discover these cancers. We also request hon. Members to do the same, including educating their wives or spouses.

Dr. Ali: Mr. Deputy Speaker, Sir, I want to assist the Minister in the case of the cancer of the oesophagus. The possible cause for this type of cancer is relief food because of the alpha-phosphates contained in it. However, what can the Minister tell us about the cancer of the cervix, which is also very dangerous and women are dying in large numbers from it? That is, besides breast cancer. Could the Ministry start testing centres in all health facilities where lady nurses can check for breast and cervical cancers before these diseases kill more of our women?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, as I said, the cost involved makes it difficult for us to offer this service in every district hospital. However, we are creating awareness. We have said that once one suspects to be having any cancer, he or she should visit one of our hospitals. It is true that in the past, many women did not know about cancer. Due to the awareness that has been created, people now know about the disease. Otherwise, it is not as if the disease did not exist. It is only that it used to kill mainly women. Cancer of the cervix would kill women, yet they would not know what has killed them. If cancer is detected early enough, then it can be treated.

Mr. Poghisio: On a point of order, Mr. Deputy Speaker, Sir. The Minister has deliberately avoided to answer the question by Dr. Ali, concerning the possibility that relief food could be a cause of oesophagus cancer. She should kindly answer that, and also tell us about breast cancer in men and not women.

CONSIDERED RULING

MINISTER SHOULD ISSUE COMPREHENSIVE STATEMENT ON CANCER CAUSES

Mr. Deputy Speaker: It is obvious that this is a very serious matter to this House. Would it not be better if the Minister prepared a comprehensive Ministerial Statement on the issue of cancer and address specific issues like effects of relief food and other possible causes? It would be better if we gave the Minister the opportunity to come to the House with a comprehensive Ministerial Statement on cancer. It is so ordered.

Mr. Mwanicha: Mr. Deputy Speaker, Sir, I will not ask a question, but would like the Minister to elaborate in her Ministerial Statement on the system used to give waivers. We are getting the impression that she gives waivers to people whom she likes. Secondly, the Ministerial Statement should state when the free medical checks exercises will be conducted, in view of the fact that women constitute a big number of our workforce.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I appreciate that you want me to bring a more comprehensive answer. However, that will take some time because research work takes some time. I need to know if we can start on the research work or if we shall first go by the answers that I have given.

Mr. Deputy Speaker: I am sorry I did not get that.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, it will take a bit of time for KEMRI to carry out research work on the oesophagus cancer. I do not know exactly how much time it can take. Are the answers that I have given satisfactory for now?

Mr. Deputy Speaker: I think we do not necessarily need a Ministerial Statement on research findings. Two weeks should be enough for a comprehensive Ministerial Statement.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I will do that.

*(Resumption of Questions
by Private Notice)*

OUTBREAK OF *STUKA* DISEASE IN BARINGO

(Mr. Kamama) to ask the Minister for Health:-

(a) Is the Minister aware that a strange disease locally described as *Stuka* and characterised by the bending of the back is affecting the people residing around Lake Baringo?

(b) Could the Minister consider sending researchers to investigate the causes and provide a lasting cure to this disease?

Mr. Deputy Speaker: Mr. Kamama informed the Chair that he would not be in. He requested that the Question be deferred. I would like to get a comment from the Minister for Health on the request.

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, that is all right.

Mr. Deputy Speaker: The Question is deferred until tomorrow afternoon.

(Question deferred)

For the second time, I will ask Mr. Moroto to ask his Question.

INVASION OF KANYARKWAT SFT
FARM BY APS/POLICE RESERVISTS

(Mr. Moroto) to ask the Minister of State, Office of the President:-

(a) Is the Minister aware that armed Administration Police Reservists, led by the Kwanza DO, invaded Kanyarkwat SFT Farm, burnt 15 houses, injured three people and raped women on 26th April, 2004?

(b) Could the Minister inform the House why the police took this action?

(c) what measures is he taking against the officers involved to ensure that the residents of Kanyarkwat SFT Farm live in peace?

Mr. Poghiso: Mr. Deputy Speaker, Sir, I have information that due to unavoidable circumstances, Mr. Moroto was unable to come here. He has requested that the Question be deferred to a later date.

Mr. Deputy Speaker: Minister of State, Office of the President, you have heard that. Can we defer this Question until tomorrow?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I have no objection.

(Question deferred)

Mr. Deputy Speaker: The Question has been deferred until tomorrow. This is a Question by Private Notice. We can only defer it until tomorrow.

For the second time, Question by Mr. Wario.

GOVERNMENT EXPENDITURE ON GOLDENBERG COMMISSION OF INQUIRY

Mr. Wario: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Justice and Constitutional Affairs the following Question by Private Notice.

(a) Could the Minister inform the House how much the Goldenberg Commission of Inquiry has cost the Government so far?

(b) Could the Minister table the daily expenditure of the Commission?

(c) When will this inquiry end?

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Deputy Speaker, Sir, I first apologise for coming late.

Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Goldenberg Commission of Inquiry has cost the Government Kshs219,939,342.75 since it was set up in February, 2003.

(b) The Commission's expenditure is compiled on a monthly basis as opposed to expenditure on a day-to-day basis. The average monthly expenditure to date is Kshs13,746,209. I have the month-to-month expenditure as follows. In the month of February, the Commission cost the Government Kshs1,169,441.

Mr. Deputy Speaker: How long will that take?

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Deputy Speaker, Sir, I will table the breakdown.

(c) The Government is concerned about the time and resources that the inquiry is taking. It requested the Commission to complete its work by 31st May, 2004. However, this has not yet been done. The Government has received a request from the Commission to extend its period of work up to 30th November, 2004. This request is currently under consideration by the Government. I would like to table a copy of the answer for the purpose of the figures.

*(Mr. Murungi laid a copy of
the answer on the Table)*

Mr. Wario: Mr. Deputy Speaker, Sir, I would like to thank the Minister for that answer. This being a "Goldenberg" of its own, is there a possibility of extending this Commission for another five months, to rip this country of another Kshs200 million?

Mr. Murungi: Mr. Deputy Speaker, Sir, as I said, the Government is concerned about the resources so far spent by the inquiry. We have received a request for extension to 30th of November. We have not accepted the request, but it is being actively considered, and the sentiments of the Members of Parliament will be taken into account when that decision is being made.

Mr. Kagwe: Mr. Speaker, Sir, given the amount of money that we are spending, and that there is going to be an extension, we do not even know whether this Commission will complete its work on the 30th of November. However, this is an issue of cost-benefit-analysis. It is costing us money.

Could the Minister tell us the possible amount of money we can recover from the people that we are trying to pursue?

Mr. Murungi: Mr. Speaker, Sir, one of the terms of reference of this Commission is to identify assets which have been bought with proceeds stolen from the Government, with a view to recovering those assets. We are not able to tell the magnitude of the portfolio right now. We will be able to know that once the inquiry completes its work. But, as you can see, some action has already been taken on assets that have been uncovered. A freezing order has been issued with regard to the Grand Regency Hotel, and there are also proceedings in court regarding Yaya Centre. I believe there will be many more properties frozen and returned to the State once the inquiry is completed.

Mr. J.K. Kilonzo: Mr. Deputy Speaker, Sir, given that the main architect of this scam is

now giving evidence, could the Minister consider taking other culprits to court to be charged, after the main architect has given his evidence so as to enable Kenyans not to waste more funds on this scam?

Mr. Murungi: Mr. Deputy Speaker, Sir, when I was following the proceedings of the Truth and Reconciliation Commission in South Africa, there were a lot of complaints after it was closed because there were many witnesses who had not given evidence. I think if each and every witness is allowed to give evidence in the Goldenberg Inquiry, it could go on for another three or so years.

We have requested the Commissioners to focus on the key witnesses. We have noted the sentiments of the hon. Member, that since the star witness is already before the Commission; as soon as he and the other relevant witnesses, including those whom he mentions, finish giving their evidence, then it might be an appropriate time to bring this inquiry to a close. We expect that to take a few more months.

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

Mr. Deputy Speaker: We are not in the Goldenberg Inquiry; so do not worry.

(Laughter)

Mr. Wario: Mr. Deputy Speaker, Sir, it is believed that Mr. Pattni has been promised immunity from prosecution. Could the Minister confirm to this House that after the inquiry, this man will be taken to a court of law? Could he confirm that because Mr. Pattni himself said that this is just an inquiry, and that he will be taken nowhere?

Mr. Murungi: Mr. Deputy Speaker, Sir, first of all, who has said that anyone will be given immunity? It has not come from us. We are waiting for the report of the Goldenberg inquiry to be presented to the Government with recommendations as to who should be prosecuted and what property should be recovered. If the inquiry does recommend immunity, the Government will also consider it. As of now, we have to wait until the end of the inquiry.

Mr. Deputy Speaker: Very well. Let us move to ordinary questions.

ORAL ANSWERS TO QUESTIONS

Question No.241

DISMISSAL OF CONSTABLE SAFARI BOMU

Mr. Kombe asked the Minister of State, Office of the President why police constable Safari Joseph Bomu, P/No.55935, was dismissed from the service.

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

Ex-police constable Safari Joseph Bomu was dismissed from the police force without confirmation in service on 18th July, 1991, for failure to consistently maintain good discipline for the two years probation period. He had four serious discipline cases, for which he was charged and convicted before he finally deserted the force in 1990, which led to his subsequent arrest and dismissal.

Mr. Kombe: Mr. Deputy Speaker, Sir, in his reply, the Assistant Minister is talking of four serious indiscipline cases. What are these serious indiscipline cases?

Mr. Tarus: Mr. Deputy Speaker, Sir, the chronology of events that led to his dismissal from service are as follows. On 26th February, 1989, he was charged with a disciplinary offence and convicted.

Mr. Deputy Speaker, Sir, on 13th May, 1989, he was charged with another disciplinary offence and convicted. On 5th June, 1989, he was served with a "show-cause" letter asking him to explain why he should not be removed from the force because of his poor performance and indiscipline.

Mr. Sirma: Mr. Deputy Speaker, Sir, is the hon. Assistant Minister in order to just give sweeping statements without giving details of the nature of disciplinary offence or the crime which the officer committed?

Mr. Tarus: Mr. Deputy Speaker, Sir, I have indicated above that one problem was poor performance. The other charge came about because he took a leave of 30 days and never reported for duty at its expiry. He remained at home for 65 days. After that he was arrested and charged with desertion of duty and subsequently dismissed.

Mr. Kombe: Mr. Deputy Speaker, Sir, this is so sad. This officer took a leave of 21 days and delayed for three days, which delay he reported to Malindi Police Station, but the information was never relayed to his station of work. He was then arrested, put in the cells for 14 days and later transferred to Industrial Area Police Station in Nairobi, where he stayed for one year before he was taken to court. After he was taken to court, he was charged, but acquitted. Why was he not reinstated in his job since he was acquitted by a court of law?

Mr. Tarus: Mr. Deputy Speaker, Sir, yes, he was acquitted. But according to the records on this particular officer, there was reasonable information to show that he had no interest in the police post, and hence he could not be reinstated.

Mr. Poghiso: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister, in his answer, mentioned twice that this officer was charged and convicted. Now, he has agreed that the officer was acquitted. Is he in order to mislead this House that the officer was convicted when actually the officer was acquitted?

Mr. Deputy Speaker: I thought the Assistant Minister was referring to the orderly room proceedings within the police force. Is that it, Mr. Tarus?

Mr. Tarus: Yes, Mr. Deputy Speaker, Sir. The conviction was the orderly room proceedings.

Mr. Deputy Speaker: Hon. Members, you should know that in a disciplined force, there is another court within the system. That is what he was referring to.

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

Mr. Deputy Speaker: Mr. Kombe, we will not dwell on this issue forever. What is it?

Mr. Kombe: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to say that the officer was found guilty in a martial court and yet, a superior law court is the one which acquitted him?

Mr. Deputy Speaker: Mr. Tarus, I will not do your work; do it now!

Mr. Tarus: Mr. Deputy Speaker, as I said, according to our records, he was acquitted. However, the police department was no longer interested in his services.

Question No.236

ATTACK ON MR./MRS. TUMBO
BY POLICE OFFICERS

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

(a) if he is aware that one Nicholas Tumbo and his wife Lucy Chepkorir, of Kaptembwo Estate within Nakuru Municipality, were assaulted and robbed of their property and money by three police officers, namely: PC Barmoin, PC Gitau and PC Wanjau from Kaptembwo Police Post on 19.7.2002;

(b) if he is further aware that a report was made to Nakuru Police Station about the

incident on 21.7.2002, where the victims were given P3 forms, which were filled and duly returned and yet, no action had been preferred; and,

(c) what he is doing to ensure that the errant police officers are charged according to the law, and that the victims' properties and monies are returned to them.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, may I seek the indulgence of the House to defer this Question because I have looked at the answer that has been given, and it does not sufficiently address some parts of the Question.

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

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, this Question was filed for the first time in March, 2002. I am sure the Office of the President has been having this Question for more than one year. I am prepared to indulge them for, probably, the last time. Perhaps, the Chair could order that this Question be answered tomorrow.

Mr. Deputy Speaker: Mr. Tarus, you have heard the sentiments expressed by Mr. M. Kariuki that this Question was filed a while ago.

This Question is, therefore, deferred for the last time to Tuesday afternoon.

(Question deferred)
Question No.122

EXHUMATION/RE-INTERMENT OF
DEDAN KIMATHI'S REMAINS

Mr. Deputy Speaker: Is Mr. Mukiri here? He was here a short while ago. We will leave his Question for now.

Next Question, Mr. Kingi!

Question No.391

PENSION BENEFITS FOR
MWALIMU KARISA FONDOH

Mr. Kingi asked the Minister for Finance:-

(a) if he is aware that pension benefits for the late Mwalimu Justin Karisa Fondoh, pension No.APN/PC.77273, who retired in January, 1993, and died in November, 2003, have not been paid despite his assurance to the House on 18th November, 2003, to that effect; and,

(b) when it would be paid.

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

(a) I am aware that some benefits of the late Fondoh, pension No.APN/PC.77273, have not been paid.

(b) The gratuity amounts will be paid as soon as the Criminal Investigation Department (CID) inquiry report is presented to the Ministry. An earlier cheque, which was presented to the late Fondoh's account, was fraudulently encashed at a commercial bank in Kericho. That is why this investigation is taking place.

Mr. Kingi: Mr. Deputy Speaker, Sir, this House has always advised Ministers to take their work seriously. It is a pity that they are not serious with their work. I am talking about a pensioner who left work in 1993. His benefits were stolen in 1999. That is about five years ago. For how long will this inquiry go on while his family languishes in poverty?

Mr. Deputy Speaker: Mr. Mwiraria, I know you are compassionate and you are also a pensioner. You have heard what Mr. Kingi has said. What is your reaction?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, thank you for all the compliments. However, may I say that, quite honestly, we are very sympathetic. As recently as last month, we wrote to the CID, reminding them of this investigation. However, in the meantime, in order to help the widow and the children, I am informed that information about the late Fondoh's death has not reached the Pensions Department. So, if that could be sent, then this matter can be organised to ensure that this money is paid to the dependants who were left behind.

Mr. Shitanda: Mr. Deputy Speaker, Sir, considering that we have so many fraud cases in the Pensions Department, and that the victims of these fraud cases have to wait until police investigations are completed; at times these investigations may take up to three or four years, could the Minister consider putting in place other measures of having these pensioners paid as the investigations go on?

Mr. Mwiraria: Mr. Deputy Speaker, the Pensions Department has, in fact, agreed to pay pensioners who live away from Nairobi their monies through their bank accounts. The late Fondoh was one such case, and his dues were being remitted to his account at Mariakani Branch, which he had given to the Pensions Department. We were doing this to assist him. What we are doing at the moment is, though one cheque disappeared, we definitely did not stop paying. Other cheques will be sent. However, we would like to know why cheques were being diverted from Mariakani Branch to Kericho. That is really what has held up this matter.

Mr. Deputy Speaker: I really have to move to the next Question. Before I do so, let me give this opportunity to Ms. Mbarire.

Ms. Mbarire: Mr. Deputy Speaker, Sir, last year the Pensions (Amendment) Bill was passed by this House. This is a very important Bill---

(Loud consultations)

Mr. Deputy Speaker: Order, Members! Let us listen to Ms. Mbarire.

Ms. Mbarire: Mr. Deputy Speaker, Sir, one of the clauses of this Bill states that pensioners should be paid just a few days after retirement. If they are not paid, they should stay on the job. Has the Minister started implementing the resolutions of this House with regard to this Bill, because we are still having very many cases of pensioners who have not been paid coming up?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I will be quite happy to answer that question another time. It is slightly different from the Question I was answering.

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

Mr. Kingi: Mr. Deputy Speaker, Sir, I want to assure the Chair that no investigations are being conducted by the CID over this matter. When we visited them last; and that is about three years ago, they said they would send an officer to the home of Mr. Fondoh in order to carry out an inquiry. Unfortunately, nothing like that has happened. I have visited the police more than ten times about this issue. The Minister is misleading this House when he says that there are investigations going on.

Mr. Deputy Speaker, Sir, could the Chair order the Minister to prepare a cheque for the late Fondoh's family, which can be delivered to the DC, Kilifi, so that the family can be assisted? Could all the other conditions be waived for the sake of this family that has suffered for over 11 years now?

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

Mr. Deputy Speaker: It is over ten years!

Mr. Mwiraria: Mr. Deputy Speaker, Sir, it is important to say that a cheque worth Ksh173,447-00-70 in respect of gratuity was prepared and paid to his account in 1993. Thereafter,

several cheques were sent to his account, until one of them disappeared and was encashed in Kericho. Since I am being accused of not giving information, may I say that the Anti-Corruption Police Unit forwarded a letter - which came to the Pensions Department - from Kenya National Union of Teachers (KNUT), to the Provincial Criminal Investigation Officer (PCIO) in Nairobi for investigations. That was done on 30th December, 2002. The reference number is CID/ACPU/SEC/6/7/Vol.2(69). Subsequently, the PCIO instructed the Divisional Criminal Investigation Officer (DCIO) to conduct Investigations on the matter, vide letter reference number CID/SEC/4/3/1/Vol.5/155, dated 22nd January, 2003.

Mr. Deputy Speaker, Sir, when the matter first came up as a preliminary question in this House, the Director of Pensions, once again, wrote to the PCIO asking for a report of the investigations. On 4th March, 2004, an officer from the Criminal Investigation Department (CID), Nairobi Central, visited the department to get more information to enable them carry out the investigations.

So, Mr. Deputy Speaker, Sir, work has been going on, and the hon. Member could really assist me by, first and foremost, reporting the death of the pensioner, so that the widow(s) are paid his dues, while we find out what happened to the money.

Question No.184

CONSTRUCTION OF HOUSING UNITS

Mr. Deputy Speaker: Is Mr. Angwenyi not here? We will leave his Question until the end. Next Question by Mr. Bifwoli!

Question No.213

TARMACKING OF MUSIKOMA-
KHASOKO-BUYOFU ROAD

Mr. Bifwoli asked the Minister for Roads, Public Works and Housing when the Musikoma-Khasoko-Buyofu Road will be tarmacked.

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

There are no immediate plans to tarmac Musikoma-Khasoko-Buyofu Road, D258.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, last week, I asked the Ministry whether it could repair a bridge. I was told there were no plans to repair the bridge. Today, I am being told that there are no plans to tarmac the road! I want to know what plans does the Ministry have in my constituency, and if it has no plans, why?

Mr. Raila: Mr. Deputy Speaker, Sir, the two questions are not related. The road mentioned is D258, which falls under the purview of the District Roads Committee (DRC). Therefore, it is the DRC to prioritise the tarmacking. The hon. Member is very conversant with the Kenya Roads Board Act. He, himself, is a Member of the DRC, and he knows very well that the Class D roads do not fall under the Department of Roads in the Ministry. If the DRC prioritises that road for tarmacking, the Ministry would have no problem in tarmacking it. It is not fair for the hon. Member, who sits in the DRC, to come and ask us when we will do it, when he, himself, has not influenced its tarmacking in the DRC.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I--

Mr. Deputy Speaker: Order! Let another hon. Member assist you. He is just behind you. Could you help him?

Mr. Muchiri: Mr. Deputy Speaker, Sir, it is the interest of every Kenyan to have his or her

road tarmacked. Could the Minister tell us which classes of roads attract tarmacking?

Mr. Raila: Mr. Deputy Speaker, Sir, we have a road network of 150,000 kilometres, and 63,000 kilometres of those roads are classified A, B, C, D, E and others. The rest are not classified. These are roads which are made almost on a daily basis. Ideally, we would like to cover most of the roads, but funds are simply not available. That is the reason why it is important and necessary for us to prioritise the roads that are supposed to be tarmacked. Mr. Deputy Speaker, Sir, in that particular case, the roads that are above Class C, that is D, E and others, fall under the DRCs. They are the ones who are supposed to prioritise those roads for tarmacking.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, that road is not Class D because it passes through Bungoma to Busia in Mr. Okemo's constituency. The Minister is actually misleading this House because that road was supposed to be graded by Juma Construction Company, which took away the money and the case is in his Ministry. He is now misleading the House that, that road is classified as "D". Could he tell us the truth?

Mr. Deputy Speaker: Mr. Minister, tell us the truth!

(Loud consultations)

Mr. Raila: Mr. Deputy Speaker, Sir, other hon. Members should stop consulting loudly, because I would like the hon. Member to understand the answer properly. First, the road he is referring to is B258. If that information is not correct, maybe, he could inform the House what the number of that road is. That road is 28.7 kilometres long. A portion of that road, measuring 18.3 kilometres, was being rehabilitated by contract. The contractor, as the hon. Member has said, was Juma Construction Company. But the works were never completed and handed over to the Ministry. Due to non-performance of the contract, it was terminated. The section of the road between Musikoma and Mateka, measuring 10.4 kilometres, was rehabilitated under the *El Nino* Emergency Project. All that I am trying to tell the hon. Member is that, if the committee prioritises that road for tarmacking, then it would be tarmacked. But the contractor he is talking about did not perform. That is why the Ministry saw it fit to terminate the contract.

Mr. Deputy Speaker: Very well. Next Question by Mr. Munya!

Question No.227

FINANCING OF KUNATI
IRRIGATION SCHEME

Mr. Munya asked the Minister for Regional Development:-

- (a) whether he is aware of the existence of Kunati Irrigation Scheme;
 - (b) how much money TARDA has spent in that irrigation scheme since its inception;
- and,
- (c) how much money he plans to spend on the project during the next financial year.

The Assistant Minister for Regional Development (Mr. Mungatana): Mr. Deputy Speaker, Sir, I beg the indulgence of the House; I have also sought the indulgence of the hon. Member that we do not have the proper answer because of the conflict it has. So, I would request that this Question be deferred to 16th June, 2004 when I will come with a proper answer.

Mr. Deputy Speaker: Mr. Munya?

Mr. Munya: I have no objection, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: The question is deferred generally. We shall not fix a date.

(Question deferred)

Question No.245

MEDICAL SUPPLIES FOR
NDARAGWA HEALTH CENTRES

Mr. Muchiri asked the Minister for Health:-

(a) how many dispensaries in Ndaragwa Constituency have laboratory kits and adequate medical supplies;

(b) what measures that she has taken to alleviate the problem since June, 2003; and,

(c) when she will elevate Baari, Kahembe,

Ndaragwa and Shamata dispensaries to health centres.

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that all the health facilities in Ndaragwa Constituency have enough medical supplies. The facilities receiving laboratory services are as follows: Yuruku Dispensary, Subuku Dispensary, Shamata Dispensary, Karima Dispensary, Baari Dispensary, Kahembe Dispensary and Ndaragwa Dispensary.

(b) Since September, 2003, there has been constant supply of medical supplies to the health centres. However, medical cases which require urgent attention, are referred to the district hospital and a vehicle is available for the same.

(c) Improvements are currently being undertaken at Ndaragwa and Shamata dispensaries. When they are completed, the rest will be improved on priority basis, depending on the budget ceiling which will be availed to the Ministry by the Treasury.

Mr. Muchiri: Mr. Deputy Speaker, Sir, I appreciate the answer from the Minister. At least, since the Question was lodged, we have seen improved medical supplies to these dispensaries. But, is the Minister aware that in Subuku Dispensary, for example, a number of laboratory kits are being hired from a private practitioner in Nyahururu Town?

Could the Minister be gracious enough to supply that particular dispensary because it does not have the laboratory kits?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I appreciate the Member's concerns but I do not have enough medical equipment in all the dispensaries, but I am putting this as a priority in the next Budget so that we can equip all the dispensaries. I am happy that Members of Parliament have noted that we have improved drug supplies to our health centres.

Mr. Deputy Speaker: I want us to move to the next Question. I think Mr. Muchiri does not have any further question, he is very satisfied. But I will a the chance to Mr. Chepkitony to ask the final question on this.

Mr. Chepkitony: Mr. Deputy Speaker, Sir, dispensaries in my constituency do not have laboratory kits. I would like to ask the Minister to tell the House whether there are plans to supply laboratory kits to other dispensaries in the rest of the country?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I have just answered that question, actually.

Mr. Deputy Speaker: Yes, I agree with the Minister. She actually answered that question. No more questions on that, we shall move to the next Question by Mr. Sang. We are past Question Time.

(Mr. Muchiri stood up in his place)

Mr. Muchiri, I thought you said you were satisfied?

Mr. Muchiri: She has not answered the last part of the question, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: What is it?

Mr. Muchiri: Mr. Deputy Speaker, Sir, I asked the Minister if she could upgrade Shamata Dispensary in particular, because she is aware that we have now constructed the maternity wing. Could she be kind enough to upgrade Shamata Dispensary to a health centre?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I do not have immediate plans to upgrade that health centre but I will continue supplying drugs and equipment to the dispensary.

Question No. 395

COMPLETION OF STALLED PROJECTS
AT KAPKATET HOSPITAL

Mr. Sang asked the Minister for Health:-

(a) whether she is

aware of stalled projects at Kapkatet Hospital; and,

(b) when the projects will be revived and completed.

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Kapkatet District Hospital, which was initiated by the Government, stalled before completion due to lack of funds. This project requires an additional Kshs319,118,175 to complete and this shall be factored in during the subsequent Medium-Term Expenditure Framework (MTEF) Budget.

(b) The Ministry has asked all Provincial Medical Officers of Health to evaluate the viability and costs of all stalled projects so that funds can be sought to complete them. Kapkatet District Hospital is among other similar projects which were started without the involvement of technical Ministries and as such, they were not captured in the Budget. The project comprises of the following buildings: Administration and pharmacy, casualty building, examination and treatment block, X-Ray and laboratory, kitchen and laundry, maternity block and staff houses.

Mr. Sang: Mr. Deputy Speaker, Sir, my understanding of MTEF is that it is a programme which takes about three years. Now, this is a project which was abandoned 16 years ago. That means we have to wait for another 20 years for this project to be completed.

Mr. Deputy Speaker, Sir, is the Minister satisfied that the Bureti people should be subjected to untold suffering for another four years?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, it is true this project was started many years back. However, I said this is a project that was started without involving the parent Ministry and it requires a lot of money, totalling Kshs319 million. That is not little money and, therefore, I do not wish to promise the hon. Member that this can be done immediately. However, we will factor this project in the Medium-Term Expenditure Framework.

Question No.421

SEWERAGE SYSTEM FOR OGEMBO TOWN

Mr. Onyancha asked the Minister for Water Resources Management and Development what plans she has to provide Ogembo Town with a sewerage system.

The Assistant Minister for Water Resources Management and Development (Mr. Munyes): Mr. Deputy Speaker, Sir, I beg to reply.

Ogembo Town has been experiencing severe water shortage until early this year when the

implementation of Ogembo Water Supply was completed at a total cost of Kshs12 million and handed over to my Ministry for management. At the moment, consumers who have applied for the water services are being connected to the new water supply.

Mr. Deputy Speaker, Sir, once Ogembo Water Supply becomes fully operational, there will be need to construct a sewerage system to treat the waste generated from the use of water. My Ministry, through the Lake Victoria South Water Services Board, will then initiate the provision of sewerage services to Ogembo Town.

Mr. Onyancha: Mr. Deputy Speaker, Sir, Ogembo Town is the headquarters of Gucha District. Given its very high population and the fact that senior officers, including the District Commissioner, are using pit latrines, yet River Gucha is just a stone's-throw away from the District Commissioner's office, is the Ministry not able, through the Lake Victoria South Water Services Board, to put up, even at a lower scale, sewerage services for the town?

Mr. Munyes: Mr. Deputy Speaker, Sir, as I said, Ogembo Town has a big population of 10,000 people. We have already completed the water supply project for this town. Until there is good water supply in a town, we cannot start a sewerage system. Now that we have got water supply in this town, we will initiate, through the Lake Victoria South Water Services Board, quick plans to start the sewerage system in the next financial year.

Mr. Sirma: Mr. Deputy Speaker, Sir, given the fact that many towns in this country have massive water projects which serve them, what is the policy of the Government in providing sanitary and sewerage facilities to these towns? We have big water schemes, but there are no disposal systems in this country.

Mr. Munyes: Mr. Deputy Speaker, Sir, the policy of the Ministry is to rehabilitate water services first. After we have rehabilitated the water services, then we will initiate sewerage systems. We cannot put up a sewerage system until we ensure there is enough running water in all the households.

Mr. Onyancha: Mr. Deputy Speaker, Sir, is the Assistant Minister satisfied that the water that is being used from River Gucha is safe for human consumption in the town?

Mr. Munyes: Mr. Deputy Speaker, Sir, as I said, we have already spent Kshs12 million this year to improve Ogembo Water Supply. So, I am very sure that the water in Ogembo Town is clean.

Mr. Deputy Speaker: That marks the end of Question Time. Next Order!

POINTS OF ORDER

IMPORTATION OF DUTY-FREE SUGAR

Mr. Osundwa: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Finance on why the Government has allowed a firm by the name Marc(?) International, to import duty-free sugar worth 88,995 metric tonnes. This firm has imported sugar without paying 100 per cent import duty, 16 per cent Value Added Tax (VAT) and sugar development levy. In addition, this firm did not apply for gazettelement as one of the sugar importers in this country. Therefore, I would like the Minister to inform this House why the Government has failed to collect Kshs1.2 billion as duty on this sugar imported by this company.

Mr. Deputy Speaker: Could you respond to that, Mr. Katuku?

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, we will bring a statement in due course.

Mr. Deputy Speaker: Very well. Proceed, Mr. Maore!

DELAY OF ROAD CONTRACTS BY TREASURY OFFICIALS

Mr. Maore: Mr. Deputy Speaker, Sir, we have been treated to theatrics to the proportion of the Towers of Babel between the Ministry of Roads, Public Works and Housing and the Treasury. Therefore, I am rising to seek a Ministerial Statement from the Treasury, to give an explanation as to how they have been handling contracts relating to the construction of roads, the requisitions and Exchequer releases. As you may have heard from some hon. Members and the Minister for Roads, Public Works and Housing himself, there have been some technical delays by the officials of the Treasury regarding contracts for the Ministry of Roads, Public Works and Housing. So, I seek a Ministerial Statement to explain to us the correct position.

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, we will issue that statement tomorrow.

PRIVATIZATION OF SOLID WASTE MANAGEMENT BY NCC

Mr. Sirma: Mr. Deputy Speaker, Sir, on Tuesday last week, I asked for a Ministerial Statement from the Minister for Local Government in relation to garbage collection in Nairobi City Council. This contract of garbage collection was awarded to an Italian firm. But to date, there has been no statement or even an indication as to when this statement will be issued. So, could we know when we will get the statement?

The Minister for Local Government (Mr. E.K. Maitha): Mr. Deputy Speaker, Sir, first, let me apologise to my shadow Cabinet colleague. The statement is ready and I could read it tomorrow afternoon, if possible.

Mr. Deputy Speaker: You will provide the statement tomorrow afternoon. Very well. Proceed, Mr. Omingo!

POLICY ON OFFICIAL GOVERNMENT VEHICLES

Mr. Omingo: **Mr. Deputy Speaker,** Sir, I rise to seek a Ministerial Statement regarding the policy on official limousines of Ministers, Permanent Secretaries and Government officers. The Minister should tell this House the policy relating to the cc-rating for four-wheel drive vehicles and saloon cars. In addition, he should tell this House the policy relating to the number of vehicles each Minister is supposed to be assigned.

Mr. Deputy Speaker, Sir, could he also tell us whether these cars should bear private number plates or the official Government of Kenya (GK) number plates so that we determine the propriety, decency and accountability wherever they are.

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, we will provide the statement tomorrow afternoon.

Mr. Deputy Speaker: As far as I am concerned, that is all.

REPOSSESSION OF UNDEVELOPED LAND

Mr. Muchiri: On a point of order, Mr. Deputy Speaker, Sir. Last week, I sought a Ministerial Statement from the Minister for Lands and Settlement regarding repossession of idle land. If it is ready, we will be pleased to hear it.

Mr. Deputy Speaker: Mr. Ojode, do you have the statement?

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Deputy Speaker, Sir,

we will avail the statement tomorrow afternoon.

Mr. Deputy Speaker: Very well. It seems like tomorrow we will receive many statements. Proceed, Dr. Khalwale!

PROCUREMENT/DISTRIBUTION
OF POLICE VEHICLES

Dr. Khalwale: Mr. Deputy Speaker, Sir, as you will recall, on Wednesday, last week, you directed the Assistant Minister, Office of the President to come here with an answer subsequent to a Question I had raised about the procurement of police vehicles. However, that answer has not been forthcoming. So, I am requesting that you direct him to respond.

Mr. Deputy Speaker: Yes, indeed, Mr. Tarus was asked to bring a specific answer on the issue of the 205 vehicles. Is that not the case Dr. Khalwale?

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Could I be in order if I assume that Mr. Tarus merely represented the Minister when he answered the Question?

Mr. Deputy Speaker, Sir, since the Minister is here, could he answer the Question?

Mr. Deputy Speaker: The Minister of State, Office of the President, what do you have to say about that?

Hon. Members: Yes! Yes!

The Minister of State, Office of the President (Dr. Murungaru): Mr. Deputy Speaker, Sir, I cannot understand what this excitement is all about. What is it? I was not here when the Question was asked.

Mr. Deputy Speaker, Sir, I will give an appropriate response if the hon. Member could kindly put the Question again.

*(Dr. Khalwale stood up
in his place)*

Mr. Deputy Speaker: Order, Dr. Khalwale! I did say that the Question was not---

(Dr. Murungaru stood up in his place)

Mr. Minister, please, sit down. I did say that the Question was answered, but there were some details concerning the 205 police vehicles which I directed should be given after Question Time. Definitely, I agree with the Minister that it was Mr. Tarus who undertook to give those details. So, the Clerks-at-the-Table should remind Mr. Tarus to bring that specific report tomorrow after Question Time.

WAIVING OF DEBTS OWED
BY COFFEE FARMERS

Mr. Kembi-Gitura: On a point of order, Mr. Deputy Speaker, Sir. You had directed on Tuesday last week that the Ministerial Statement on coffee and the money held by the Coffee Board of Kenya (CBK) be issued last Thursday. I think the Statement was not made at the request of the Minister who was out of town. I can see that the Minister is here, and I am wondering whether it is possible for him to make the Ministerial Statement right now.

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): Thank you, Mr. Deputy Speaker, Sir. Indeed, I got the request made by the hon. Member but I am not ready to issue the Ministerial Statement at the moment. I seek the indulgence of the House and the hon.

Member that I issue the Ministerial Statement on Tuesday afternoon.

Mr. Deputy Speaker: Mr. Kembi-Gitura, is Tuesday next week okay with you?

Mr. Kembi-Gitura: Mr. Deputy Speaker, Sir, I had requested for the Ministerial Statement on 18th May, this year. I noticed over last weekend that the Minister confirmed at an Annual General Meeting (AGM) of the Co-operative Bank of Kenya that the debt of Kshs5.8 million had been waived.

This is, of course, causing a lot of concern and despondency among farmers. This is an urgent matter. I would prefer if the Minister could today state in this House that the debts amounting to Kshs5.8 billion have been waived as he said at the Co-operative Bank of Kenya AGM. Farmers will feel relieved and continue working on their coffee as we have requested them if the Minister says this. So, it is a matter of policy. The debts have either been waived or they have not.

Mr. Deputy Speaker, Sir, I am quite happy to accept an oral answer at the moment so that I can tell my people what the exact position is.

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): Mr. Deputy Speaker, Sir, first of all, I seek the indulgence of the House to issue the Ministerial Statement on Tuesday next week because the issue of Kshs641 million concerns the Ministry of Agriculture. It is the Coffee Board of Kenya which owes the farmers money. I have sought the indulgence of the House to issue the Ministerial Statement because I did not want to pass on the buck. I want to do the necessary consultation and issue a comprehensive Ministerial Statement on Tuesday next week.

On the other debt, I did say at the Co-operative Bank of Kenya AGM that we are consulting with the Treasury and we shall issue an appropriate statement at the right time.

Mr. Deputy Speaker: Very well! Mr. Minister, it has been agreed that you issue the Ministerial Statement on Tuesday next week.

ISSUES OF RELATIONS BETWEEN
MINISTRIES SHOULD BE RAISED IN
CABINET, NOT PARLIAMENT

The Minister for Roads, Public Works and Housing (Mr. Raila): On a point of order, Mr. Deputy Speaker, Sir. I did rise earlier on when Mr. Maore raised the issue of how the Treasury handles road contracts for the Ministry of Roads, Public Works and Housing, but you did not see me. This will amount, as you understand, to one arm of the Government coming to report on the other arm of the Government. But in the Constitution, there is clear separation between the Executive, the Judiciary and the Legislature.

Mr. Deputy Speaker, Sir, there are issues which are handled at the Cabinet level, for example, how Ministries relate. When this issue came up, the Minister who should have been asked to respond should have been me and not the Treasury. I would like a proper ruling to be made on this matter. Is it not a breach of the Government guidelines to have one arm of the Government coming to report on the other arm of the Government in the House?

Mr. Deputy Speaker: Mr. Maore, have you got what Mr. Raila has said?

Mr. Maore: Mr. Deputy Speaker, Sir, if you can remember the consultation I had with the Chair, I did explain that if Mr. Raila was to give the explanation I was seeking, it would make him appear as if he is complaining about another Minister, and this should be handled at the Cabinet level. I understand that. Secondly, the question of loud murmurs coming from the Minister and other people, including Members of the Departmental Committee on Energy, Communications and Public Works, where I am a Member--- A Member of that Committee had proposed that we summon the Minister to appear before us because his contracts are facing a bottleneck at the Treasury.

Mr. Deputy Speaker, Sir, I think it was appropriate for me to ask the Treasury to explain to us why that is so.

(Applause)

Mr. Deputy Speaker: Mr. Raila, I will give you one last chance! Just make one statement before the Chair makes a ruling. Do you want to say anything?

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Deputy Speaker, Sir, there are Departmental Committees of the House to which Ministers report. I have appeared before the Departmental Committee on Energy, Communications and Public Works and explained those issues. I have no problem with the Committee summoning another Minister to appear before it to share the information with it.

Mr. Deputy Speaker, Sir, I was trying to say that if you allow this to happen, we will have a situation where a Minister has to respond to what another Minister has said. This should actually happen at the Cabinet level and not in this House.

Mr. Nyachae: On a point of order, Mr. Deputy Speaker, Sir. I think the country is being taken round in circles by these Ministers.

(Applause)

Mr. Deputy Speaker, Sir, we are suffering in the rural areas. I would like to give a specific example. Mau Narok-Mwisho wa Lami-Leng'etia-Olkurto Road is impassable, and yet it is a classified road. When we contact the Ministry officials, they say that they do not have money to repair the road. Pesa iko wapi? They say that they have not got money from the Treasury. We want to know who is handling this matter because we vote money to each Ministry in this House.

Once we have voted money to the Ministry of Roads, Public Works and Housing, we should either be told that the Treasury is bankrupt and if it is not, then it should disburse the money to the Ministry.

(Applause)

Mr. Deputy Speaker: Then let us get a Ministerial Statement from the Minister for Finance. That is the end of that matter. Let us move on to the next Order.

BILL

Second Reading

THE FORESTS BILL

(The Minister for Environment, Natural Resources and Wildlife on 25.5.2004)

*(Resumption of Debate interrupted
on 27.5.2004)*

Mr. Deputy Speaker: Who was on the Floor when debate on this Bill was interrupted?

Mr. M. Kariuki: I was on the Floor, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: How many more minutes do you have?

Mr. M. Kariuki: I have 17 more minutes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Very well, proceed!

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, I wish to continue from where I stopped.

(Loud consultations)

Mr. Deputy Speaker: Order! Order, hon. Members! Those who wish to withdraw from the Chamber may do so quietly.

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, when I rested my contribution last week, I mentioned that there are certain provisions of this Bill which contravene certain provisions of the Constitution. If you look at the provisions of Clauses 24 and 25 of the Bill---

(Loud consultations)

Mr. Deputy Speaker, Sir, I must appeal to the Chair for protection.

Mr. Deputy Speaker: Order! Order, hon. Members! Could you sit down, Ms. Mbarire? Hon. Members, let us give Mr. M. Kariuki a chance to contribute to this debate. Those who want to consult, may do so quietly. If you want to withdraw from the Chamber, do so quietly.

Proceed, Mr. M. Kariuki!

[Mr. Deputy Speaker left the Chair]

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

Mr. M. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir. I was making some observations that certain clauses of this Bill contravene the Constitution. I have in mind Clauses 24, 25, 29 and 39. Under Clause 24, the Minister has assumed the powers to declare certain local authority land as forest land. If this clause is looked at against the background of Sections 115 and 118 of the Constitution---

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, can I appeal through the Chair for protection? I cannot make sense out of my speech.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, hon. Members! It is imperative that we follow what the hon. Member on the Floor is saying. The choices are very clear. If you want to withdraw from the Chamber, you should do so quietly. If you want to consult, please, do so quietly. In fact, if you all consult, then you cannot hear. So, please, allow the hon. Member to contribute to this debate.

Mr. M. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir. Section 115 of the Constitution of Kenya vests trustland in a county council. As a matter of fact, the only land that local authorities own today is land that is vested in them; that is the trustland. Section 118 of the Constitution provides for the mode of acquisition of trustland. It vests those particular powers in the Presidency. Only the President can, in consultation with the county council, seek to acquire trustland for purposes of any department of the Government and for any use by any particular Government corporation.

Mr. Temporary Deputy Speaker, Sir, if you look at the provisions of Section 24 of this Bill, where the Minister assumes the power to declare certain parts of land owned the county councils to be forest land, in my view, that contravenes the spirit of the Constitution.

The Minister for Transport and Communications (Mr. Michuki): On a point of order, Mr. Temporary Deputy Speaker, Sir. In order that we may follow this debate or what the hon. Member is saying, would he tell us whether he is talking about a Bill or a law which has been passed? If he is talking about the Bill, he should use the word "clause", and not "section."

Mr. M. Kariuki: Mr. Temporary Deputy Speaker, Sir, let me thank the Minister for that correction, but that is not a very material issue.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, I will refer to Clauses 24, 25, 29 and 32 of the Bill, but I am referring to Section 115 of the Constitution of Kenya, which vests trustland in the county councils. Section 118 of the Constitution provides for acquisition and use of trustland by the Government. That power is vested in the Presidency, and there are certain procedures laid down under Section 118. So, if a Government department wants to use part of the trustland, then the necessary consultation must take place between the President and the county council, and thereafter, an order of acquisition, in compliance with the Acquisition Act, has to follow.

My concern is that the particular clauses I have mentioned vest the powers in the Minister to gazette and declare those parts of land owned by county councils as part of Government forests. So, this is a clear case of contempt of the Constitution. I hope that the Minister will have a second look at these particular clauses with a view to streamlining them, so that the powers vested in the Presidency cannot shift to the Minister. Also, under Clause 25, the Minister will not have the powers to declare certain parts of trustland as forest land. That is an exclusive power of the President. This is a serious matter in as far as this Bill is concerned.

Mr. Temporary Deputy Speaker, Sir, I am also concerned about the format of this Bill. I think this is the first time that a Bill has come to this House by way of a declaration. The Bill says: "This is an Act of Parliament to provide for---" It starts with the usual declarations like "recognising, further recognising, acknowledging, and whereas Kenya is committed---" I have not seen this kind of declaration in any Bill that has come to this House. We are concerned with the process of making the law. We are not making declarations here. The law must be clear. So, the preamble that has been reproduced here is, in my view, unnecessary. This is the first time we are having this kind of declaration being part of a Bill. I hope that the Minister will consider removing this preamble from the Bill. It is surely unnecessary. We are dealing with the strict letter of the law.

I wish to make some observations regarding what many people have referred to; the ban on logging. It is true that the Minister banned logging. My complaints on this particular ban is the element of discrimination; the manner in which the Minister exercised his discretion to reserve the right for three corporations, namely, Pan African Paper Mills and Raiply, to do logging. If the Minister was to be seen to do justice to all the stakeholders in this industry, it was important for him to develop a criteria which would be used to determine who should be banned from doing the logging. The mere fact that the Government has some shareholding in some corporation is not good enough to allow those corporations to continue logging. We have heard from our colleagues here that, in fact, Pan African Paper Mills has been making losses year in, year out. So, this is not a corporation that we were going to rescue. It was not necessary for the Minister to exempt it from that logging ban. If we were going to have a ban on logging across the board, for any other corporation to qualify, the Minister had to give a credible explanation. I do not think we have received any credible explanation as to why a few corporations have been allowed to carry out logging.

Mr. Temporary Deputy Speaker, Sir, I would also like to make some observations, first, regarding Clause 57, which deals with the prosecutorial powers for offences committed under this Bill. It provides that the prosecutor will be a forest officer, who must obtain leave from the Attorney-General. If we were to look at the Public Health Act, for example, it creates prosecutors who are public health officers and only makes one condition: That those prosecutors will be appointed by the Attorney-General. So, in this case, it would be much easier to have forest officers as prosecutors provided their appointment is done by the Attorney-General. However, the wording of this clause is that they have to seek leave of the Attorney-General to prosecute. That will

create red tape, and there will be a lot of bureaucracy in carrying out that particular task. It is important that we appreciate the history of the destruction of our forests---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Hon. Members, some of you are consulting so loudly that we cannot follow what Mr. M. Kariuki is saying. It may be wise, if you would like to consult, to withdraw to some other place, so that we can follow the business of the House.

Mr. M. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir. Indeed, I have had a lot of strain in expressing myself. Clause 53 provides for the office of a director. It is important, given the history of the destruction of our environment and forests, in particular, to have considered making that office a constitutional office. The environment is key to our survival and that is an office that requires to be treated with seriousness.

Mr. Temporary Deputy Speaker, Sir, I think powers should be vested in a director in such a manner that he will not be interfered with, in exercising them.

Mr. Temporary Deputy Speaker, Sir, there is too much power vested in the Minister, both in the appointment of the Board and the forest service. If you look at the trend in this House, with regard to the Bills that have come before it, we have made provisions for key offices in any particular Ministry to be vetted by Parliament. The composition of the board, for example, is exclusively that of the Civil Service.

We would like a situation where Parliament has a say, as far as the appointment of the director and members of the Board is concerned.

Mr. Temporary Deputy Speaker, Sir, we are aware that Clause 6, Subclause (iii) vests the power on the President to appoint the chairman of the Board. According to what we have done in the past, even where the President has to make an appointment, the powers of this House should not be given away. We should have residual powers to vet appointments, even where they are done by the President himself.

There are some very important clauses in this Bill. I would like to appreciate Clause 29, Subclause (ii). It provides for the Minister for Local Government to ensure that, trees are planted in, at least, five per cent of all urban plots. I would like to say that in some other jurisdictions, that percentage is much higher. I would prefer a situation where we have 20 per cent of urban land being put under trees. If one has a house, at least, 20 per cent of the plot should be put under trees, to ensure that we have proper forest cover everywhere.

Mr. Temporary Deputy Speaker, Sir, I would also like to appreciate Clause 22 of the Bill, which deals with customary rights. If you look at the current Forest Act which was enacted in 1942, it says that anybody who enters into a forest, will only do so with the authority and permission of the Conservator of Forests. That particular Act overlooks the customary right of the people.

Mr. Kaindi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Now that we have had substantive debate on the Bill, could you call upon the Mover to respond?

(Applause)

The Temporary Deputy Speaker (Mr. Poghisio): Sorry! I did not hear your point of order!

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, could you call upon the Mover to respond?

The Temporary Deputy Speaker (Mr. Poghisio): As far as I am concerned, I will give you a ruling on that. But, at least, let me hear him out.

Mr. M. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir. They are not allowed to

carry out customary rights within the forests. We are also aware that herbal practitioners have to depend on our forests. That is a very important right that is being conferred on our people.

I would also like to appreciate Clause 17, Subclause (iii), in terms of the accounts being produced in accordance with the auditors.

Mr. Temporary Deputy Speaker, Sir, I think what is very important is the question of the powers of this House. The accounts that have to be submitted, according to Clause 17, should be laid before this House, and not only with the Controller and Auditor-General. I can see the impatience of my colleague here; that is, the Chief Whip!

Therefore, I beg to support.

Mr. Muchiri: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to support this Bill because it outlines proper administration of our forests. We hope that, with the enactment of this Bill, our forests will be well preserved. We shall see a better relationship between members of the communities living around the forests and the forests.

The Minister for Livestock and Fisheries Development (Mr. Munyao): On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought there was a point of order you were going to attend to! We want to hear your ruling on the point of order raised by Mr. P.K. Kaindi.

The Temporary Deputy Speaker (Mr. Poghio): Even if I am going to attend to it, I am actually consulting! So, do not worry about that.

Mr. Muchiri, please, proceed!

Mr. Muchiri: Thank you, Mr. Temporary Deputy Speaker, Sir. I cannot understand the hurry to finish this Bill! That is because I am on the Floor---

(Mr. N. Nyagah interjected)

Mr. Temporary Deputy Speaker, Sir, could you protect me from the Chief Whip? I have a right to take the Floor and air the views of Ndaragwa people.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I would like the Minister for Environment, Natural Resources and Wildlife to consider the relationship between the forests and the people. As we ponder over the passing of this Bill, there is a lot of murmuring among Kenyans. I think it is necessary for our people to be given their rights. I would like the Minister to consider the issue of grazing in the forests. From the colonial times, there was a lot of---

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, I clearly cannot understand why I am being harassed.

The Temporary Deputy Speaker (Mr. Poghio): Order, hon. Members! If you are walking, you either freeze or sit down!

Hon. Members, it is important that we hear as many views as we can on a Bill and, especially, when there is an hon. Member who is shouting at the top of his voice that he is being harassed. That should not be allowed. I think the protection is yours and you can contribute for the 30 minutes if you want. However, I know I have to make a ruling on the point of order that has been raised. But, you must continue until I say so. Nobody is going to harass you! The Chair is going to protect you for as long as you want to speak.

I have got a list and I am trying to compare and see whether we have actually reached a point where the Chair can rule on that. There should be no hurry!

Mr. Muchiri, please, proceed!

Mr. Muchiri: Thank you, Mr. Temporary Deputy Speaker, Sir. I was at the point where I was urging the Minister for Environment, Natural Resources and Wildlife to consider that, the ban on the grazing in forests was not timely. We have many areas gazetted as forests, but which do not have trees, shrubs or forest cover. Most of those gazetted forest areas have grass that is of no use to anybody, other than the cattle. I am, therefore, urging the Minister to consider giving permission to the people living around the forests, so that they can graze their cattle. In areas like Nyandarua and, especially my constituency, I am under a lot of pressure because half of the forest area is bare without any trees. That is one area the Minister should consider.

We also have a lot of insecurity which, I think, the Minister should consider. It is only last week when clearing of roads in that constituency became a problem. My constituency has forests which make that place very insecure. So, as I support this Bill, I would like to say that forests must be people-friendly. It is only when forests will become people-friendly that they will be able to conserve them.

Mr. Temporary Deputy Speaker, Sir, I must commend the Ministry for encouraging forest associations. That will enable communities living around the forests to form associations to protect the forests. As we support this Bill and I believe the whole House is ready to pass it, we want to tell the Minister that in areas that require afforestation, the communities must also be supported with seedlings. That will make sure that Kenya has a forest cover that is required internationally.

Mr. Temporary Deputy Speaker, Sir, a lot has been said about the transition of the current administration of forests into what is now being called the Forest Service. I wish to also reiterate---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Muchiri! I do not think the House is in a position to listen at the moment since there are many consultations going on. I have actually been doing consulting on my own and I wanted to see if it is really time to call upon the Mover to reply by seeing how many hon. Members have contributed. I have been given the list and I can see that quite a number have already contributed. I will therefore put the Question which was raised by hon. Kaindi.

(Question, that the Mover be now called upon to reply, put and agreed to)

The Minister for Environment, Natural Resources and Wildlife (Dr. Kulundu): Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to take this opportunity to thank all the Members of Parliament who have made valuable contributions towards the improvement of the Forest Bill, 2004. This input will go along way towards improvement of this legislation in order to further enhance forest management and conservation. I have taken note of the areas of concern that have been raised by hon. Members and would like now to react to some of the issues raised.

Mr. Temporary Deputy Speaker, Sir, one of the concerns in this House is that the Forest Bill, 2004 gives a lot of powers to the Minister and the Director of Forests on acquisition of mismanaged or neglected forests and conversion of the same to provision of forests. I want to assure hon. Members that the declaration and conversion of a forest to a provisional forest as stipulated in the Bill is only designed to safeguard important forests that have been mismanaged or neglected by the local authorities or private land owners.

Mr. Temporary Deputy Speaker, Sir, on the composition of the board, it is important that Members of this House do note that this is not the first authority or parastatal that we are creating in

this Ministry. We have other parastatals in this Ministry like, for example, Kenya Forestry Research Institute (KEFRI), National Environment Management Authority (NEMA) and Kenya Wildlife Service (KWS) is the last one and we have appointed members of the boards of these parastatals rather independently.

Mr. Temporary Deputy Speaker, Sir, the fear that was expressed by hon. Members that on becoming an authority, this board may be used by the Minister to appoint his relatives and friends to the board is misplaced because we have had several boards in the past and I think we have appointed Kenyans of eminence on them. Given the due consideration of the composition of the membership of the board, this Bill has attempted to bring a balance between public officers and non-public members.

In fact, out of 15 members of the board, only seven are public officers whose membership is strongly related to forestry matters. The Bill emphasises gender and regional representation in the appointment of the board members. The Bill also gives provisions for aggrieved parties who have reason to believe that the provisions of the Act have been violated and have a right to petition to the High Court.

Mr. Temporary Deputy Speaker, Sir, we know that this Bill is unique in its own way. It is unique in the sense that the Departmental Committee on Agriculture and Natural Resources did not have time to make necessary amendments to this Bill. In order to promote that goodwill between my Ministry and this Departmental Committee, I strongly recommend that the views expressed by the Members of this august House and the views that will be expressed by the Members of the Departmental Committee on Agriculture and Natural Resources be incorporated in this Bill and that therefore there is no need for this Bill to proceed to the Committee Stage.

Mr. Temporary Deputy Speaker, Sir, the Departmental Committee on Agriculture and Natural Resources will have an opportunity to look at the HANSARD and brush shoulders with other stakeholders and make the necessary adjustments. We as the Ministry have benefitted immensely from the views of the hon. Members and we do not take this as a Government Bill. It is a Bill of the whole House. It is non-partisan in nature and my appeal to both sides of the House is that they do support this Forest Bill, 2004.

This Bill will proceed to the Committee Stage where the necessary amendments will be made by the Departmental Committee on Agriculture and Natural Resources.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I wish to thank hon. Members and I wish to move.

(Question put and agreed to)

Hon. Members: Division! Division!

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

The Temporary Deputy Speaker (Mr. Poghio): Order, Members! Order! When the vote was taken, a sufficient number of hon. Members stood up to demand a division. The division is hereby granted. I now order that the Division Bell be rung for five minutes.

(The Division Bell was rung)

DIVISION

(Question put and the House divided)

(Question negatived by 62 votes to 57)

AYES: Messrs. Abdirahman, Awori, Bifwoli, Dzoro, Kaindi, Ms. Karua. Messrs. Katuku, Kembu-Getura, Prof. Kibwana, Mrs. Kilimo. Mrs. Kihara, Messrs. Kimathi, Kimunya, Kingi, Kiunjuri, Koech J.K., Dr. Kulundu, Mr. Ligale, Prof. Maathai, Messrs. Maitha E.K., Maore, Ms. Mbarire, Messrs. Mbau, Michuki, Miriti, Mohamed H.M., Mohamed A.C., Muchiri, Mrs. Mugo, Messrs. Muiruri, Mungatana, Munya, Munyao, Munyes, Dr. Murungaru, Messrs. Murungi, Mwakwere, Ms. Mwau, Messrs. Mwiraria, Capt. Nakitare, Messrs. Ndile, Ndwiga, Mrs. Ngilu, Messrs. ole Ntimama, Nyagah N., Dr. Ojiambo, Messrs. Ojode, Raila, Serut, Shaaban, Maj. Sugow, Messrs. Syongoh, Tarus, Mrs. Tett, Mr. Wario, Dr. Wekesa and Mr. Were.

Tellers of Ayes: Ms. Mwau and Mr. Keter.

NOES: Dr. Ali, Ms. Abdalla, Messrs. Bahari, Bett, Biwott, Boit, Chepkitony, Choge, Dahir, Dr. Godana, Messrs. Haji Y., Kajwang, Kenyatta, Keter, Dr. Khalwale, Messrs. Khamisi, Kilonzo M.C., Kilonzo J.K., Kipchumba, Koech S.C., Kombe, Kosgey, Maj. Madoka, Messrs. Maitha M.M., Maitha L.B., Dr. Manduku, Prof. Mango, Messrs. Manoti, Masanya, Midiwo, Mohamed M.A.H., Moroto, Muturi, Mwanzia, Ndambuki, Ndolo, ole Ntutu, Eng. Nyamunga, Dr. Oburu, Messrs. Ogur, Okemo, Prof. Olweny, Messrs. Omamba, Mwancha, Rev. Nyagudi, Mr. Omondi, Archbishop Ondiek, Messrs. Onyancha, Osundwa, Owidi, Owino, Poghisio, Salat, Sambu, Samoei, Sang, Sasura, Shitanda, Sirma, Too, Wamwere and Weya.

Tellers of the Noes: Messrs. Kaindi and Sasura.

Abstention: Nil.

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

MOTION

ADOPTION OF REPORT OF SEVENTH SESSION OF ACP-EU JOINT PARLIAMENTARY ASSEMBLY

(Mr. Kamotho) to move:-

THAT, this House adopts the Report of the 7th Session of the African Caribbean, Pacific and the European Union (ACP-EU) Joint Parliamentary Assembly held on 16th to 19th February, 2004, in Addis Ababa, Ethiopia.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Kamotho is not there. The Motion is deferred.

(Motion deferred)

Next Order!

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Members who are withdrawing from the Chamber should do it quietly. Those who are remaining should also consult quietly.

BILL

Second Reading

THE INVESTMENT PROMOTION BILL

The Assistant Minister for Trade and Industry (Mr. Miriti): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Investment Promotion Bill be read for the Second Time.

Mr. Temporary Deputy Speaker, Sir, as you know, the international community has, for a long, time been waiting for this Bill. We have had a problem inside and outside Kenya as we conducted our investments procedures. The main objective of this Bill is to promote and facilitate investment in Kenya by setting guidelines for investment, and empowering the Kenya Investment Authority to be the focal point for promoting, authorising and facilitating local and foreign investments in Kenya. The Bill provides for the issue of investment certificates, and also sets out procedures and guidelines with respect to consideration of application for investment certificates. The Bill also sets out benefits that will accrue to holders of investment certificates. For instance, a certain number of entry permits will be issued to expatriates who will be owners of capital, or management or technical staff. The Bill also establishes a National Investment Council to give advice on how to increase investment, economic growth, and promote private and public sector cooperation.

The Bill also provides for dealing with offences of misleading or divulging information. It also provides for the Minister to make regulations, including regulations to amend schedules. The Kenya Investment Authority is provided for in the Bill. The Bill proposes the establishment of the Kenya Investment Authority, which will have the mandate to promote and facilitate investments in Kenya. That Authority will have the said mandate and issue investment certificates. It shall also assist in obtaining the necessary licences. The Authority will also assist in obtaining incentives and exemptions.

Mr. Temporary Deputy Speaker, Sir, the Bill provides for investment information, including sources of capital. It also promotes, both locally and internationally, the opportunities for investment in Kenya. The Authority will periodically review the investment environment and make recommendations to the Government to enhance the investment environment. Therefore, the Authority will serve as a one-stop facility for investment in Kenya. The Bill also provides for a Board. The Board of the Authority will consist of seven members from the private sector, one of whom will be the chairman appointed by the President. Another seven members will be the Permanent Secretaries, namely the Secretary to the Cabinet, and the PSs for Trade and Industry, Finance, Agriculture, Lands and Settlement and Local Government. There shall be two chief executives of parastatals dealing with private sector investment activities. These will be the heads of the Export Promotion Council and the Export Processing Zones Authority. The Bill also proposes a National Investment Council, whose chairman shall be a Minister designated by the President.

Mr. Temporary Deputy Speaker, Sir, members of the Council shall include the Ministers responsible for matters relating to finance, trade and industry, agriculture, lands, local authorities, planning, tourism and information, environment and natural resources and wildlife. Other members of the Council shall be the Governor of the Central Bank of Kenya, the Chairman of the Board of the Authority and 12 persons from the private sector appointed by the President.

The functions of this Council will include advising the Government and Government agencies on how to increase investments and economic growth. It will also promote cooperation between the private and public sectors in the formulation and implementation of policies relating to the economy and investments. In carrying out its functions, the Council shall monitor the economic environment to identify impediments to investments and economic growth. It will also propose incentives to promote investments and economic growth. The Council will also identify areas that may not be benefiting from economic development. It will also consult with persons from both private and public sectors to obtain views and suggestions for promoting investments and economic growth.

As hon. Members have heard, this is a very important Bill because it will ease investment procedures in Kenya, and attract investors from various places to invest in Kenya. I, therefore, call upon hon. Members to support this Bill.

With those remarks, I beg to move.

The Assistant Minister for Regional Development (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, I beg to second this Bill.

Since Independence, in this country, we have not had a situation where a person from outside the country had a one-stop facility from which he could get all the information that he required in order for him to invest in this country. For the first time in this country, there is an attempt at bringing all the factors that are necessary to one place to enable investors from outside this country to invest in the country without hitches.

In this Bill the Kenya Investment Authority (KIA) is sought to be established. The exact reason why this KIA is being established is to ensure that all the potential investors, who might wish to come into this country, will have no difficulties at all in investing their money in this country. This Bill seeks to provide a central area at which information to all potential investors can be given, and where they can get everything they require in order for them to invest in this country.

There have been complaints everywhere concerning investment in this country. Many potential investors have complained that it takes a long time to get the necessary licences, or fulfil all the licensing requirements in order to invest in this country. This has given a bad image to this country in the eyes of potential investors abroad. We have also faced the problem of lack of information for potential investors. Many potential investors would want to look at a website and identify the potential areas in which to invest money in this country. The complaints are rampant that our website is either not updated or does not contain any information at all on potential areas for investment.

QUORUM

Maj. Madoka: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very important Bill and I think we all need to listen to contributions and also contribute effectively, but there is no quorum.

The Temporary Deputy Speaker (Mr. Poghiso): It is true that there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Members! Now we have quorum. Mr. Mungatana was on the Floor.

The Assistant Minister for Regional Development (Mr. Mungatana): Thank you, Mr. Temporary Deputy Speaker, Sir. A lot of potential investors who may wish to invest in this country have found that there has been lack of information. As a result, many potential investors have opted to leave this country and go to other better marketed destinations for investment.

If created, one of the duties of the Authority will be to provide information to all potential investors. There have been complaints that people who wish to invest in this country do not have information on the website or updated information. Now this will be a thing of the past.

Mr. Temporary Deputy Speaker, Sir, this Bill makes it easier for all potential investors to come and invest in this country. It facilitates them to get their operations started. The way this Bill has been crafted, for example, if you look at Clause 4, shows that we are targeting serious investors. The amount that has been targeted for all investors is not less than Kshs10 million.

This Bill also proposes to establish an Investment Promotion Council (IPC). This IPC will

have authority from the highest office in this country. It would consist of some Ministers. The Permanent Secretary to the Cabinet will also be a member of IPC. This tells you that the Bill proposed before this House will be given the highest consideration. Therefore, any investor coming to invest in this country will be assured of the best political goodwill and environment.

Mr. Temporary Deputy Speaker, Sir, this Bill will also address some other problems faced by potential investors. For example, many potential investors have in the past complained about political interference. People who are serious and willing to invest their money in this country have found it very difficult to do so. In the past, the decision to allow investors to invest in this country was left to the whims of some individuals who did not really have the interest of the country at heart. However, this Bill addresses that particular point because the IPC will have serious political backing and will create the best possible political environment for investment.

Mr. Temporary Deputy Speaker, Sir, potential investors have also severally complained about bureaucracy. This is a major setback to investors. It has been rated that, for example, if you want to invest in a country like Malaysia, in order for you as a potential investor to get clearance, you will take a maximum of three days to get all the necessary certificates to get you started. This is not the case in this country or in any other country in East Africa. Kenya, in particular, has lagged behind other COMESA countries.

The sole problem lies in the bureaucracy; the red tape that exists. Investors who wish to invest, for instance, in producing chemicals have to obtain various standard certificates. They have to go to all manner of centres. This has made it so difficult for them to estimate how much money they can borrow and how long it will take for them to start returning on their investments. So, having a one-stop clearance clears the bureaucracy that has been one of the major complaints as far as potential investors in this country are concerned.

Mr. Temporary Deputy Speaker, Sir, this Bill also gives us a lot of benefits. If investors are given the right environment in this country, as we all hope this Bill will achieve, then we shall have an increased number of job opportunities created. Many Kenyans will be trained in new skills and technology. We shall also have increased development in our rural areas. All these are potential benefits that we are looking at when this Investment Promotion Bill comes into effect.

Mr. Temporary Deputy Speaker, Sir, without so much ado, I would urge this House to look at this Bill and its merits in totality. I would urge them to support it. It is a Bill that I would describe as patriotic; it is what we want. It is one of the Bills that will help us in economic development.

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

(Question proposed)

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I beg to support this Bill. It has been necessary for a long time for this country to have a proper investment policy. From the outset, investors should not only come from outside. It is very important that this Bill recognizes that this country has got a lot of potential investors. When conditions were unfavourable to business in this country, we know that a lot of industrialists did look for better places to put their money. If you go around the neighbouring countries, you will find that most industries in Uganda and Tanzania have a shareholding from Kenya. Therefore, let us not put that great emphasis on investors from outside only. It is important that we bring about confidence in the country, so that the people who sent out their investments start bringing them back.

At the risk of repeating what the previous contributor has said, it is now absolutely necessary for us to cut down on the bureaucracy. To cut down on bureaucracy, it is important that this Bill spells out exactly who is dealing with what. We want to go back to the idea of meritocracy. We would like people within all the Ministries to be in their various places simply because they merit the positions that

they are holding. When that happens, then they would realise the importance of retaining and attracting investments from our local people.

QUORUM

Capt. Nakitare: On a point of order, Mr. Temporary Deputy Speaker, Sir. With all due respect, I did not mean to interrupt the speech of the Vice-President and Minister for Home Affairs, but we have no quorum in the House.

The Temporary Deputy Speaker (Mr. Poghisio): That is correct. We have no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! We now have a quorum. The Vice-President and Minister for Home Affairs was on the Floor!

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, as I was saying, it is necessary that we cut down on bureaucracy. Whenever we talk outside there privately, or sometimes in fora with businessmen, quite a number of them say that, while this country would be an attractive place to put their investments, there are certain factors that are always discouraging. When one invests here, there are other factors that affect him or her. For instance, it is necessary that this Bill helps to harmonise the workings of the various Ministries.

Only this afternoon, I was having lunch with some potential local investors and one of the things they brought up is that they have made representations to the various Ministries to see how they can invest in those sectors; agriculture, for instance. There are matters that need to be rectified for an investor to put money in agro-business. But this has not been forthcoming because we do not have a mechanism to harmonise matters that concern the various sectors, for instance, environment. When one wants to invest in paper manufacturing, they have to be sure that the environmental laws are there that will lead them into a business in which they will make profits. The same thing applies to infrastructure. They want to be assured that if they are putting money in here, the infrastructure will have been improved and that it is friendly to the investment.

Mr. Temporary Deputy Speaker, Sir, there are matters that need to be looked at; mainly incentives. We need to give incentives actually, even more to the local investors than the external investors. Let us give preferential treatment to the local investors. There must be a deliberate policy to ensure that the cost of doing business in this country is lower. The reason why we have been unable to compete effectively in the world market is because the cost of doing business in this country is extremely high. When you look at the investments, you have to look at energy, which is an integral part in doing business. Now, how does the cost of energy in this country compare to the cost of energy in Uganda or South Africa or other countries? This is something that we need to look at. We need harmonisation so that electricity cost comes down. That means we have all the time to look for ways and means of producing more electricity so that the cost can come down. The same applies to oil-based energy. We know that, right now, if someone wanted to go into the transport business, it is a risky business. It was only the other day when petrol was costing Kshs59 per litre. Today, it is costing Kshs66 per litre. Most of that money comes from taxation.

In this Investment Promotion Bill, we need to discuss clearly with the Ministry of Finance to see that taxation on the components that go into producing or manufacturing is brought down.

With those remarks, I beg to support.

QUORUM

Dr. Galgalo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we lack quorum in the House.

The Temporary Deputy Speaker (Mr. Poghisio): Is there no quorum? I thought we just had quorum? Yes, there is no quorum! So, once more, I will ask that the Division Bell be rung.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! We now have a quorum. I will give this chance to Prof. Maathai.

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I am happy to contribute to this Bill which intends to create an enabling environment for investors. This is something that our Government is very much concerned about. We have been working for many years in this country to try to ensure that we create an enabling environment, so that investors bring in their money, skills and knowledge which will assist us to create job opportunities that we badly need.

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

*[The Temporary Deputy Speaker
(Maj. Madoka) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, it is very clear that there are certain things that have made it very difficult for us, as Kenyans, to create the enabling environment for investors. Many hon. Members contributing to this area have mentioned the fact that in the 1960s and early 1970s we were progressing very well. In fact, our progress was comparable to the now famous Asian Tigers. Quite often, we have asked ourselves: What happened to us? What wrong did we commit so that we went backwards instead of going forward?

One thing that we continue to wrestle with is insecurity. This is one area that all of us, as Kenyans, need to work very seriously about. We need to understand that nobody will come into this country to invest his or her money unless there is security. So, this is something that all of us, as Kenyans, and not just Members of Parliament and police, should work for. Every Kenyan must take this as a personal responsibility to ensure that our country is secure. It is not true that, just because a person is poor, he or she should create insecurity, steal or carjack and hence kill people in the process. Every Kenyan should understand very clearly that, in order for investors to come here and invest, this country must be secure. Therefore, all of us need to work towards ensuring that we have security in this country. This is because, in the final analysis, it is us, Kenyans, who must create a secure country. Nobody will come from outside this country and give us security. We have to create that security.

Quite often, when I am in Tetu Constituency, I remind my fellow constituents that, in fact, in our traditional system, which is barely 100 years ago, the young men or the *morans*, as they are more popularly known among the Maasai community, ensured that the community was secure. They ensured that the old people, women and children were safe. It is, therefore, a matter of great concern to all of us that it is our young men who are now making it impossible for people to sleep in their houses and drive safely in cities. This is because they are the ones who are harassing, killing, stealing and raping women. Something very seriously wrong has happened in our society and we need to look into it.

Mr. Temporary Deputy Speaker, Sir, I quite often refer to the fact that perhaps because some of us were de-cultured by the colonial experience, our young people, and especially men, have lost a sense of responsibility which was very strong in them. It pains me a lot when I see young men being shot dead by the police because they have stolen or tried to carjack a motorist. Surely, as young men, they ought to ensure that the community is secure. I would like to appeal to all of us, as Kenyans, and especially our young people, to be responsible so that we can enhance security amongst ourselves.

Mr. Temporary Deputy Speaker, Sir, on the same aspect, I would like to say that I am very concerned that we seem to accept or tolerate the fact that when those young men go and steal, we should shoot them dead. I have been unable to reconcile with that because the law does not allow anybody to kill another person for whatever reason. So, when we shoot dead our sons because we suspect that they have stolen, then there is something inherently wrong with justice. That is something which this society should not accept. Therefore, I appeal to the Minister in charge of internal security to ensure that when young people, and I am referring to young people because it is mostly young men, who are caught stealing, something else should be done besides shooting them dead. We can arrest them, refuse to grant them bail, jail them and maim them so that they can suffer because of their misdeeds. But to shoot them dead, to me, brings out a sense of injustice which our society should not accept.

As a matter of fact, there are many investors who find that form of justice that we administer to our so-called thieves unacceptable. So, they say that, this is a very insecure country where police kill young men. Stories of many young men being killed and butchered hit the headlines of many newspapers. For some reasons, the police find it normal to bring those horrific pictures on television, and you will see many people surrounding the bodies. This is like a movie or entertainment. It is as if we enjoy showing the bodies on television. I think there is something inherently wrong with ourselves accepting that kind of killing and violence in our streets.

Mr. Temporary Deputy Speaker, Sir, sometimes I say that if we shoot such people dead and see those horrific pictures on television, I do not see what is so horrific when some people decide that they would go, kill the unborn and throw them in the dustbin. After all, that is exactly what we do with those young men when we kill them. I think these are some of the pictures which send the wrong signal about our country. They make our country unattractive to investors who would like to come, invest here and, therefore, create job opportunities. So, we need to look into that issue very seriously.

The other aspect that I would like to touch on is corruption. Of course, His Excellency the President has declared that Kenya is zero tolerant to corruption. This is something which, of course, the whole world is looking at. The world wants to see that we act exactly as we speak; that we do not only say that we do not tolerate corruption, but we live by that. It is very disturbing when you keep hearing some people say that this Government is also corrupt. I wish that anybody who has evidence that anybody in the Government is corrupt could report that to the Kenya Anti-Corruption Commission and the matter would be investigated. People should not talk in a vacuum. Even though one may find it necessary to say that in order to bring shame to the Government, we must remember, as a House or as leaders, that all of us are interested in having investors come to this country. This is because we want to create job opportunities for our people. Therefore, it does not really pay to keep saying that there is rampant corruption in the Government without evidence or going through the proper channels. Mr. Temporary Deputy Speaker, Sir, once those proper channels have been given the information, and fail to act on it-- For example, if the Kenya Anti-Corruption Commission does not act on the information it has been given, then we should raise that issue with that Commission. But the issue of entertaining people at public meetings and claiming that there are corrupt Ministers in the Government, without any evidence, just creates an impression out there that this country is still corrupt and, therefore, it is very difficult to do business here. There are very many

investors who have been waiting for many years to see if we could make it cheaper for them to come and invest in this country. This is because we have brought corruption to an end. Personally, I am at pains because this is a vice we have fought against for many years. We hoped that once the NARC came to power, the Kenya Anti-Corruption Commission would deal with that vice. I urge leaders not to continue accusing each other unless they have enough evidence as I have said earlier on. As leaders, we should also be responsible. We should demonstrate that we are, indeed, zero-tolerant towards corruption. If all the leaders, and especially hon. Members of Parliament and senior Government officers were perceived to have zero-tolerant towards corruption, I am quite sure that the image the investors have out there would change. At the moment, we still have a long way to go partly because we have made it a business to fight the Government by accusing it of corruption.

Mr. Temporary Deputy Speaker, Sir, the other point I would like to touch on is that we really need to take this country very seriously. We should ask ourselves whether we are just consumers or producers and consumers. If you go to any supermarket and look at the goods which are displayed for sale, you will find that almost 100 per cent of those goods are actually imported. Since the goods are imported, it means that all the money that we make from the sale of our milk, coffee, tea, sugar, natural resources and salaries goes to the persons who sell those goods to us. Eventually, that money finds its way into the Central Bank of Kenya, and is repatriated to where these goods came from.

Mr. Temporary Deputy Speaker, Sir, if you tried to find goods that are produced and used by Kenyans and, therefore, save us foreign exchange, you would find that we have literally been converted into consumers of goods produced outside this country. I cannot even think of any exception. We import rice from other countries. Much of the rice that is now in our shops is actually imported. We are not exporting; we are importing rice. When we come to clothing, we import. The same is true for petrol and gas. What do we not import? Some people have complained that we even import fruits and eggs from South Africa. We may even be importing apples from South Africa. So, to me, this is something that is very serious. The Ministry needs to look into it very closely, because we have turned ourselves into consumers of goods produced in other countries. As long as we do that, we will continue to be extremely poor. Whatever money we make here, we export it to other countries. We must be able to sell our produce outside this country and bring in foreign exchange.

I would like to urge hon. Members that next time they go to supermarkets, they should look around and see the amount of goods that have been introduced into this country from outside. They will realise that we have been turned into consumers.

Mr. Temporary Deputy Speaker, Sir, once you become a consumer and not a producer, you literally become a slave of the person who produces. That means that whatever money you make, you have to buy essential commodities from that person. The only commodities that we sell in this country are coffee, tea and sugar. We should support the Minister for Co-operative Development and Marketing and the Minister for Agriculture, who are involved in the areas where we can gain some foreign exchange. As long as we cannot make even a needle or buttons or clothing, all that money will come into the country and leave through the same doors of the CBK, because we have turned ourselves into consumers. We, therefore, need to be conscious, as Kenyans, and begin to produce and consume what we produce.

Mr. Temporary Deputy Speaker, Sir, that is why we need to support our local industries. I want to agree with His Excellency the Vice-President and Minister for Home Affairs when he says that it is very important to support our local industries. We should support our *Jua Kali* and cottage industries, because that is where our people produce. We must also take pride in utilising the commodities that our people make, so that we can support our local industries and save our foreign exchange. I would gladly buy rice from Mwea. In fact, if we were conscious of how important this is, we would probably go to Uchumi Supermarket and say: "We will only buy Kenyan rice."

Mr. Temporary Deputy Speaker, Sir, if Kenyans were appreciative of the concept of consuming and producing or understood the importance of consuming what we produce, they would try very hard to save the little foreign exchange. We can do that by utilising goods produced locally. That does not mean that we are against imported goods. Certainly, in a globalised market, you cannot keep such goods out of the local market. I am sure that goods will continue to come into the country from India, China, Europe and the United States. However, it is also very important that we, as Kenyans, must also sell to the outside world. If we do not sell to the outside world, we will continue to be extremely poor, because we will export all our money. Therefore, we need to support our local industries, especially the *Jua Kali* industries.

Mr. Temporary Deputy Speaker, Sir, I have heard the term "*Jua Kali*" for as long as I can remember. It is very important for us to sincerely and genuinely support the *Jua Kali* industries, so that they can take off. For how long are they going to be *Jua Kali*? For how long are they going to continue developing? They must take off at one point. Many countries such, as India, took off from the cottage industries, which were basically activities that were being undertaken by women, men and young people in the villages, using very crude and home made inventions and tools. Those tools were eventually developed by them to become the highly-developed machines that they are now using. As we all know, India has almost reached a level where it is being referred to as a superpower.

Mr. Temporary Deputy Speaker, Sir, I sometimes wonder whether we want to support our *Jua Kali* industries until eternity; that they will never take off. When will be the take-off point for the *Jua Kali* and cottage industries in this country?

Therefore, this is a very important Bill, because it seeks to allow people with capital, skills and knowledge to invest in this country, so that our people can share in that knowledge and acquire those skills. If we continue to only export raw materials to other countries, our people will never acquire the skills and the knowledge that is needed. We must not take too long in that endeavour because we may reach a point where we get used to receiving ready-made or second-hand goods from other countries. We must get to a point where we feel proud of using our own goods even though they may not be as polished as imported goods so that, eventually, our industries can take off.

Mr. Temporary Deputy Speaker, Sir, once again, I would like to appeal to all Kenyans that we should make our villages safe by becoming responsible citizens. Let us make our constituencies and cities safe and, collectively, make our country safe. Once we do that, investors will be happy to come and invest in this country and jobs will be created. Let us fight corruption. Let us completely refuse to be persuaded to be corrupt. It will be recalled that when NARC Government came to power, it was the citizens who told the police that they would not offer bribes. According to some people, this habit has died. We must go back to it.

Mr. Temporary Deputy Speaker, Sir, the citizens must become the custodians of this country. We must look at this country and say: "This is my country." We must be proud of it and protect it from the corruption that makes investors not to invest in our country. Let us consume, first and foremost, what we produce. That way, we shall create our own industries and encourage our *Jua Kali* sector. We shall take off in our own way and truly become an industrialised country. We have been Independent for 41 years and it is about time that we made some take-off points in some areas. I know that there is a lot of skill and knowledge in the *Jua Kali* sector. But they need to be assisted genuinely; not for political reasons or any other reasons. Kenyans want to take off to that arena of industrialisation. Let us be proud of using Kenyan goods. At one time, there was a campaign with a slogan: "Buy Kenya, build Kenya". If every woman who goes into Uchumi Supermarkets decided to only buy rice grown in Kenya, I think we will go a long way towards developing a culture of consuming what we produce.

So as not to be misunderstood, I am not saying that we boycott goods from other countries. I am just saying that, if you went to any other country, people are proud of their products. They use and

consume them because they know in doing that, they are making their country rich. They save their countries foreign exchange. They also help their people to gain skills and, in that way, they create jobs.

I know we have been asked many times: "Where are the 500,000 jobs that the NARC Government promised?" Jobs are created by people. If you go into your office half-drunk and cannot work, it is impossible for you produce any work. But, if you go to your office with a clear mind, having not taken drinks that could interfere with your performance, you will produce some work and before too long, you will have more work than you can cope with, and you will need another person. That is when somebody else will have to be employed. That is how jobs are created! If we support the *Jua Kali* sector in such a way that, instead of producing two boxes per month or per quarter, they produce ten boxes, that would create extra jobs. They will have managed to buy machines which will produce more boxes. They will, therefore, need more help. That is the time they will go out looking for people to help them. That is how jobs are created! You do not just go into an office, sit and read a newspaper. You go to an office to work. Those who are in the offices are the ones who have to create jobs.

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

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, I would like to support this Bill, because it has come at the right time. It has come at the right time because this country is faced with a host of problems. It is only through investments that some of those problems will be addressed.

Mr. Temporary Deputy Speaker, Sir, issues relating to unemployment in this country can only be addressed through increased investments. Issues relating to Government revenue for public expenditure can only be addressed through increased investments. You can only attract investments in certain specific environments. If those environments are right, then, certainly, we will be able to attract the right investments.

Mr. Temporary Deputy Speaker, Sir, one of the things that we ought to appreciate is the fact that we have a skilled and educated human resource in this country, compared to most of our competitors in this continent. You can see that vividly, when you travel around the continent. You will realise how skilled our people are. They continue improving those skills and, especially, in the field of management. They are doing extremely well.

There are other opportunities. For example, Africa is a virgin continent. Many international companies are very keen on investing in this continent, so that they can compete from within. This will enable them to penetrate this continent very well and a lot of them are interested. It is high time that we put in place a Bill like this so that we make it easy for those interested investors, who did not come in the past, like previous speakers have said, because of corruption, bureaucracy and so many other obstacles. It has even been believed that perhaps it is the investors who need us more than we need them. It is high time we approached this issue from the point of view of a customer who must be handled with a lot of care and the necessary speed. I am happy that some sections of this Bill take this into account where, upon application within specific days, there must be an outcome in terms of processing of an application for investment.

*[The Temporary Deputy Speaker
(Maj. Madoka) left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, also there are issues like work permits. I know work permits have been misused in the past. However, at the same time, there are those genuine investors who, because of that environment that has already been created, have had difficulties in acquiring work permits for very genuine positions which they need persons or human resources so that their

investments can be carried out properly. There must be a balance. We must be able to distinguish between those who are taking advantage of these work permits and those who are genuine investors.

Mr. Temporary Deputy Speaker, Sir, a lot of things have to be corrected and put in place, for example, infrastructure. We know very well that our water supply is not reliable and some of these investors need reliable water supply. So, we have to think about investment in water supply so that the investors will not have problems in accessing good industrial water.

Mr. Temporary Deputy Speaker, Sir, electricity is very expensive and this has been repeated over and over again. We must do something about it. It is one of the costs to an investor and when in a different environment, an investor realises that it costs perhaps three times more in Kenya than in South Africa, then that investor will go elsewhere; to other countries. We must do something to make sure that we carry out proper surgery on some of our parastatals and institutions to make sure that they are right and ready for this kind of environment. This Bill alone cannot give us the solution.

Mr. Temporary Deputy Speaker, Sir, I need not mention about roads. It is very expensive. There are no roads in this country and we are told about procedures from the Treasury and all that. I do not think anybody really wants to hear about those procedures. The investors want to see the roads here. Whether Treasury has the procurement procedures or not, who is interested in that? Kenyans want to see roads. Those procedures must be made friendly. If they are becoming a hindrance and we are the ones who are responsible and we are making noise about it, what is the point and yet we are the ones who are in charge? Let us not wait. We have been given responsibility and mandate by Kenyans.

Mr. Temporary Deputy Speaker, Sir, I need not mention about telecommunications. It is extremely expensive in this country. It is unreliable just like electricity. In fact, electricity is also unreliable. Investors have to get into other things to make sure that the supply of electricity is regular and these are the issues which must be addressed. This Bill is not going to bring investment to this country. Unfortunately, the other day I heard the Minister for Trade and Industry stand here and say that Uganda is more attractive. We cannot say that. He is our top Public Relations (PR) man and he cannot afford to say that. It is unfortunate. We must have confidence in our systems and we must be seen to be addressing the underlying factors. The Bill is good but then it will not bring any investment here. Mr. Temporary Deputy Speaker, Sir, there are a lot of opportunities, for example, in the arid areas. If I may bring this to your attention, the issue of investment in solar energy has not been handled properly. There are a lot of opportunities. There is a good potential for solar energy and it has not attracted any investor so far. That is one area that this Ministry needs to look into and promote as a country and the technology is there.

Mr. Temporary Deputy Speaker, Sir, I need not mention about wind energy that can be derived from the environment. In this country, we keep on talking about unavailability of sources of energy. Another one is livestock. About 50 per cent of our livestock are in the arid areas. Nothing has been done. We have been talking about Kenya Meat Commission (KMC) in Nairobi and all that. It is a pity. We have kind of almost existed because of our technology and everything else. In terms of arable land, we are kind of exhausted. There is a lot of potential. About 80 per cent of our land is in the arid and semi-arid areas and it is high time we moved in. The technology is there. The interested investors are there.

With those few remarks, I beg to support.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Bahari! You have 24 minutes left for next time.

Hon. Members, it is time to interrupt the business of this House. This House is, therefore, adjourned until tomorrow, Thursday, 3rd June at 2.30 p.m.

The House rose at 6.30 p.m.