

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 3rd June

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

Report of the Public Accounts Committee on the accounts of the Government of Kenya for the year 1997/1998 and the report thereon by the Controller and Auditor-General.

(By Mr. Omingo)

NOTICES OF MOTIONS

AMENDMENT OF THE CONSTITUTION TO PROVIDE FOR PARLIAMENTARY CALENDAR

Mr. Keter: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled "The Constitution of Kenya (Amendment) Bill 2004 to amend Section 58 and 59 of the Constitution; to provide for the National Assembly to control the calendar of the Business of the House.

(Applause)

ADOPTION OF 1998/1999 PAC REPORT

Mr. Omingo: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, this House adopts the report of the Public Accounts Committee on the accounts of the Government of Kenya for the year 1998/1999 laid on the Table of the House on Thursday, 3rd June, 2004.

QUESTIONS BY PRIVATE NOTICE

INVASION OF KANYARKWAT SFT FARM BY APs/POLICE RESERVISTS

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

(a) Is the Minister aware that armed Administration Police and Police Reservists led by the

Kwanza D.O. 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?

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Deputy Speaker, Sir, I ask the indulgence of the House that I provide the answer on Tuesday, because having discussed with the hon. Member, I think it is better to provide a proper answer.

Mr. Moroto: Mr. Deputy Speaker, Sir, I agree with the Assistant Minister, because the answer that I was given is totally out of context of what happened and what was supposed to have taken place.

Mr. Deputy Speaker: All right. The Question is deferred to Tuesday, 8th June, 2004.

(Question deferred)

Next Question by Mr. Sirma!

SUPPLY OF TEXTBOOKS TO
KOIBATEK PRIMARY SCHOOLS

Mr. Sirma: Mr. Speaker, Sir, I beg to ask the Minister of Education, Science and Technology the following Question by Private Notice.

(a) Is the Minister aware that Koilegen Stationers is the sole supplier of textbooks to Koibatek Primary Schools?

(b) Is the Minister further aware that the Directors of the company are employees of the Ministry of Education, which creates a serious conflict of interest?

(c) What action will the Minister take to correct this anomaly?

The Assistant Minister of Education, Science and Technology (Mrs. Mugo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that Koilegen Stationers is the sole supplier of textbooks to Koibatek Primary Schools. The information available to me in my office shows that there are three other suppliers in the district, namely:-

- (1) Romo Stationers and Printers
- (2) Morot Stationers and Bookshop
- (3) Koibatek Bookshop and Printers

(b) I have since established that one of the directors of Koilegen Stationers is, indeed, an employee of my Ministry. But it is not true that the directors of the company are employees of my Ministry.

(c) My Ministry has already taken action by immediately interdicting Mr. William Chemalan Kiptul in order to give room for further investigations.

Mr. Sirma: I wish to appreciate the action taken by the hon. Member. The answer looks contradictory because, first, by accepting that the director is an employee and on the other hand that he is not an employee. I do not understand this issue. Secondly regarding the volume of supplies, the other suppliers are really suppliers on paper because they do not supply anything. It is only one company which supplies stationery because of this undue influence.

Mr. Deputy Speaker, Sir, could I be in order to ask the hon. Assistant Minister to actually make sure that there is equitable distribution among the various suppliers instead of using intimidation.

Mrs. Mugo: Mr. Deputy Speaker, Sir, my answer was that not all the directors were employees of the Ministry; it is only one director. So, it is not contradictory, and that director has

been interdicted and the letter effecting that interdiction is here with me.

However, Mr. Deputy Speaker, Sir, you will appreciate that it is very difficult for the Government to interfere with private businesses. There are school committees which are supposed to make sure that they follow the laid down procedures of procuring those books. But, of course, we will take an interest to see what is happening.

Mr. Shitanda: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us under what circumstances or law she has interdicted the director of that company, who is an employee of the Ministry, when we have Ministers in this House who are doing business with the Government?

Mrs. Mugo: Mr. Deputy Speaker, Sir, I can only speak for my Ministry. I do not know of any other Ministers who are doing business with the Government. My Ministry does not encourage competition. Therefore, if an employee of the Ministry jeopardises learning or the quality of text books by not following the procurement procedures, then my Ministry will intervene. Certainly, I am not responsible for the rest.

Mr. Sambu: Mr. Deputy Speaker, Sir, the funds disbursed to schools are public funds and they should be audited by the Controller and Auditor-General. School committees do not understand these regulations. Indians, particularly in Eldoret, have taken advantage of this. There are different materials for making exercise books, for example, 60 grams per square metre. Could the Government give guidance on the right materials to help primary schools management committees not procure substandard materials?

Mrs. Mugo: Mr. Deputy Speaker, Sir, auditing is going on around the country to ascertain how the money is being used. We are very interested in the quality of the materials. We started implementing the free primary education programme less than two years ago, and it has gone on very well. We are always open to suggestions in order to improve. So far, the programme is going on very well. We will look into that issue also.

Ms. Mwau: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us what strategies they have in place to inform the school management committees about the regulations and procedures of purchasing textbooks using the funds that are disbursed to them?

Mrs. Mugo: Mr. Deputy Speaker, Sir, guidelines have been given to all schools to be followed by these committees. We are also training these committees as well. I must add here that they are doing a good job. As I said, we will keep on improving as issues come up and we are always reviewing the exercise.

Mr. Munya: On a point of order, Mr. Deputy Speaker, Sir. Mr. Shitanda's question has not been answered. He asked: "Under what circumstances or law was that person interdicted?"

Mrs. Mugo: Mr. Deputy Speaker, Sir, when there are allegations that something is not going on properly, it is only right for the Ministry to take initiative to correct it. An hon. Member complained about this and we had to look into the issue. Does the hon. Member mean that when Questions are brought here we do not take action? When there is any anomaly, we have to look into the matter. That is the action we took.

Mr. Omingo: On a point of order, Mr. Deputy Speaker, Sir. I think the Chair has heard a very serious allegation from Mr. Shitanda. If this House is to be taken seriously, we should not have Ministers who are doing business with the Government. Could he substantiate or withdraw to maintain the integrity of this House?

Mr. Deputy Speaker: Order, Mr. Omingo! Do not try to ambush the Chair. I am very clear in my mind what you are alluding to.

Mr. Sirma: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for her answer. I would like to give this final chance to Mr. Korir, who is my colleague in the district.

Mr. Deputy Speaker: Next Question by Dr. Galgallo!

Mr. Sirma: On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: Order Mr. Sirma! I gave you an opportunity to ask a question.

Mr. Sirma: I gave the chance to Mr. Korir!

Mr. Deputy Speaker: It is out of order for an hon. Member who has been given an opportunity to ask a question to give the chance to another hon. Member. You are doing the work of the Chair. Mr. Sirma, knowing the rules of the House, you are not doing a favour to our friend by teaching him that way.

Next Question by Dr. Galgallo!

REPAIR OF MOYALE-DABEL ROAD

(Dr. Galgallo) to ask the Minister for Roads, Public Works and Housing:-

(a) Is the Minister aware that the Moyale-Dabel road has been washed away by the rains?

(b) Could the Minister urgently provide funds to repair this road and make it passable?

Mr. Deputy Speaker: Dr. Galgallo is not there? We will come back to the Question.

Next Question by Mr. Omamba!

REPAIR OF NYARAGO BRIDGE

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

(a) Is the Minister aware that Nyarago Bridge in Uriri Constituency has been swept away by floods and all activities have come to a stand still?

(b) What urgent steps is the Minister taking to repair and restore this bridge to enable the people of Uriri Constituency continue with their normal life?

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

(a) Nyarago Bridge is on Road D211, which runs from Uriri Road A1 junction, to Rapogi. The road connecting the bridge on the Uriri side was washed away due to heavy flooding.

(b) The Ministry has already sent Kshs1 million to the Provincial Works Officer to start the construction of a box culvert near Nyarago River Bridge. This will act as a relief in case of floods since the area is relatively flat and prone to flooding.

Mr. Omamba: Mr. Deputy Speaker, Sir, I want to thank the Minister for giving a relief to my people. Could the Minister be specific and give a timeframe within which the bridge will be completed? I visited the area last weekend and no construction work has started on the bridge.

Mr. Raila: Mr. Deputy Speaker, Sir, this is an emergency measure. The hon. Member will appreciate that as soon as we got the information, we sent the money to the Provincial Works Officer (PWO). I am sure the PWO will mobilise his officers to start the construction work. I can give an assurance that the construction work will start as soon as possible.

Mr. Kembi-Gitura: Mr. Deputy Speaker, Sir, at the risk of sounding like a stuck gramophone record, I notice that money has now been allocated to this road, which is a "D" road. I have asked a Question in this House on a bridge that collapsed in 1998 during the *El Nino* rains on Road C70 between Maragwa and Muranga districts and no action has been taken. What is the Government policy in giving priorities to projects? All of us should be treated equally and we should get these facilities when we need them.

Mr. Raila: Mr. Deputy Speaker, Sir, we give priorities to virtually all projects in the country. No part of the country can complain of neglect. However, there was the *El Nino* Emergency Fund, which was not put under my Ministry, but under the Office of the President. Then, there was created an *El Nino* Monitoring Unit in the Office of the President. That project is now being wound up and was handed over to us just four months ago.

However, the road the hon. Member is referring to has now been put into the Budget which we will be discussing later this month.

Mr. Samoei: Mr. Deputy Speaker, Sir, there is a question that the Minister has avoided to answer. It would be fair if he gave us a policy guideline. We sit at the District Roads Committees. The money that has been allocated to these committees is for road maintenance. District Road Engineers have told us that money allocated to the District Roads Committees (DRCs) is meant for roads maintenance and not bridges. Therefore, if one wants money to maintain a bridge, he or she has to write directly to the Ministry. We want policy guidelines so that we do not have to ask for favours. What policy guidelines does the Ministry have as far as maintenance of bridges is concerned?

Mr. Raila: Mr. Deputy Speaker, Sir, the hon. Member is right. The money we have for the DRCs is for maintenance of roads. If we were to put bridges under the same budget, they would consume most of the money required for road maintenance. We have a department that deals with bridges in the Ministry. It has officers all over the country. We shall issue it with funds once they are available. We are, however, making plans to have funds available throughout the country.

A number of bridges which have been washed away will be repaired. It is true that we have a number of bridges that have been washed away by rains and were not budgeted for. The little money we have is going to be distributed equitably throughout the country.

Mr. Omamba: Mr. Deputy Speaker, Sir, I appreciate what the Minister has done in my constituency. However, I have no knowledge of the box culverts. I see culverts at the top of bridges. Would box culverts stop water from flowing on top of a road?

(Laughter)

Mr. Raila: Mr. Deputy Speaker, Sir, the hon. Member has displayed his ignorance about box culverts. I am sure that he is not the only one without such knowledge. I want to inform him that culverts come in several dimensions. There are those that are circular and others which are in box shape. Others are triangular. They can be as tall as the hon. Member. He can walk underneath a box culvert. They are designed to accommodate the volume of water that is supposed to go through them. I want to assure the hon. Member that what will be constructed at Nyarago Bridge will accommodate all the water under it and not above it.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead this House and the nation that there was money given to DRCs for road maintenance? In my district, the money given was meant to run the DRC's office. An amount of Kshs2 million is used to run the DRC office and maintain the DRE.

Mr. Raila: Mr. Deputy Speaker, Sir, the hon. Member is very conversant with the Kenya Roads Board. If for one reason or the other the DRE has misappropriated the funds, the hon. Member has not reported the matter to my office.

OUTBREAK OF *STUKA*
DISEASE IN BARINGO

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

(a) Is the Minister aware that a strange disease, locally described as *stuka*, characterised by 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 for this disease?

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

(a) I am aware of the neurological condition affecting the spine of the thoracic and the thoraco lumbar regions. The local community around Lake Baringo refers to the condition as *stuka*.

(b) A district health team has been dispatched to the area. However, our findings show that a neurological disease which affects mainly male alcoholics is what is referred to as *stuka*. Although it is claimed that the disease has been in existence since the year 2000, morbidity reports from nearby health facilities do not reveal complaints about a disease such as this one.

Mr. Kamama: Mr. Deputy Speaker, Sir, the Minister has tried her level best to answer this Question. However, she has misled us. She has said the disease affects mainly alcoholics. That is not true. However, it is true that in most cases it affects males. Children between the ages of 10 to 12 years are suffering from a condition where their legs bend either inwards or outwards. Once it affects a man, he can take up to two minutes to get up.

(Laughter)

Mr. Deputy Speaker: Hon. Members should be attentive because this is an interesting issue.

Mr. Kamama: Mr. Deputy Speaker, Sir, the issue may appear hilarious. However, so far there are about 30 people already suffering from the disease. Most of them are males who are former fishermen. They lie down most of the time because they have difficulty in getting up. It takes them almost two minutes to get up. Once they get up, they experience difficulty in walking. They walk as if they are dancing to *ndombolo* music. That is why the disease is being referred to as *stuka*. I am happy that the Minister has dispatched a team to Baringo. However, we want a comprehensive answer brought to this House in two weeks' time, so that these people can be assisted because the situation is critical.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, as I have said, we have already dispatched a team to that area to do a study and report on the disease. Reports that have reached the Ministry of Health indicate that most of the people affected are alcoholics. Alcohol affects some of the body parts.

(Laughter)

Dr. Kibunguchy: Mr. Deputy Speaker, Sir, I am a medical doctor. Since my days at the medical school, I never came across a disease such as *stuka*. Could the Minister tell this House what kind of a disease this is in medical terms?

Mrs. Ngilu: I am sure Dr. Kibunguchy knows that the Ministry of Health has enough doctors, including himself. We do not have a medical term for this disease. However, we have described it as it appears in medical terms.

Mr. Poghio: Mr. Deputy Speaker, Sir, it must be made very clear that the name *Stuka* is used by the local people as a way of describing what happens when people wake up from the effects of that disease. The Minister is in charge of medical services and she can actually say which parts she is referring to, but she is not saying it. More importantly, I think this is a case of negligence by

the Ministry of Health. It has been going on for quite a while. I have been to that place and I have seen people with this condition. It is sad to say that the earliest medical reports are coming now and yet this disease has been in existence for quite a while. Even the El Molo people of northern Kenya who live around the lake are suffering from almost the same condition. You will find children having the same problem. There must be a Kenyan doctor who has seen these things. Could the Minister bring to this House the details of this disease because it has been affecting people in El Molo and now those around Lake Baringo. It must be associated with the lake. Could the Minister undertake to bring the medical details of this disease?

Mrs. Ngilu: Actually, I tend to agree with Mr. Poghiso because as much as I say that most of those who are affected are alcoholics, the reports that are reaching us appear as if most of them come from Kambi Ya Samaki, Kokwa Island and Komolion. All these areas are near Lake Baringo. I want to state here that those affected have been behaving like people who are drugged or drunk. So, this is being investigated and I will have a more comprehensive report when I get information from the Ministry.

Dr. Ali: Mr. Deputy Speaker, Sir, the Minister said earlier that this is a neurological disease, which affects the thoraco-lumbar region. Now she is telling us that it is associated with drunkenness. The behaviour of drunk people is known. They stagger around. But these are people who are sick and she told us that they suffer from a neurological disease. So, instead of associating it with drunkenness, could the Minister investigate and give us the cause of this neurological problem called *Stuka*, which is causing these people to walk as if they are dancing to the *Ndombolo* tune? This disease is different from drunkenness.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I said this is how the disease presents itself. This is what has been noticed. We are not taking this matter lightly. We are investigating and we will give a better report after investigations. I appreciate the concern of hon. Members, that anything that we notice should not be taken for granted. Similarly, we have also decided that we will assist all those people who are affected by alcohol. We will ensure that we stop the spread of these bad diseases that are affecting our people.

Mr. Deputy Speaker: Can we have the last supplementary question? This is an important Question and we have given it sufficient time.

Mr. Kamama: Mr. Deputy Speaker, Sir, I want to thank the Minister for that answer. I also want her to go into the details of this disease. It is also believed that minerals like fluoride, and even calcium could be the cause of this disease. Could she undertake to look into all related facts and issues?

Mr. Deputy Speaker: I do not want to answer for the Minister, but she has said more than once that she has sent a team to the field and it is investigating the disease. Now, Mr. Kamama you are asking whether she can investigate the issue further. Madam Minister, could you investigate further?

Mrs. Ngilu: Yes, I will do that. I will investigate further.

Mr. Deputy Speaker: For the second time, Dr. Galgalo's Question!

REPAIR OF MOYALE-DABEL ROAD

(Dr. Galgalo) to ask the Minister for Roads, Public Works and Housing:-

(a) Is the Minister aware that the Moyale-Dabel Road has been washed away by the rains?

(b) Could the Minister urgently provide funds to repair this road and make it passable?

Mr. Deputy Speaker: Is Dr. Galgallo not here? The Question is dropped.

(Question dropped)

ORAL ANSWERS TO QUESTIONS

Question No.079

ILLEGAL ACQUISITION/SALE OF NATURE HOUSE

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

- (a) whether he is aware of the illegal acquisition and sale of Nature House, LR. No.209/674, which is the property of the Union of Kenya Civil Servants; and,
- (b) what measures the Government is taking to salvage the property and return it to its rightful owners.

The Assistant Minister, Office of the President (Mr. Dzoro): Mr. Deputy Speaker, Sir, I would like to seek the indulgence of the House because there is quite some information that I have not received yet. I have talked to the hon. Member, so that this Question can be deferred until Wednesday next week.

Mr. Muriungi: Mr. Deputy Speaker, Sir, I wish to raise an objection to the manner in which some of my Questions are being handled. A month ago I asked a Question here which was deferred and has not been answered up to today. I am afraid that there is some information which is being covered up as far as this Question is concerned. The matter I raised in my earlier Question about a teachers housing scheme in Nairobi has now even been reported in the Press. Although I will accept the requested deferment, it is my hope that this House will get a satisfactory answer. But there seems to be a cover-up taking place with regard to the sale of this Nature House.

Mr. Deputy Speaker: Mr. Assistant Minister, I believe you have heard Mr. Muriungi's sentiments. This Question is deferred to 8th, Tuesday next week.

(Question deferred)

Question No.176

HEAD OF STATE'S VISIT TO MANDERA CENTRAL

Mr. Billow asked the Minister of State, Office of the President whether he could state when the Head of State is planning to visit Mandera Central.

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

His Excellency the President intends to visit all provinces in the country and inspect development projects. He has already visited the Rift Valley, Western and Eastern Provinces. Once plans to visit North Eastern Province are finalised, all leaders from the province will be informed accordingly.

Mr. Billow: Mr. Deputy Speaker, Sir, last year two Ministers visited Lamu and El Wak in my constituency. They promised the residents that the President would soon visit them. As many of

my constituents as voted for the official Opposition Leader also voted for the President. The President is the Head of State and the President for even all those who did not vote for him. I want the President to drive on the bad roads in my constituency, and come face to face with the stark poverty that is in my constituency. I want him to see children learning under the trees. He has the power, as, indeed, the former President did, of allocating resources.

Mr. Deputy Speaker: Mr. Billow, this is Question Time. Ask your question.

Mr. Billow: Mr. Deputy Speaker, Sir, since the President has the powers to allocate resources, could the Assistant Minister appeal to the President to visit my constituency during the current financial year?

Prof. Kibwana: Mr. Deputy Speaker, Sir, I must say I am very happy that the hon. Member from the Opposition is really desirous of a presidential visit to his constituency. The President does not give tokens when he visits places because he has made it clear that it is only through the Budget that development projects are processed unlike in the previous regime. As I have said, the President intends to visit the whole country, so that he is in contact with all those who elected him, and even those who did not. He has made it very clear that he will not simply work for areas from which he got most votes because he is the President of the whole of Kenya.

Mr. Salat: Mr. Deputy Speaker, Sir, while thanking the Assistant Minister for his answer, we are aware that there are some Ministers who are misleading the President. Can we have a guarantee that the President will visit Mandera?

Prof. Kibwana: Mr. Deputy Speaker, Sir, I am not aware of any Ministers who are misleading the President.

However, the answer to the question from the Office of the President is that there is a plan to visit North Eastern Province, alongside all other provinces of the Republic of Kenya.

Mr. Deputy Speaker: I would like to move on to the next Question. But before I do so, let me give this opportunity to Ms. Abdalla.

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

Mr. Deputy Speaker: Please, Mr. Owino, I have already recognized Ms. Abdalla. **Ms. Abdalla:** Mr. Deputy Speaker, Sir, the people of Mandera Central Constituency do not have access to the Kenya Broadcasting Corporation (KBC) television and radio. Most of them are not literate. So, they have not seen the President's portrait in the newspapers.

Mr. Deputy Speaker, Sir, just to remind these people that there is a new President, could the Assistant Minister assure us that the President will visit Mandera Central Constituency?

Prof. Kibwana: Mr. Deputy Speaker, Sir, since the Minister for Tourism and Information is here, I am sure he has heard the sentiments expressed by the hon. Member.

Mr. Deputy Speaker: Mr. Owino, what was your point of order?

Mr. Owino: Mr. Deputy Speaker, Sir, the Assistant Minister has denied the fact that some Ministers are misleading His Excellency the President. Yet, we read in today's newspapers that, indeed, some Ministers are misleading the President. Is he in order to mislead the House?

Mr. Deputy Speaker: Order! Mr. Owino, you cannot quote newspapers in the House!

Mr. Billow: Mr. Deputy Speaker, Sir, the President was elected through universal suffrage; all Kenyans elected him directly. I do not represent North Eastern Province, but I represent Mandera Central Constituency. I would like to know from the Assistant Minister exactly when the Minister, and not the President, will visit my constituency?

Prof. Kibwana: Mr. Deputy Speaker, Sir, I have heard the sentiments expressed by the hon. Member. I am sure that when the Minister or the President visit North Eastern Province, those sentiments will be taken into account.

Mr. Deputy Speaker: Next Question, Eng. Muriuki.

*(An hon. Member stood
up in his place)*

Question No.251

UPDATING OF KENYA
BUILDING CODE

Mr. Manoti, on behalf of **Eng. Muriuki**, asked the Minister for Roads, Public Works and Housing:-

(a) whether he is aware that the Kenya Building Code is still being published in imperial units; several decades after the country, including our learning institutions, converted to the metric system; and,

(b) what he is doing to correct this situation.

Mr. Deputy Speaker: Mr. Manoti, did you notice that another hon. Member stood up to ask the same Question? Did you have Eng. Muriuki's mandate?

Mr. Manoti: Yes, Mr. Deputy Speaker, Sir. I was with Eng. Muriuki at Hotel Inter-Continental for a meeting. He left to attend another meeting at the Stanley Hotel. Therefore, he requested me to ask this Question on his behalf.

Mr. Deputy Speaker: Very well. Let us hear the response from the Assistant Minister.

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

(a) It is true that the Kenya Building Code has yet to be converted into metric system. Hence, it is still being published in imperial units.

(b) The Ministry is in the process of preparing a new building code regulation to replace the old one. The new building code will address the shortcomings of the present one, and it will not only be based on the metric system, but it will also be simpler, easier to understand and apply. We expect this new building code to be operational in two months' time.

Mr. Manoti: Mr. Deputy Speaker, Sir, arising from the good answer given by the Assistant Minister, I would like to know why it has taken so many years for the Ministry to remember to consider this very important conversion, from imperial units to the metric system, which is being used by all institutions of learning?

Eng. Toro: Mr. Deputy Speaker, Sir, we are trying to rectify what went wrong during the reign of the previous Government.

Hon. Members: No! No!

Eng. Toro: Mr. Deputy Speaker, Sir, that is the truth!

The new building code that the Ministry is working on is purely based on the report of a commission that was appointed in May, 1996, by the former President after Sunbeam Supermarket building collapsed and killed 16 people. The commission came up with a draft Bill. It was shelved until recently when we got it from the shelves. The Ministry is working on it, so that we are able to ensure that the Bill and the regulations are ready. However, since the Bill will be subjected to an analysis by stakeholders, we will work on the regulations first, so that they can be released in metric system for use by Kenyans before the Bill comes to the House.

Mr. Muchiri: Mr. Deputy Speaker, Sir, the Kenya Building Code is a document that regulates the sizes of rooms, the materials to be used in houses, among other issues. Is the Assistant Minister aware that this code is colonial? It has hampered the development of houses in this

country. Is he also aware that there is great urgency for revising this code so that our people can have more housing units?

Eng. Toro: Mr. Deputy Speaker, Sir, the current building code was issued by the Minister for Local Government under Section 10 of the Local Government Act, Cap.265 through Legal Notice No.15 and it is known as "the Local Government Adoptive by-laws." These by-laws, cover normal houses under the Local Government Building Order (1968). Secondly, dwellings built in special areas under Local Government Adoptive by-laws and Grade II buildings Order (1968). These are the ones which are based on imperial units and they are the ones that we will update to be in conformity with international standards.

Mr. Manoti: Mr. Deputy Speaker, Sir, I do not have any further question since this will be coming into effect in the next two months.

Mr. Deputy Speaker: Very well! Next Question, Prof. Olweny!

Question No.124

EXPENDITURE ON SUGAR-CANE
TISSUE CULTURE

Prof. Olweny asked the Minister for Agriculture:-

- (a) how much money was spent on the sugarcane tissue culture project that was undertaken by KARI and Kenya Sugar Authority (now Kenya Sugar Board),
- (b) which company was contracted to undertake the project; and,
- (c) what the project has achieved.

The Minister for Agriculture (Mr. Kirwa): Mr. Deputy Speaker, Sir, I beg to seek the indulgence of the Chair to provide guidance on this particular Question.

As I was looking for the answer, I realized that the Public Investments Committee (PIC) has taken evidence on this matter as per the report of the Controller and Auditor-General. The report is yet to be tabled before the House. Therefore, answering this Question will effectively mean going against Standing Order No.71 which bars hon. Members from discussing any matter that is before a committee of the House.

Mr. Maore: On a point of order, Mr. Deputy Speaker, Sir. I believe if a Question is raised and approved by the Chair, it is incumbent upon the Minister to just respond as scantily and as accurately as possible without going into the details of the evidence.

Mr. Deputy Speaker: Hon. Members, I have to look at the Standing Order that was referred to and make a ruling on this matter.

This Question is, therefore, deferred pending a ruling from the Chair on the matter that the Minister has raised. The ruling will come in next week. This will determine when the Question will next be brought before the House.

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

Mr. Deputy Speaker: Prof. Olweny, please, bear with the Chair. I have promised that I will look at the Standing Order and what the PIC is doing, and compare to see whether there is any harm in answering it.

(Question deferred)

Question No.403

PURCHASE/DISTRIBUTION
OF AMBULANCES

Mr. Osundwa asked the Minister for Health:-

- (a) how many ambulances the Government has purchased since January, 2003;
- (b) whether she could give a breakdown of how the ambulances were distributed by district; and,
- (c) whether she could consider giving one to Makunga Rural Health Demonstration Centre, in Mumias Division.

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

(a) The Ministry of Health procured six ambulances with an additional 40 double-cabin pick-ups since January, 2003, to date.

(b) A total of six ambulances were distributed to various areas as follows:-

- (i) GK A381G went to Nairobi Health Management Board - Nairobi city Council (NCC)
- (ii) GK A382G went again to Nairobi Health Management Board - NCC
- (iii) GK A379G also went to Nairobi Health Management Board - NCC
- (iv) GK A384G was sent to the Moi International Airport (Port Health) - Mombasa.
- (v) GK A380G was sent to Muhoroni Sub-District Hospital in Nyando.
- (vi) GK A833G was sent to Makindu Sub-District Hospital in Makeni.

Out of those six ambulances, one of them was donated to the Ministry of Health by the Bank of Baroda, which requested us to send it to a hospital of our choice.

(c) Makunga Rural Health Centre shall be considered together with other health facilities, depending on the priorities. Those health facilities will be allocated ambulances in the next financial year, that is 2004/2005. Meanwhile, the Ministry of Health shall ensure that an ambulance, a Peugeot pick-up that is being used in that Health Centre using the Community Fund, is serviced and operational. Also, the health institution refers its emergency cases to Kakamega Provincial General Hospital, which is approximately 15 kilometres away from Makunga Rural Health Centre.

Mr. Osundwa: Mr. Deputy Speaker, Sir, I would like to thank the Minister for promising to give an ambulance to Makunga Health Centre during the next financial year. But as you know, this Question was partially answered by the Assistant Minister for Health. A question arose as to why the Minister removed an ambulance from Tseikuru Health Centre in Mwingi North, that is in Mr. Musyoka's constituency, to Mutomo Hospital which is a private institution! Secondly,---

Mr. Deputy Speaker: Order, Mr. Osundwa! One question at a time!

Mr. Osundwa: Haya! Jibu hiyo!

(Laughter)

Mrs Ngilu: Mr. Deputy Speaker, Sir, as I said, we support mission hospitals because they serve our people in areas where we do not have health facilities. However, I want to draw the attention of the hon. Member to the fact that, the dispensary he has referred to was given Kshs15 million only three years ago. Therefore, we have been servicing Tseikuru Health Centre more than any other in that region. So, we thought that another dispensary could benefit. An amount of Kshs15 million was given to that health centre and they did a lot of work. So, we are aware of what has been happening.

Mr. Marende: Mr. Deputy Speaker, Sir, I have looked at the list of the allocation of the 40 ambulances, and I sense that there was disparity. For example, where the Minister comes from, that

is Eastern Province, it got as many as ten ambulances, while Western Province got only four! Could the Minister explain that disparity?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, that is quite true. We looked at the needs arising from those areas and distributed the ambulances accordingly. I want to make it clear to the hon. Members that, what we purchased were not the regular ambulances---

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

Mr. Deputy Speaker: You are out of order! The Minister is answering a supplementary question. So, let her finish.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, as I was saying, what we distributed were not regular ambulances. Normally, regular ambulances have all the facilities. However, we bought double-cabin four-wheel-drive vehicles that would be used in those hard-to-reach areas. That is how we distributed them. However, in the year 2000, we distributed 70 ambulances, each to every district. Therefore, each district got an ambulance. However, most of them have broken down and we are going to replace them.

Mr. Deputy Speaker: Ambulances! Ambulances! Dr. Galgallo, Chairman of the Departmental Committee on Health, Housing, Labour and Social Welfare!

Dr. Galgallo: Mr. Deputy Speaker, Sir, I think the Minister avoided to answer the question raised by Mr. Osundwa about Tseikuru. I visited Tseikuru Health Centre when I was an Assistant Minister for Health. It is a very beautiful place which could be upgraded to a sub-district hospital. That is why, in the wisdom of the people who were distributing those ambulances initially, it was given a vehicle. Could the Minister, in the light of the information that I have given her, consider withdrawing one of the three ambulances that were given to NCC, or the one that was given to Moi International Airport, because the NCC can buy its own ambulance and the Government has literally closed the airport down? That is because Tseikuru Health Centre is a deserving case!

Mrs. Ngilu: Mr. Deputy Speaker, Sir, may I, first of all, correct the hon. Member. Moi International Airport has not been closed down! It is the Moi International Airport in Mombasa and not in Eldoret. I would like to make that clear to you.

I also say that, we cannot withdraw any ambulance from the NCC because we are now upgrading health facilities in Nairobi. We are doing what they never did during their time in power! We want to ensure that health facilities in Nairobi are available to those who live in slums and other places.

Mr. Osundwa: Mr. Deputy Speaker, Sir, the reason I asked this Question is because the ambulance that was given to Makunga Health Centre by the Ministry broke down more than ten years ago. I organised a *harambee* and we bought a boarded vehicle from Mumias Sugar Company. It is a private vehicle. Now, the Minister has said that she is going to repair a private vehicle. What is the Government policy? Is she going to repair a private vehicle using Government funds?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, first of all, I thank the hon. Member because he is more concerned about other people's dispensaries more than his. However, I would like to assure him that I am going to put him on the list. He is going to see service in that health centre. Please, do not avoid the Ministry of Health. Come and see us. We are going to repair the vehicle for the time being. We are also going to provide him with a vehicle.

Question No.356

STAFF/MEDICAL FACILITIES
FOR DIENYA DISPENSARY

Mr. Midiwo asked the Minister for Health:-

- (a) whether she is aware that Dienya Dispensary does not have adequate staff and medicine;
- (b) whether she could upgrade that dispensary to a health centre since it meets the requirements; and,
- (c) whether she could provide an ambulance to that remote dispensary since it serves thousands of people.

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

(a) I am aware that Dienya Dispensary has adequate supplies of medicines and trained personnel who are able to handle cases that are not complicated. The facility is managed by a senior paramedical staff who has a diploma certificate, that is the Kenya Registered Community Health Nurse (KRCHN), and two Kenya Enroled Community Health Nurses. There is also a community employed subordinate staff. The last dispensary Kit 1 and Kit 2 were supplied on 6th May, 2004 to the dispensary, and additional drugs were supplied according to demand by the centre from Siaya District Hospital.

(b) I am aware that Dienya Dispensary meets the requirements for upgrading. However, as soon as the Ministry receives the District Development Committee (DDC) recommendation, it shall be considered for upgrading, depending on the budget ceiling which will be given by the Treasury.

(c) Dienya Dispensary would be considered together with other health facilities on priority basis, to be allocated ambulances in the next financial year. That will depend on budgetary allocations. Meanwhile, ambulances allocated to district hospitals are accessible to all health facilities for referral purposes.

Mr. Midiwo: Mr. Deputy Speaker, Sir, I want to thank the Minister for the reply. But I also want to tell her that she has been misled. This is a community-built dispensary which was built up to standard by the community. All the community is lacking is the participation of the Government. The paramedical staff who are posted there do not go there regularly. They go there once or twice in a month. The dispensary is in a remote area and, therefore, the Minister should know that our patients cannot walk 30 to 40 kilometres to access health facilities yet we already have a dispensary. Could the Minister meet us half-way and post a doctor there in the meantime?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I cannot post a doctor there because that is a dispensary. However, I am going to consider upgrading it when we get a recommendation from the District Development Committee (DDC). Meanwhile, I want to challenge the hon. Member and all hon. Members here to check on their local dispensaries and they will find that we have now supplied them with adequate drugs. If hon. Members find that the dispensaries do not have adequate drugs, they should get in touch with the Ministry. It is just, maybe, that somebody has not done his or her work.

Mr. Deputy Speaker: We are going to move faster now. Mr. Kagwima and then I will give the final chance to Mr. Midiwo.

Mr. Kagwima: Mr. Deputy Speaker, Sir, part (a) of the Question touches on staff and medicine. I am happy the Minister has assured us about the supplies of medicine. But she is aware that all the medical facilities in the country are under-staffed. What measures is she putting in place to ensure that those health facilities are adequately staffed, because it is a major issue?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, it is true that all medical facilities in the country are under-staffed. That is why I am trying to bring up this Bill that has been published so that I can have the Ministry deal with infrastructure and health workers, and get the National Social Health Insurance Fund to deal with the curative aspect. So, I hope that once that Bill is passed, we shall ensure that we have adequate health workers.

Mr. Midiwo: Mr. Deputy Speaker, Sir, I hope the Minister realises that even if dispensaries

have drugs, they must have health technicians to dispense or prescribe them. That is not happening all over the country. However, since the Minister has just assured hon. Osundwa a few minutes ago that she is going to give an ambulance for his dispensary, could she assure people living around Dienya Dispensary of an ambulance in the next financial year?

Mrs. Ngilu: May I make a correction, first, Mr. Deputy Speaker, Sir. I did not say that I was going to send an ambulance, but I said I was going to send some form of a vehicle to that dispensary. So, let us first agree on the kind of vehicle I am going to send. Let me, again, say that I am aware that we do not have adequate health workers---

Mr. Poghio: On a point of order, Mr. Deputy Speaker, Sir. I do not know whether the Chair heard the Minister talking about sending "a form of a vehicle". If she sends a trailer there, it will not help!

(Laughter)

Mrs. Ngilu: Mr. Deputy Speaker, Sir, in fact, the other day I was considering that we do not have to spend all the money that we spend on vehicles. All that patients want, and I found this out when I visited Ghana recently, is to have some form of a vehicle that can take a patient from point A to point B, provided it can move. Patients cannot walk long distances. But if they can be driven---

What I saw in Ghana are some form of carts and they take, especially pregnant women, to the nearest hospitals. I was considering that we should have something like this for dispensaries here so that they can take people for some five kilometres to the health centres or hospitals.

(Laughter)

Mr. Deputy Speaker: Next Question, Mr. Oparanya.

Question No.339

UTILISATION OF LATF MONEY BY
BUTERE/MUMIAS COUNTY COUNCIL

Mr. Deputy Speaker: Is Mr. Oparanya not there? The Question is dropped.

(Question dropped)

Question No.361

ELEPHANTS MENACE IN
MALINDI DISTRICT

Mr. Kombe, on behalf of **Mr. L.B. Maitha,** asked the Minister for Environment, Natural Resources and Wildlife:-

(a) whether he is aware that elephants from Arabuko-Sokoke Forest constantly harass residents and destroy farm crops in Jilore and Malanga villages of Malindi District;

(b) whether he is further aware that forest rangers and wardens stationed at Jilore Station harass *mnazi* and charcoal dealers instead of patrolling the forest; and,

(c) what urgent measures the Ministry is taking to guarantee the security of residents and that of their crops.

(Prof. Maathai stood up, wearing a hat)

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Mr. Deputy Speaker, Sir, I beg to reply.

(Applause)

Mr. Sasura: On a point of order, Mr. Deputy Speaker, Sir. Certainly, hon. Maathai is a very charming lady in this House. But it would be very unfortunate that when she is answering the Question, we will not be able to see her eyes.

(Laughter)

Mr. Deputy Speaker: Order! Could we hear Mr. Sasura?

Mr. Sasura: So, would I be in order, Mr. Deputy Speaker, Sir, to request the Assistant Minister, through the Chair, to remove her hat for the time being?

(Laughter)

Mr. Deputy Speaker: Well, I would like to say this, as far as the hat is concerned, for ladies, it is optional; there is nothing wrong with it.

(Applause)

If she wants to have it on as she answers the Question, that is fine. If she wants to comply with Mr. Sasura's request, that is fine. So, it is up to you, Madam.

(Laughter)

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that elephants from the Arabuko-Sokoke Forest harass residents and destroy farm crops in Jilore and Malanga villages of Malindi District. This occurs between the months of December and January every year, when elephants move from Tsavo East National Park to Arabuko-Sokoke through their traditional migratory corridor which has now been occupied by people.

(b) I am not aware that rangers from Jilore Station and Arabuko-Sokoke Forest harass *mnazi* and charcoal dealers instead of patrolling the forest. However, I am aware that forest rangers arrested some villagers found burning charcoal and destroying the forest.

(c) The Kenya Wildlife Service (KWS) and the Forest Department have rangers stationed in Arabuko-Jilore-Watamu Marine and Malindi Marine Park to protect people and their property from wildlife menace. They are on the ground handling the problem through frequent patrols of the Arabuko-Sokoke Forest that covers an area of 420 square kilometres, between Malindi and Kilifi districts. The officers on the ground hold *barazas* to educate people on the importance of forests and wildlife and how to minimise the conflict.

Mr. Kombe: Mr. Deputy Speaker, Sir, I wish to inform the hon. Assistant Minister that where the elephants pass is not an area which was invaded by people; people have been living in those areas from a long time ago. They are attacked in their homesteads and there is no compensation at all. What measures is the Assistant Minister going to take to ensure that these people are compensated?

Prof. Maathai: Mr. Deputy Speaker, Sir, as we all know, and at the risk of this answer being a routine answer, wildlife and our people have lived harmoniously together for many years. These migratory routes were not actually clearly identified as such until the population and the encroachment has been such that we have come to interfere with the migratory corridors. However, in the past, when there were few people and there was enough habitat and vegetation, animals and human beings lived quite harmoniously together. The KWS is trying to ensure - because of this encroachment in the migratory routes and, therefore, conflict between wildlife and humans - that there are enough people stationed close by to ensure that people are not heavily inconvenienced by the wildlife. However, it is actually very difficult to control animals which are used to migratory routes.

The KWS is working on a Bill, and we have said this many times. That is why I said that I hope this does not appear like a routine answer. We hope that, when this Bill comes in, hon. Members will support it, because it is there that we have tried to re-introduce the ability of the KWS to compensate farmers who have their crops destroyed or even they themselves sometimes get killed. As we know, at the moment, the Ministry does not have the capacity to compensate. In some instances, such as in the Nairobi National Park, individual non-Governmental Organisations (NGOs) have come to the support of the local communities and have provided what we are calling "consolation funds" to support the communities. Until the KWS is allocated resources for compensation, it is very difficult to assure the hon. Member that members of the community will be compensated if their crops are destroyed.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! We cannot hear what the hon. Member is saying. Could we please listen?

Mr. Khamisi: Mr. Deputy Speaker, Sir, the same elephants that are terrorising Jilore and Malanga villages are the same ones which are actually terrorising my villagers in Bahari. They come all the way from the Tsavo National Park and hide in Arabuko-Sokoke Forest. Could the Assistant Minister tell this House what measures she will take to flush these animals out of this Forest so that they stop terrorising people in the surrounding villages?

Prof. Maathai: Mr. Deputy Speaker, Sir, I am not sure that there is anything I can add to what I just said. This is because the most we can do is to provide personnel, who are equipped, close by and who are able to intervene when these animals become a menace to members of the community. That is about all we can do. As for their movement, as we have said many times, animals move from one area to another as this is part of their way of life, and going into the forest is also part of their movement. We cannot really move them out of the forest. However, if they are a menace to the community then, definitely, our people there should ensure that they are forcibly moved from where people are back into the forest. We cannot forcefully move them back into the National Park as if there is no reason for them to move into the forest. There are no people in the forest and, therefore, they can stay there. They are only a menace when they come out of the forest and disturb people. If they do that, then the KWS has the responsibility of making sure that they protect the people, their property and, that they move the animals.

Mr. Deputy Speaker: Last question, Mr. Kombe! The Assistant Minister has provided adequate answers and so I will only allow one more question.

Mr. Kombe: Mr. Deputy Speaker, Sir, I think the Chair is becoming unfair to the Question because I have two more supplementary questions to ask!

Mr. Deputy Speaker: Order, Mr. Kombe! You are disrespectful to the Chair and I declare you disorderly! You are excluded from the proceedings of this House for the remainder of the day. Out you go!

(Mr. Kombe withdrew from the Chamber)

Next Question by Mr. Leshore!

Question No.332

RE-OPENING OF WAMBA POLYTECHNIC

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

(a) whether he is aware that Wamba Polytechnic was closed down some years ago; and,

(b) when the polytechnic will re-open.

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

(a) I am aware.

(b) The responsibility of re-opening Wamba Polytechnic lies fully in the hands of the local community.

As hon. Members know, the responsibility of building, equipping, staffing, managing and maintaining youth polytechnics all over the country is vested on the local communities. My Ministry, however, gives grants to top up salaries as requested by the various local communities which manage the youth polytechnics.

Mr. Leshore: Mr. Deputy Speaker, Sir, I am surprised that the Minister is misleading the House. This is because this Polytechnic was built, equipped, managed and staffed by the KANU Government, but when NARC took over, it died. The Minister is aware of that. Sometime ago he said that the NARC Government was going to revive all polytechnics in the country, manage, equip and staff them. Is he in order to mislead this House?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, the policy of the previous and present Government is that, youth polytechnics are managed, built and owned by the local communities. However, if Wamba Polytechnic received direct assistance from the Government, then it is one of the very few exceptional cases and there must have been a special reason that necessitated that decision.

Mr. Abdirahman: Mr. Deputy Speaker, Sir, I fully believe that the Minister is trying to abdicate the responsibility the Government has over its citizens. Polytechnics countrywide are either not fully operational or are like what Mr. Leshore has just mentioned. We all know that the youth policy is in its final draft. I want to know from the Minister what steps his Ministry will take to ensure that communities take up their responsibilities. Could he further tell this House the process in which he will hand over the responsibility from his technical officers to communities?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, we are all aware of the fact that the present policy of the Government on youth polytechnics is that they are owned and managed by the local

communities. The NARC Government has identified the importance of equipping the youth with skills and knowledge. This will help them create employment for themselves and also generate income that will improve their lifestyles. Also, in the process, this will improve the economic development of this country and help us, as a country, to achieve a greater level of advantage in the management of our economy. A couple of weeks ago, I did inform the House that my Ministry is preparing a sessional paper which will be presented before the House before the end of this year so that, together, we chart the way forward on how youth polytechnics will be developed and managed. This will also determine how they will contribute more meaningfully to the development of the country's economy.

Mr. Karaba: Mr. Deputy Speaker, Sir, the Minister is aware that we have very many teachers in secondary schools who were rendered redundant due to the phasing out of some technical subjects from the syllabus. Could he tell this House whether it is possible to deploy some of them to the polytechnics because they are really being run down?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, I agree with the hon. Member's sentiments but, as I said, we will present a Sessional Paper towards the end of the year. Considering the present position, there is very little that I can do. This is because teachers are employed by the local communities. That is the present policy. All the Government does is to issue grants to topup the salaries of those teachers in polytechnics.

Mr. Leshore: Mr. Deputy Speaker, Sir, I think this Minister is joking. He is talking about the NARC policy, and yet, he has not even brought the Sessional Paper before the House.

Mr. Mwakwere: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order really to say I am joking when I am answering this very important Question? Is that right and proper because I can also use some adjectives---

Mr. Deputy Speaker: I agree with you, Mr. Mwakwere. Mr. Leshore, could you withdraw that comment and apologise to him?

Mr. Leshore: Mr. Deputy Speaker, Sir, I do not think that the word, "joking" is unparliamentary.

Mr. Deputy Speaker: Order, Mr. Leshore! Could you withdraw and apologise to the House?

Mr. Leshore: Mr. Deputy Speaker, Sir, with your advice, I withdraw the comment.

Mr. Deputy Speaker: Very well. Now, ask your question!

Mr. Leshore: Mr. Deputy Speaker, Sir, I hope the Minister will not take this House as a street. Could he tell us when he will put in place this policy so that the NARC Government would be seen to be serious in the management of all polytechnics in the country, including Wamba Polytechnic?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, I am ready to respond to questions that are asked with seriousness that would contribute to the development and issues such as this one. What I said is extremely clear. If it was not clear, I will repeat for the hon. Member to understand. The present policy which was put in place by the previous Government, is the policy which we are still executing. This policy puts the responsibility of developing, managing, staffing and maintaining youth polytechnics squarely in the hands of local communities. I also did say that my Ministry is preparing a Sessional Paper that will be discussed in this House before the end of the year. We shall hear contributions from every hon. Member. The discussion arising from that Sessional Paper will chart the way forward for us, as a country, to make sure that youth polytechnics get the right attention of the Government and everyone of us in the country. If that is not fair enough, then I am ready to give more details to the hon. Member.

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. I also want to believe that the

Minister is misleading the House. The principals of technical training colleges are normally posted by the Ministry. So, is he in order to say that they are managed by the community when, indeed, the principals are posted to these colleges by the Ministry?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, principals of youth polytechnics are not posted by my Ministry. The Ministry only gives grants amounting to Kshs2,000 per teacher in all polytechnics. We have a budget of Kshs70 million for the whole country. In the case of Wamba Polytechnic, it is most unfortunate that they have not collected their grants for the last two-and-a-half years. So, the problem even started during the previous regime. It is not just under the NARC Government.

Mr. Deputy Speaker: Next Question, by Mr. Kagwima!

Mr. Kagwima: Mr. Deputy Speaker, Sir, I beg your pardon. I have a very important point of order on the previous Question with regard to the youth of this country.

Mr. Deputy Speaker: Okay! I moved from that Question to your Question. Could you, please, ask your Question?

Mr. Kagwima: Thank you, Mr. Deputy Speaker, Sir.

Question No.385

ENTRENCHMENT OF CO-OPERATIVE
MOVEMENT IN THARAKA DISTRICT

Mr. Kagwima asked the Minister for Co-operative Development and Marketing how much money the Ministry intends to spend in entrenching the co-operative movement in Tharaka District in the Financial Year 2004/05.

The Assistant Minister for Co-operative Development and Marketing (Mr. Kenneth): Mr. Deputy Speaker, Sir, I beg to reply.

The Ministry has provided, in the Draft Estimates for the fiscal year 2004/2005 a total of Kshs2.85 million to be utilised for co-operative activities in Tharaka District. Out of the Kshs2.85 million, Kshs1.85 million will be for recurrent expenditure and Kshs1 million for development expenditure.

Mr. Kagwima: Mr. Deputy Speaker, Sir, I am happy that the Ministry is very keen on reviving the co-operative movement. That is why the Ministry went as far as writing off debts amounting to about Kshs10 billion. Since the co-operative movement in Tharaka District is still young, is the Assistant Minister satisfied that the Kshs2.85 million is enough for the district? Is this amount enough to build an office for the officers, buy a vehicle and undertake training?

Mr. Shitanda: On a point of order, Mr. Deputy Speaker, Sir. Is it really in order for the Assistant Minister and the hon. Member to anticipate debate through this Question? They are talking about Estimates which are yet to be tabled before this House?

Mr. Kenneth: Mr. Deputy Speaker, Sir, the Question asks about what we are planning to do in the Financial Year 2004/2005. I only answered what we, in the Ministry, are planning to do for Tharaka District in that particular year. I gave the amounts that have been set aside for the district.

Moving on to Mr. Kagwima's question, first of all, I want to thank him for the role that he is playing to bring co-operative societies together in the constituency. However, so far, we only have five co-operative societies in that constituency, which is a one-district constituency. I hope we will be able, in the coming years, to provide for other infrastructure that would serve the constituency as the awareness of the co-operative movement grows in Tharaka Constituency. On the issue of an office, I think that Tharaka District can actually be served from Meru, for the time being, until such

a time that they will have enough co-operative societies to warrant us to have a full office in that particular area.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. The point of order raised by Mr. Shitanda is quite valid. In fact, if we start debating the upcoming Budget then we should authorise Parliament to have a Parliamentary Budget Office to start discussing the Budget before it is printed. Otherwise, how can we be fair to discuss one district when we cannot discuss the other districts?

Mr. Deputy Speaker: I certainly do not think that we are debating the Budget for the 2004/2005 Financial Year. I think this matter was clear. Could I have another question?

Dr. Ali: Thank you, Mr. Deputy Speaker, Sir. Could the Assistant Minister tell us the programmes his Ministry has for areas like North Eastern Province which have not benefited from the co-operative movement before? This is a general question.

Mr. Kenneth: Thank you, Mr. Deputy Speaker, Sir. I think we have held various meetings with stakeholders in North Eastern Province; particularly in establishing a co-operative society which will assist them. One such co-operative society has been on the abattoirs for livestock. This is under consideration by the Ministry.

Mr. Kagwima: Mr. Deputy Speaker, Sir, a while ago you may have heard the Assistant Minister say that Tharaka District can be served from the neighbouring districts because it does not have enough co-operative societies. I am also happy that he is aware that I have gone round the constituency and held discussions with close to 21 co-operative societies. What we do not have in that district is the ability for the co-operative officers to go and discuss with the co-operative societies which have been formed so that they can register them. If the Assistant Minister does not provide adequate money, then the co-operative movement will not take off.

Mr. Deputy Speaker: Mr. Kagwima, ask your question now!

Mr. Kagwima: Mr. Deputy Speaker, Sir, could the Assistant Minister provide adequate funds, including approaching a donor, so that he can raise a minimum of Kshs50 million for the co-operative movement to take off in Tharaka District?

Mr. Kenneth: Mr. Deputy Speaker, Sir, I thanked the hon. Member earlier on. At the moment, we only have five co-operative societies in Tharaka District. Actually, we have been sending extension officers from the neighbouring districts to Tharaka District to try and assist the district come up with a co-operative movement. I am sure this will bear fruits. We will establish an office as and when we feel that we have enough co-operative societies in that district.

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

Mr. Deputy Speaker: Order! Mr. Kagwima, I have given you more than enough time. That is the end of Question Time! I think I have requests from hon. Members who want to seek Ministerial Statements from Ministers. I will start with Mr. Poghiso followed by Mr. Sambu and finally Mr. Ivuti.

POINTS OF ORDER

SUSPENSION OF KENYA BY FIFA

Mr. Poghiso: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister for Gender, Sports, Culture and Social Services with regard to the stand-off between him, the Kenya Football Federation (KFF) and the Federation Internationale de Football Association (FIFA). Right now, the country is held at ransom because we have been suspended by FIFA and the Minister has not come here to tell us what is happening. What is the Minister doing about the international match scheduled for next Saturday? Why is he harassing the

KFF officials?

Mr. Deputy Speaker, Sir, I would also like the Minister to comment on the future of the young players whose profession is at stake. I would like to request the Minister to try and convince FIFA, before Saturday, so that it can lift the ban to allow the matches to go on as negotiations and investigations go on. This is a very urgent matter. The Minister should do some of these things very early next week.

Mr. Deputy Speaker: Very well! I think Mrs. Chelaite has heard what you have raised.

The Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite): Mr. Deputy Speaker, Sir, I will convey the message to my Minister---

Hon. Members: No! No! You are an Assistant Minister!

Mr. Deputy Speaker: Order! You are an Assistant Minister! Take responsibility!

The Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite): Mr. Deputy Speaker, Sir, I have a reason for saying that. But we shall issue the Ministerial Statement as soon as possible.

Mr. Deputy Speaker: I think that this is an important matter. The Minister should issue a Ministerial Statement on Tuesday next week.

BURSARY FUNDS ALLOCATION TO CONSTITUENCIES

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. I would like to seek a Ministerial Statement from the Ministry of Education, Science and Technology in the form of tabling the second allotment of the bursaries allocated to each constituency. We want to see the amount of money which was allocated to each constituency in the second allotment. The first allotment was simple and straightforward. Each constituency was allocated Kshs1 million, but we do not know the amount of money which was allocated in the second allotment.

Mr. Deputy Speaker, Sir, further, we would like to know the number of students in secondary schools per constituency and, finally, the formula which was used to calculate the amount of money involved. We also want to know whether the amounts have been disbursed.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, I think the amounts were given as well as the formula which was used to arrive at those amounts. But if the hon. Member wants to know whether the money has been disbursed or not, that is a different matter. But I think we explained the formula which was used and the amounts which were disbursed. We even gave the number of students per constituency.

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

Mr. Deputy Speaker: Mr. Sambu, I know you want to say that you want the information here!

Mr. Sambu: Yes!

Mr. Deputy Speaker: Mr. Assistant Minister, let more detailed information be brought to the House!

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, it is true *Kamukunji* is not Parliament. We shall issue the Ministerial Statement on Tuesday next week.

Mr. Deputy Speaker: Not in *Kamukunji* but in the House!

DISMISSAL OF CHIEFS BY HEALTH MINISTER

Mr. Ivuti: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister of State, Office of the President regarding a most unfortunate incident which took place in Mutomo Constituency which I represent. On Saturday 29th May, 2004 while on a ninth tour of my constituency, the Minister for Health, Mrs. Ngilu, who claimed to exercise some unspecified extra-Ministerial powers, inhumanly and instantly dismissed very innocent young chiefs. The names of the chiefs are Nako and Kitema. I have looked at our statute books and failed to find where Mrs. Ngilu got the powers from. Could I know whether the chiefs are still in office today or they were dismissed by Mrs. Ngilu?

(Applause)

Mr. Deputy Speaker: Mr. Ivuti, you have requested a Ministerial Statement on that matter.

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Deputy Speaker, Sir, I thought this would have been a very good Question and not a Ministerial Statement. I promise that--

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. Ministerial Statements are discussed by the hon. Members raising them with the Speaker prior to coming to the House. The Speaker makes up his mind before allowing them to be brought to the House. Is the Assistant Minister in order to question the authority of the Speaker?

Mr. Deputy Speaker: He is quite out of order! Mr. Assistant Minister, you will issue a Ministerial Statement on Tuesday on the matter raised by Mr. Ivuti!

The Assistant Minister, Office of the President (Prof. Kibwana): I will oblige, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: You have no choice, Assistant Minister!

(Laughter)

MINISTERIAL STATEMENTS

PRIVATISATION OF SOLID WASTE MANAGEMENT BY NCC

The Minister for Local Government (Mr. K. Maitha): Mr. Deputy Speaker, Sir. I rise to issue a Ministerial Statement on waste management partnership between the Nairobi City Council and Jacorossi Impresse International, which was requested by the Shadow Minister for Local Government.

Mr. Deputy Speaker, Sir, over the last two decades or so, there has been a marked decline in the standards of waste management in the City of Nairobi. The quantity of waste generated has increased at a time when resources available to the Nairobi City Council (NCC) to manage the waste have declined. This has led to a significant reduction in the amount of waste collected per day. The consequences of the above is the ever-deteriorating standards of cleanliness in the City. To make matters worse, there is only one dumping site in Dandora, and it is already full. Already, the people living near Dandora Dumping Site have started suing the NCC claiming that the garbage is overflowing to their homes and thus, seeking compensation from the NCC.

Sometime between 1996 and 1998, the NCC, the Ministry of Local Government and the Japanese Government conducted a study on solid waste management for the City with financial assistance from the Japanese International Corporation Agency (JICA). The study led to a ten-year

masterplan for the City on solid waste management. Some of the recommendations of that study were to restructure the Department of Environment, environmental closure of Dandora Dumping Site, construction of a sanitary plant in Ruai, proper involvement of the private sector in the operations, and development of by-laws to create a comprehensive legal framework for the management of waste.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the recommendations in the masterplan have not yet fully been implemented. The NCC awarded a contract for the construction of a sanitary plant in Ruai. However, this has not been completed, because the NCC is financially-handicapped. Since the sanitary plant in Ruai has not yet been completed, the Dandora Dumping Site cannot be closed down as there is no other alternative dumping site. The confusion in the sector has become even greater today compared to 1996. Although the NCC has involved local private companies in the collection of garbage, the daily collection by the NCC and the private companies is only 50 per cent of the garbage generated daily, and some of the companies have been found to be inefficient.

Mr. Temporary Deputy Speaker, Sir, in 1999/2000, different institutions and companies approached the Ministry of Local Government and the NCC. Growth African Consultants and Jacorossi Impresse SPA are among the companies which approached the NCC with a view to entering into a waste management partnership with them. After a few months, Growth African Consultants communicated with the NCC that the Danish Government, which was to fund the project, would only do so through a partnership with a private waste management company. It was not ready to form a partnership with the NCC. In effect, that left the NCC with Jacorossi Impresse SPA, which was keen to pursue a partnership with the NCC. Jacorossi Impresse SPA carried out an assessment and, relying on the study conducted by JICA in 1998, approached the NCC with a Memorandum of Understanding (MoU) on the partnership for better management of solid waste for Nairobi. This was in November, 2003.

The MoU was not signed as the NCC felt that it was necessary to go and see what expertise and capacity the company had in the field of waste management. This led to a study tour comprising of NCC officials, National Environmental Management Authority (NEMA) officials and councillors to Rome and Cairo. Subsequently, the team prepared a report and presented it to the Council, which approved the MoU for signing. The signing of the MoU delayed until 19th May, 2004.

The MoU is a document of intent to work together. It paves the way for the two parties to enter into a partnership, valuation of equity to be contributed by the parties and to formalise the partnership by registration of a partnership company later on. At present, no contract has been entered between the NCC and Jacorossi Impresse SPA. It was agreed that, after the signing of the MoU, Jacorossi Impresse SPA would present its proposals, which would be studied by the NCC; and, upon a Council resolution, the parties would enter into a tripartite contract to execute the project. Jacorossi Impresse SPA could not submit the proposal it has prepared without commitment by the NCC since it has incurred lots of expenses in carrying out that research.

The MoU was to form the basis of the joint venture in which the NCC would be a member of the Board of Directors making decisions on garbage management. The partnership will take on board all the members of staff in the Department of Environment and employ more people as the need arises; it will take on board the current local private companies that are involved in garbage

collection, all the scavengers at the Dandora Dumping Site and all refuse collectors; it will rehabilitate the Dandora Dumping Site and construct a new sanitary plant, a sorting plant and composite plant; it will be responsible for setting up---

The Temporary Deputy Speaker (Mr. Poghio): Order, Mr. Minister! How long is it?

The Minister for Local Government (Mr. K. Maitha): I am almost through, Mr. Temporary Deputy Speaker, Sir.

The partnership will be responsible for setting up and monitoring the standards of garbage collection and disposal, which is currently lacking as the collectors collect garbage and dispose of it anywhere.

Mr. Temporary Deputy Speaker, Sir, I have brought with me a copy of the signed MoU for perusal by the hon. Member.

(Mr. K. Maitha laid the document on the Table)

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, from the Ministerial Statement, there was no competitive bidding. We had asked about the process used in identifying Jacorossi Impresse SPA. There was no tender for this project. The Minister has talked about an MoU. I do not know whether this Government will honour MoUs any more. This must be one of them. It will be at a big price, if it is honoured. Could he tell this House whether the intention of his visit to Italy was to negotiate this tender, have the deal brokered and then come back to write this MoU?

The Minister for Local Government (Mr. K. Maitha): Mr. Temporary Deputy Speaker, Sir, I have never visited Italy! I do not know why the hon. Member is saying so. I have said that, in the year 2000, when he was an Assistant Minister in that Ministry, he is the one who authorised Nairobi City Council councillors--- I am just giving the facts! That is what the report says! Why are you worried? I have stated that this thing started from 1998, when he was there! It is during his tenure, as an Assistant Minister in the Ministry, that it approved the partnership! I want to correct the hon. Member by saying that private partnerships are not procedural tenders. That is because a private partnership is where somebody gives you free money when you do not have it.

(The Vice-President and Minister for Home Affairs was applauded as he entered the Chamber)

Mr. Temporary Deputy Speaker, Sir, for that reason, Nairobi City Council has private partnerships with various people. They include the Nairobi Central Business District Association (NCBDA) on beautification, rehabilitation of street families and the private sector. He is aware that Nairobi Water and Sewerage Department has a partnership with Friends of Nairobi in the conservation of City Park. There is construction of markets like Aga Khan and Kibera through the Asian Foundation. There is a partnership between City primary schools and teachers parents associations (PTAs). So, all those are private partnerships where people donate money and invest in the council. The council gets money out of the shares bought by the partners.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, as leaders of this City - I am elected in one of the constituencies in the City--- We are eight or nine! We are not about to allow Nairobi to be colonised by Parliament!

(Applause)

I, personally, live in Dandora! My house is very close to the garbage dumping site. Recently, the Nairobi City Council advertised tenders---

The Temporary Deputy Speaker (Mr. Poghisio): You were supposed to seek clarification!

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, that is what I am coming to. I am only reminding him of one or two things.

(Laughter)

Recently, the Nairobi City Council advertised tenders for garbage collection and I think some people were awarded those tenders. Those are our own Africans and Kenyans. But, just before that happened, some Italian, Jacorossi - or whatever he is - comes here and signs a memorandum of understanding! I hope it will not be honoured just like the other one!

(Laughter)

They signed a memorandum of understanding with some people to commercialise that job. First, could the Minister tell us why the job was awarded through single sourcing? Why were others not allowed to do the job? There are Kenyans who can do exactly the same job. Why was there a rush in signing the memorandum of understanding, even before the council itself debated the issue and passed it? Why were Nairobi leaders not involved in that matter? We think there is something sinister about that!

(Applause)

The Minister for Local Government (Mr. K. Maitha): Mr. Temporary Deputy Speaker, Sir, first of all, let me say that local authorities are autonomous. According to the law---

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are now getting out of hand! Cap.265 does not state that local authorities are autonomous! They operate under Cap.265. They are led by a Minister who is appointed by the President of the Republic. Where is the word "autonomy" coming from?

The Minister for Local Government (Mr. K. Maitha): Mr. Temporary Deputy Speaker, Sir, hon. Members make laws here! I want them to read the laws. Being the Minister for Local Government, Cap.265 says:-

"The local authorities will make recommendations and bring them before the Minister for approval."

So, they are autonomous! The same Act allows local authorities to venture into private partnerships. Here, we are not talking of single sourcing. We are talking of private partnerships!

Mr. Sambu: What is the difference?

The Minister for Local Government (Mr. K. Maitha): The difference is that, in private partnership, somebody brings you a free thing, whether you like it or not. In procurement, you have the money and you want to buy. For that reason, all the procurement process of solid waste management in Nairobi was not interrupted. I have read in this memorandum that those people have been incorporated. They will work together. They will only bring machines for the solid waste management, which we do not have. The Nairobi City Council does not have that kind of money to buy such machines. They are giving this City over Kshs3.5 billion! They will enable those who are collecting waste to do so. That is why the local authority has gone ahead to sign the memorandum

of understanding as allowed by the law. Local authorities are allowed to enter into partnerships as autonomous bodies.

Mr. Mwanzia: On a point of order, Mr. Temporary Deputy Speaker, Sir. I want follow up what Mr. Sambu had asked---

The Temporary Deputy Speaker (Mr. Poghisio): Order! What are you saying? What is your point of order?

Mr. Mwanzia: Mr. Temporary Deputy Speaker, Sir, I have worked in the local authorities for 22 years. I have been involved in technical calculations of some of those contracts. Is the Minister in order to say that local authorities are autonomous, when they are not? According to Cap.265, every deal, contract and everything done by any local authority, must be approved by the Minister! Could the Minister confirm to this House that, what the council did was without his knowledge?

The Minister for Local Government (Mr. K. Maitha): Mr. Temporary Deputy Speaker, Sir, I am very sorry because the hon. Member, having worked in local authorities for 22 years, does not distinguish the meaning of "partnership" from that of "procurement".

I have stated that Nairobi City Council, being an autonomous body, according to the Local Government Act, can make its own decisions and refer them to the Minister for Local Government for approval. I have even mentioned events in 1996, when he was still working with the Nairobi City Council.

Mr. Sambu: Talk about yourself!

The Minister for Local Government (Mr. K. Maitha): Mr. Temporary Deputy Speaker, Sir, the council has entered into talks with various people. I have mentioned many companies which have approached the Nairobi City Council and offered suggestions. I still confirm that the partnership bit with Nairobi City Council was authorised and allowed. I have even mentioned various partnerships which have been signed by the Nairobi City Council and have operated without any problem.

Mr. Ndolo: Mr. Temporary Deputy Speaker, Sir, I thank the Minister for that answer. But, late last year, we went to visit him in his office---

The Temporary Deputy Speaker (Mr. Poghisio): Are you seeking a clarification?

Mr. Ndolo: Yes, Mr. Temporary Deputy Speaker, Sir. Could the Minister clarify to this House whether there is no conflict of interest? That is because he has told us that there are some Nairobi City Council officers, councillors and even Nairobi area Members of Parliament who have been dealing in garbage collection business! Could he name the Members of Parliament and Nairobi City Council officers who are in that business?

The Minister for Local Government (Mr. K. Maitha): Mr. Temporary Deputy Speaker, Sir, with the indulgence of the Chair, I was asked to read a Ministerial Statement on the partnership on solid waste management. If the hon. Member brings a Question to that effect, I will answer it. The problem is that I am trying to explain this issue and some hon. Members are not understanding! That has proved what the hon. Member has asked. Some hon. Members are doing the same business and are worried that they are going to lose their contracts!

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

Hon. Members: Yes! Name them! Name them!

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! I heard the Minister well. He had tried to keep clear of the same. But now, he has brought himself into the same trap again. Mr. Minister, you actually brought it on yourself. So, name them!

The Minister for Local Government (K. Maitha): Mr. Temporary Deputy Speaker, Sir, I

just want to withdraw and apologise because I do not want to name them today. The hon. Member will bring a Question dealing with what I have said and I will table in this House a list of the Members of Parliament who are dealing with waste management and earning nearly Kshs20 million every week.

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

The Temporary Deputy Speaker (Mr. Poghio): Order! Mr. Minister, you are getting yourself into almost a smear campaign. You are basically coming back to saying that it is hon. Members of Parliament who are doing this business. So, you cannot withdraw with one hand and again deliver with the other hand. So, choose what you want to do!

The Minister for Local Government (K. Maitha): Mr. Temporary Deputy Speaker, Sir, I withdraw and apologise.

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Are you satisfied that the hon. Minister, who is my friend, is not taking this House for granted? Is he serious when he says that as Minister for Local Government that there are hon. Members with us here who are dealing in this business and then he withdraws? I am concerned that the dignity of this House is at stake and this should not be taken lightly!

An hon. Member: So?

Mr. Sungu: So, he should name them right now!

An hon. Member: He withdrew!

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. If you read the paper laid on the Table under the Memorandum of Understanding (MOU), you will see a company that is not saying that they do this business but it is a company registered in Port Louis, Mauritius, with offices in Nairobi. That is Clause C. It reads:-

"Ancet Africa Limited. A management company duly registered in Port Louis, Mauritius with offices in Nairobi is the agent for Jacorossi International Ltd. in East Africa".

Mr. Temporary Deputy Speaker, Sir, if you go down, you will find there is a clause also talking about project costs. The first sentence says:-

"The parties concur at this stage that the exact investment costs of the project are not known. Only a budgetary estimate has been provided by Jacorossi International Ltd. in its first feasibility study to the City Council of Nairobi".

Mr. Temporary Deputy Speaker, Sir, next is where the problem lies and it is in financing. It reads:-

"The parties agreed to co-operate in securing the required project financing for the project with a clear understanding that City Council of Nairobi's contribution will be in kind".

Mr. Temporary Deputy Speaker, Sir, if you read this kind of contract, Clause 9 is talking about confidentiality. It reads:-

"All the information which the parties will come into possession of in the course of this co-operation will be treated in strict confidentiality".

(Applause)

Mr. Temporary Deputy Speaker, Sir, under what circumstances would a public entity like the City Council of Nairobi or Government go into some "secret deals" that are called "confidential" and yet the Minister is telling us that it was transparent? The clause says it is "confidentiality". Which of the two do we believe?

The Minister for Local Government (Mr. K. Maitha): Mr. Temporary Deputy Speaker, Sir, if the hon. Member heard me, I had tabled that MOU in trust that the Members of Parliament

will read it and know what the City Council of Nairobi signed with those people. But I have said in the MOU that:-

"In the MOU, it was agreed that after the signing of the document (MOU), Jacorossi International Ltd. will present its proposal which they have not done. The same will be studied by the Council and, upon acceptance of the proposal by the Council, that is through a Council resolution, the parties will not enter into a separate contrary project".

Mr. Temporary Deputy Speaker, Sir, they have not brought the proposal. When they bring the proposal, the Nairobi City Council will be required to sit down and study it and then make recommendations which we are waiting to do.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Even if I allowed all of you to raise points of order, we cannot solve this issue right now. I would like to recommend, and I think the Minister can actually do it, that he forwards this issue to the Departmental Committee that deals with local authorities so that we can move on to another Ministerial Statement.

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. I concur with you that this issue should go to the relevant Departmental Committee of the House which deals with the policies of this Ministry. However, could you stop the further signing and committing of the Nairobi City Council to this contract before the Departmental Committee on Local Authorities has met the Minister and approved or disapproved it?

The Temporary Deputy Speaker (Mr. Poghisio): Let us hear from the Minister on that.

The Minister for Local Government (Mr. K. Maitha): Mr. Temporary Deputy Speaker, Sir, I have no power to stop a local authority from doing its usual jobs. I will appear before the Departmental Committee and present this paper. However, I have explained that nothing has been signed. The Nairobi City Council has not even sat to make any recommendations. This MOU can be discussed by the Departmental Committee and make recommendations to me which I will communicate to the Nairobi City Council and I oblige on that.

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! This is a copy of the contract that has been brought to me and it is already signed. Clause 11 reads:- "This MOU shall come into force upon signature of the same by the parties".

Mr. Minister, what do you have to say on this because it is signed on May 2004? I need your input on this sentence because it looks contradictory to what you have said.

The Minister for Local Government (Mr. K. Maitha): Mr. Temporary Deputy Speaker, Sir, you have already referred this contract to the Departmental Committee but I have already gone through that MOU. When it was signed between the parties, it was agreed that, after signing of the document, Jacorossi International Ltd. would present its proposal to the Nairobi City Council which they have not done. Then the Nairobi City Council will sit and go through the proposal and it has the right to reject or accept it. That is what the MOU says but that will be explained to the relevant Departmental Committee.

Mr. Sambu: What is it?

The Minister for Local Government (Mr. K. Maitha): It is an MOU!

The Temporary Deputy Speaker (Mr. Poghisio): We have another Ministerial Statement from Mr. Kirwa. Go ahead and issue it!

IMPORTATION OF SUBSTANDARD
FERTILISER

The Minister for Agriculture (Mr. Kirwa): Mr. Temporary Deputy Speaker, I wish to

issue a Ministerial Statement arising from an issue raised by hon. Mwanicha. As I promised the House, I am going to issue a Ministerial Statement on the status of tea fertiliser NPK 25-55 imported by Kenya Tea Development Agency (KTDA).

KTDA, as the lead agency in the tea sub-sector, has a mandate to import fertiliser for tea farmers especially small-scale farmer through their respective factories. The fertiliser requirement for this year was, and still is, 65,000 metric tonnes. The Agency initiated a tendering process which, after evaluation, was awarded to Transamonia Company. The first consignment of 23,000 metric tonnes arrived---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Please, when the Minister is issuing a Statement, you should be listening. Those of you who want to withdraw from the Chamber, should do so quietly and then let us consult in low tones. Proceed!

The Minister for Agriculture (Mr. Kirwa): Mr. Temporary Deputy Speaker, Sir, the first consignment of 23,000 metric tonnes arrived on 12th May, 2004, via vessel, MV Lockren. The fertiliser was subjected to pre-shipment inspection by Bureau Veritas, based in Germany. The analysis indicated that the total nitrogen content exceeded the upper statistical tolerance level of 26.1 per cent by 0.24 per cent, as provided for in the Bureau of Standards 158/199 for MPK2555. Consequently, a clean report of finding a document necessary for the clearance of the fertiliser could not be prepared. This has been the core of the contention by the supplier. Since the arrival of the fertiliser, it is being held offshore and has not been cleared as of now. In order to facilitate resolution of the matter, I constituted a technical committee comprising Kenya Agriculture Research Institute (KARI), Tea Research Foundation (TRF), KEPHIS and Ministry of Livestock and Fisheries Development officials, the Kenya Tea Development Agency (KTDA) and my Ministry, to look at the implications of the 0.4 per cent deviation in nitrogen on performance of the tea crop.

Mr. Temporary Deputy Speaker, Sir, technical experts explained that the level of nitrogen applied by farmers currently, was based on recommendations that would give economic yield levels, and this was still below the nutrient requirements to attain maximum yield levels. This is the reason why farmers applied top-dressing fertiliser, which is Urea in this case, as nitrogen level of 46 per cent to enhance yield of the tea crop.

The committee noted that KTDA gave minimum specifications, that where fertiliser nutrient exceeded the minimum limits set in the specifications, then this becomes a benefit, except where there is a problem of toxicity. In this case, it was not expected because 0.4 per cent nitrogen is an added benefit to the farmers going by the said specifications. Based on observations by the technical committee KTDA, as the owner of the goods, has already written to the Kenya Bureau of Standards (KEBS) to appeal against the decision not to clear the fertiliser. However, information available in my office this morning is that Transammonia Company which is the company that brought the fertiliser to the Port of Mombasa has now decided to take the vessel and the fertiliser back to the country of origin, because they have been incurring a lot of demurrage charges at the Port of Mombasa, occasioning a loss per day of US\$2,500 on each of the containers not off-loading.

Mr. Mwanicha: Mr. Temporary Deputy Speaker, Sir, the issue of fertilisers for tea farmers is a problem that has been raised in this House several times. Once again, this year, fertiliser has been imported and it has now to be returned. I am happy that the fertiliser is being returned. However, before the fertiliser was shipped into the country, there was pre-shipment inspection by a renowned international company; Bureau Veritas. Could the Minister tell the House, candidly, that the fertiliser will actually be returned and that farmers will not be made to meet any costs of insurance, freight and demurrage?

The Minister for Agriculture (Mr. Kirwa): Mr. Temporary Deputy Speaker, Sir, the position is that the goods in Mombasa, up to the time the vessel left for the Port of Mombasa, belonged to the company that was selling the fertiliser to KTDA. Therefore, KTDA has no

responsibility, whatsoever, over the issue of fertiliser at the Port of Mombasa.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, could the Minister clarify, once and, for all the mandate of KTDA over the individual tea factories, because when we amended the Act here, we changed KTDA from an authority to an agency? Individual tea factories are not under any obligation, whatsoever, to do business through KTDA. I know several tea companies which want to act independently, but they are being forced by KTDA and certain officials to do business with KTDA. We would like the Departmental Committee on Agriculture, Lands and Natural Resources to summon the KTDA officials and make it clear to them that they have no authority, whatsoever, over the tea factories. In fact, even for the tea brokerage in Mombasa, factories are free to appoint their own tea brokers.

The Temporary Deputy Speaker (Mr. Poghio): Mr. Sambu, were you seeking clarification or you were giving more information?

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, when you are aware of something, you have to tell them.

The Minister for Agriculture (Mr. Kirwa): Mr. Temporary Deputy Speaker, Sir, that is far from it. Indeed, I am aware and I am in charge of my Ministry. The truth of the matter is that the hon. Member is right. The KTDA is an agency and each of the 53 factories, if they so wish by making a resolution to pull out of the management of KTDA, are at liberty to do so. They are not under any obligation; under the law or under the sun to do business with KTDA.

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, I would like the Minister to clarify to the House whether he is satisfied with the expertise that the KTDA management board receives because, as far as I know, this is the second time we are experiencing a problem about the content of some products ordered for by the KTDA. We had a similar issue last year and this is the second one. Is the Minister satisfied that he actually has a good management board at KTDA?

The Minister for Agriculture (Mr. Kirwa): Mr. Temporary Deputy Speaker, Sir, indeed, that is a very important issue. Given the two particular events that occurred last year, and this year. I have taken a deep thought into issues pertaining to our soil requirements and the management of various parastatals under my Ministry and such organizations as KTDA. It is a matter that I am giving serious consideration to and I will soon make serious public pronouncements about the way forward as far as various parastatals are concerned.

Mr. Temporary Deputy Speaker, Sir, I beg the indulgence of the House and all hon. Members of Parliament, that when I make a painful surgery, they should give me support because many heads are likely to role.

(Applause)

Mr. Muiruri: Mr. Temporary Deputy Speaker, Sir, I know the Minister is doing his very best to get rid of scandals in the parastatals under his Ministry. However, last year, KTDA imported fertiliser without sulphur, yet it is a very important component in fertilisers. Officers of KTDA appeared before the Departmental Committee on Agriculture, Lands and Natural Resources and admitted that the whole affair was scandalous. The fertiliser came from Romania and the importer was none other than the famous, crooked Mr. Somaia. This is the second time such a thing is happening. We know that KTDA is not a parastatal, but a company. How is the Minister going to deal with the problems facing the management board of a company which is not a parastatal? Tea farmers are very angry because of the kind of fertilisers they are getting. Besides, they can now not even get the fertiliser because it will be returned. What is the authority of the Minister as far as this matter is concerned?

The Minister for Agriculture (Mr. Kirwa): Mr. Temporary Deputy Speaker, Sir, admittedly, KTDA is not a parastatal. However, under the Agriculture Act, the Minister has powers

to intervene so as to introduce sanity and give direction whenever farmers are subjected to any form of harassment or injury.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Manoti, just seek clarification from the Minister!

Mr. Manoti: Mr. Temporary Deputy Speaker, Sir, before any importation of any goods is made, a revocable rate of credit is opened by whoever is importing and is subject to pay some commission to the bank which stands surety. Since this matter is taking too long to be resolved, who is going to meet that cost?

The Minister for Agriculture (Mr. Kirwa): Mr. Temporary Deputy Speaker, Sir, as I said earlier; and I honestly said so, the information available to me is that the goods at the port of Mombasa belong to the company up to the time when they were delivered to the Kenya Ports Authority. As of now, the transaction between the two organizations is a matter which I am going to check, and I will ensure that if there is any loss occasioned because of--

Mr. Mwanicha: On a point of order, Mr. Temporary Deputy Speaker, Sir. A consignment worth Kshs2.3 billion cannot be imported unless there is an importer who will open an irrevocable letter of credit to guarantee that he will take the goods. The Minister is misleading this House that the goods were just being brought by a customer. Is he in order to mislead this House?

The Minister for Agriculture (Mr. Kirwa): It is not my habit to mislead the House. The issue, as I said earlier, is that under the same letter of credit, there must be some conditions to the effect that you must meet the specifications as per that letter of credit. If there is any deviation from those specifications, the onus is on whoever has breached the contract. I think that is the position, and I will confirm to the House if anything is to the contrary.

The Temporary Deputy Speaker (Mr. Poghisio): Very well. I think the Minister has handled that issue very well. Now I will ask the Minister for Livestock and Fisheries Development to make his Statement.

REVIVAL OF KENYA
MEAT COMMISSION

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, yesterday, the hon. Speaker requested me to give a Ministerial Statement today, regarding the date of opening of the Kenya Meat Commission (KMC). Before I finally tell you the date of opening of the KMC, let me first say one thing. The KMC was established by an Act of Parliament--

Mr. Wario: On a point of order, Mr. Temporary Deputy Speaker, Sir. You remember---

*(Mr. Munyao continued standing
in his place)*

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, hon. Members! You cannot have two hon. Members on their feet at the same time. One has to yield so that the other one can be on his feet.

Proceed, Mr. Wario!

Mr. Wario: Thank you, Mr. Temporary Deputy Speaker, Sir. You remember that I stood on a point of order to seek a Ministerial Statement from the Minister concerning the gazettement of the board of directors, plus the company secretary, and the managing director of the KMC. I was not concerned with its date of opening; I am not interested in that!

The Minister for Livestock and Fisheries Development (Mr. Munyao): I am not even addressing myself to that issue, because I did that last week! I cannot repeat what I said last week;

we cannot keep on doing one thing. I covered every thing that was required. I have also established that the names and all the details of the people who were appointed are available on the internet. If the hon. Member does not have access to the internet, I welcome him to my office this afternoon to check on those details. I am responding to the point which was raised by the hon. Speaker yesterday.

The Temporary Deputy Speaker (Mr. Poghismo): Order, Minister! I am not sure that you have the capacity to host all of us to access the internet in your office. So, you cannot open up the internet in your office for all of us. Basically, I can remember I was in the Chair yesterday and you were not actually present here.

The Minister for Livestock and Fisheries Development (Mr. Munyao): I was.

The Temporary Deputy Speaker (Mr. Poghismo): At the time when the issue was raised?

The Minister for Livestock and Fisheries Development (Mr. Munyao): No, because I--

The Temporary Deputy Speaker (Mr. Poghismo): Order! So, the idea was actually about the appointment of the board of directors and not the date of opening. That is what was ruled from the Chair yesterday.

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, before you took the Chair yesterday, I had clarified the matter to the previous Speaker before you took the Chair. He asked me to come before the House today and state when the KMC was going to open. That is what I was preparing to address today. Last week, I covered all these other issues to do with the names, because at one time they appeared in the newspapers, and they will appear again. Just wait and listen to what I am going to say.

Mr. Wario: On a point or order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghismo): Order! Let me make a clarification. Order, hon. Members!

If an hon. Member of Parliament seeks a Ministerial Statement, the ruling does not come from the Chair. The statement is sought by an hon. Member of Parliament and the Minister has to produce that particular Ministerial Statement. In this particular case, I remember it was carried forward because the feeling was that the qualifications of these people could not be found in the ordinary data that we are talking about. I think that issue was deferred at that time and the Minister was asked to come up with further information. That is my recollection, and I think that is what Mr. Wario is asking for. It can never be between you and me, Mr. Munyao. But it is really between what was raised by the hon. Member and you as a Minister. So, I need to know the next cause of action if you guys cannot agree on the statement that you have been asked to give.

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, the HANSARD of last week is my witness. I was stating---

The Temporary Deputy Speaker (Mr. Poghismo): The HANSARD of yesterday?

The Minister for Livestock and Fisheries Development (Mr. Munyao): No, not yesterday, but last week when I was making my statement. I covered all the procedures up to the end, and it was even agreed that the--- The habit of this House is that you do not lay on the Table what is available elsewhere. These things were gazetted---

The Temporary Deputy Speaker (Mr. Poghismo): Order, Minister! You have not had any problem with the hon. Member. Basically, what we are saying here is that--- I am going to make a ruling very soon because I do not have to be exchanging words with you. The information about these people, their certificates or their qualifications is not available on the internet. Those are the details which were asked for. If they are available, then refer people to that particular gazette or website which has all those details.

However, if you are challenging the HANSARD, I am prepared to go back and consult the HANSARD. I am also prepared to defer this issue to Tuesday, next week.

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

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, I will be the last person to argue with you, and if there is any more information which is required---

The Temporary Deputy Speaker (Mr. Poghisio): There is a point of order, Mr. Munyao! Proceed, Mr. Ethuro!

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I was just wondering if it is in order for the Minister to give additional information on his own volition, realizing that after that, he still has to answer the questions that have been raised by hon. Members.

The Temporary Deputy Speaker (Mr. Poghisio): Actually, it is a Ministerial Statement from the Minister, and it is all up to him to issue it. But it is up to the hon. Member who asked that question. So, let us hear him out; maybe he has the information that you are looking for.

The Minister for Livestock and Fisheries Development (Mr. Munyao): Before I was interrupted, I was saying that the KMC was established under an Act of this House, Cap. 363. If I may just quote one clause which says:-

"The Chairman shall be appointed by the President; six members to be appointed by the Minister; and the Permanent Secretary, Treasury; the Permanent Secretary, Ministry of Livestock and Fisheries Development and the Director of Veterinary Services".

The delay in opening the KMC arose--- I had done my part by appointing the Commissioners whose names I will be reading here. However, the President delayed a little bit in appointing the Chairman, but he completed that task yesterday. A special Kenya Gazette will be appearing on Monday or Tuesday next week, listing down all the appointed commissioners. I will inaugurate the KMC on Wednesday, and soon after, the Commissioners will start the procedures of opening up the KMC.

Mr. Temporary Deputy Speaker, Sir, it is in the interest of Kenyans to know this. These individuals will be available that day. In fact, they can be physically felt. *Unaweza kuwasalimia*.

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

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, I apologise for that. If hon. Members would still like me to bring the list of the names, I will bring it on Wednesday next week. I would be the last person to argue with the Chair.

Mr. Temporary Deputy Speaker, Sir, I had a second statement. Can I go ahead and make it?

The Temporary Deputy Speaker (Mr. Poghisio): Can we seek clarification on that particular Statement?

Mr. Wario: Mr. Temporary Deputy Speaker, Sir, I cry for Kenya. This is unfortunate. I raised a point of order through the Chair, and the Chair instructed the Minister to bring the statement today. The statement is about the gazette of the names of the board of directors, the managing director and the company secretary of the Kenya Meat Commission. The Minister is now telling us that we have to wait for him to bring the Kenya Gazette on Tuesday, next week. Is that the way Parliament transacts its business? I beg the indulgence of the Chair. I want a statement and not the Kenya Gazette.

The Temporary Deputy Speaker (Mr. Poghisio): Can you clarify what you want?

Mr. Wario: Mr. Temporary Deputy Speaker, Sir, I challenge the Minister to table before the House the names of the chairman, the vice-chairman, the managing director and the company secretary of the KMC. You would realise that they are all Kambas from the Minister's location. Where are other Kenyans?

The Temporary Deputy Speaker (Mr. Poghisio): Let him verify that.

Mr. Wario: Mr. Temporary Deputy Speaker, Sir he is talking about the inauguration of the board of directors and not about its composition.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Just sit down, Mr. Wario! The

Minister has the capacity to tell you all that even now.

Mr. Wario: Mr. Temporary Deputy Speaker, Sir, you cannot let him get away with it like that.

The Temporary Deputy Speaker (Mr. Poghisio): He is going to respond to you, Mr. Wario.

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, the Act provides for the position of the chairman only. We do not have the position of a vice-chairman. Therefore, I correct the hon. Member on that.

Secondly, if you still want me to bring the list of the names, I will bring it, including their ages and other things. There are no Italians or Germans in the list. They are all Kenyans and represent the 31 million Kenyans.

Mr. Ngoyoni: Mr. Temporary Deputy Speaker, Sir, we hear about corruption from the Government's side every other day. That is their pet topic. If nepotism, tribalism and favouritism is not corruption, what is corruption? All the names in that list are Kamba names from the Minister's constituency except one from Wajir. This one hails from his Assistant Minister's constituency. It is as if they agreed with each other on what they wanted.

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, you will bear me witness that I will be the last person to be a tribalist. When I was the Secretary-General of the Democratic Party, I had members from the hon. Member's area. I had members from all the 42 tribes in Kenya. I am still advocating that Kenya must be proud of all Kenyans. In fact, details of where one comes from should not be indicated in application forms for employment in Kenya because we want to build one Kenya.

Mr. Y. Haji: Mr. Temporary Deputy Speaker, Sir, this is an hon. Minister. He has tried his best and I think we should give him the benefit of doubt.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, the Minister is trivialising a very grave matter. He is reading the Act selectively. One of the objectives in that Act is that the Kenya Meat Commission (KMC) was created to be a disaster management agent and at the height of drought, it should be able to destock. That, by necessity, implies that most of the members of the board should be people who have the stock to destock. We do not care whether he is for or against tribalism. The issue is that the chairman, the vice-chairman, the company secretary and the managing director come from his home location. Can he deny or confirm that?

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Minister, incidentally, where do these people come from?

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, I agree with that hon. Member about the objective of the KMC. When we were appointing these people, we actually looked into this objective. All these people are from the ASAL areas. The senior person comes from Turkana. We took into account that objective.

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

The Temporary Deputy Speaker (Mr. Munyao): Order! Order, hon. Members! I think everything is all right.

Mr. Minister, you have made it very clear that you are not a tribalist, but you can clear the air about the chairman, vice-chairman and the company secretary that the hon. Members are talking about. Do they come from your location? It is in your interest to say so, but it is up to you.

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, I will bring the list of the names on Tuesday or Wednesday next week. Before I do that, I want to clarify that there is no position of a vice-chairman. The company secretary has

been there for 20 years. He was there even before I became the Minister. When the institution was under receivership, he was still the company secretary.

The Temporary Deputy Speaker (Mr. Poghisio): Can we leave that issue now?

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, this issue is very important. We are talking about the livestock industry in Kenya, which the Minister knows is one of the crucial sectors that we need to do a lot about, if we are to improve the GDP of this country and create employment. It is that serious. It is also the livelihood of quite a substantial population of this country. The Minister has said that he will bring the list of the names, showing the ages and other things. Those other things should include their qualifications and locations of birth.

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, I will do that. I believe that the issue of locations and districts should not to be used as a criteria for appointments, because we are building one Kenya. Three-quarters of the members of that board come from the hon. Member's backyard and I will bring the list on Tuesday next week. In fact, some of them share the same name with him.

The Temporary Deputy Speaker (Mr. Poghisio): I think we have taken too long on this issue.

Mr. Bahari: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House that some of those members come from my backyard? The list, as gazetted, has nobody from the entire upper Eastern Province, Isiolo, Marsabit, Moyale, Bura and Tana River.

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, may I seek your indulgence for everybody to wait until Tuesday. The areas the hon. Member has mentioned are in Kenya. So, if the list contains a name of anybody from outside Kenya, the hon. Members should challenge me. I will bring the names of Kenyans.

Can I go to the next statement?

Mr. Wario: On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to seek the indulgence of the Chair. It is now the third week since I asked for this Ministerial Statement. What we have seen today is what has been there all along. I am raising a very important issue. I was the Chairman of the Kenya Livestock Marketing Council when the Minister was the Secretary General of the Democratic Party. When will the Minister furnish this House with the list of the names we have asked for?

The Temporary Deputy Speaker (Mr. Poghisio): The Minister has already agreed that he will bring the list on Tuesday next week.

The Minister for Livestock and Fisheries Development (Mr. Munyao): I will bring it on Wednesday afternoon, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): But that is when you will inaugurate the board! When are you bringing the list to the House?

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, I will bring a Ministerial Statement here on Wednesday afternoon.

The Temporary Deputy Speaker (Mr. Poghisio): When is the inauguration?

The Minister for Livestock and Fisheries Development (Mr. Munyao): The inauguration is on Wednesday at 10.30 a.m.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Minister! Will the issue not be public knowledge by that time?

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, even right now, it is public knowledge. The media picked up the names of the commissioners when they were read out. All the media houses have lists of the names. That is why I am saying that I can bring a newspaper from the library and refer to it.

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, you and I know that the Minister is a

senior Member of this House. He is a senior Member because he has been in this House long enough. He has been taking this House round in circles, which does lower its dignity. He wants to refer to newspapers. Can we really refer to newspapers in this House?

The Temporary Deputy Speaker (Mr. Poghisio): Newspapers cannot be used here as a source of information. We cannot accept any reference from the newspapers. The official gazette should be given to every hon. Member. Was the issue gazetted?

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, I will give a Ministerial Statement with all the names.

The Temporary Deputy Speaker (Mr. Poghisio): When will you bring the Ministerial Statement? Can you bring it on Tuesday? If you cannot bring it then, can you ask your Assistant Minister to bring it?

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, I am trying to look for a copy of the list I read out.

The Temporary Deputy Speaker (Mr. Poghisio): The communication we get from the Ministries is all published in the Kenya Gazette. The Minister knew all along that he was expected to bring a Ministerial Statement here today. A Ministerial Statement is usually written. It is then delivered in the House and becomes the property of the National Assembly.

(Mr. Ndambuki stood up in his place)

Order, Mr. Ndambuki! Hon. Members, we can rest assured that we shall have a Ministerial Statement on Tuesday, with the list of the names?

The Minister for Livestock and Fisheries Development (Mr. Munyao): Thank you, Mr. Temporary Deputy Speaker, Sir. I will now move on to the next Ministerial Statement on the banning of *Omena* fishing in Lake Victoria.

Mr. Ndambuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like the Minister to confirm to us that the National Bank of Kenya (NBK) is not holding any debenture. How come that the Minister has not lifted the receivership if the bank does not hold a debenture against the KMC?

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, it is true that the NBK has no debenture. Based on that, we wrote to the Treasury, which is supposed to lift the receivership. I think that the Treasury is now consulting with the Attorney-General so that the issue can be resolved. I request the hon. Member to relax and wait for the results. My next Ministerial Statement concerns the banning of *Omena* fishing at Lake Victoria.

BANNING OF *OMENA* FISHING IN LAKE VICTORIA

This Ministerial Statement was requested yesterday. The ban on fishing during the months of April to July every year was agreed during a stakeholders' meeting held at Tom Mboya Labour College on 21st June, 2001. The meeting noted that fisheries resources in Lake Victoria had recorded a sharp decline due to use of destructive and poor fishing gear, and methods of fishing. They, therefore, recommended that destructive measures be collectively eradicated so as to reverse the trend. Therefore, the stakeholders, who included fishermen, boat builders, provincial administration, the Fisheries Department from the headquarters, beach leaders, fish processors, fishermen's co-operatives, heads of Government departments, universities, local authorities and other organisations, recommended that beach management units be empowered to take responsibility on issues of permits and security at beaches since they are the ones who know the

fishermen, and can provide ideal surveillance. Surveillance would include monitoring pollution, breeding grounds and ensuring compliance over closed seasons. Illegal fishing will be done away with and the Marketing Department will propose a reduction of the levy on the nets. They also stressed the need to safeguard breeding grounds and their closure between the months of April and August.

The ban was, therefore, not by the Government. It was a participatory exercise and can be rescinded if the stakeholders agree. Due to these measures, the fisheries sector has experienced a remarkable recovery in the lake, with commercial fish like *Omena*, Tilapia and Nile Perch increasing in size and quality. The new approach by the Ministry of Livestock and Fisheries Development emphasises the ownership of the fisheries by resource users. The Ministry has been consulting with fishermen to develop polices for managing the Lake in an effort to reverse the decline in fishing business. This consultative process has encouraged the resource users to participate effectively, and the Ministry has realised tangible success in the implementation of management measures.

Finally, notable achievements include removal of illegal trawlers from the Lake. Breeding areas were gazetted and protected. Notable recovery of the fish resource due to the implementation of the measures agreed upon by the current consumers of Nile Perch has been noted. I, therefore, wish to urge Members of Parliament to attend a stakeholders meeting that will be held on 31st July, 2004 in order to give their views. Otherwise, the Ministry of Livestock and Fisheries Development is appealing to hon. Members to avail any information on corruption in this area. At the moment, the Department of Fisheries is, along with KEMRI, undertaking an evaluation research on the impact of the ban at the Lake.

Mr. Sungu: Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to seek a clarification. There are, perhaps, only two *Omena*-eating people in this House. I have an interest in this matter. It is important that the Minister has consulted the stakeholders. The consultation may lead to the proper fish conservation of fish in Lake Victoria. I am, however, concerned about the action the Minister is taking. Under what legal provisions is he taking this action? He cannot just impose a ban yet there is no legal provision for it. Could the Minister assure this House that he is going to bring an appropriate proposed law to this House to address this issue. This has particular reference to trawling, which he has mentioned and protection of Kenyan fishermen, who are being harassed by other countries, Tanzania and Uganda, whenever they fish from our side of the Lake to the borders.

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, the issue of harassment on the lake has been addressed seriously, and more so by the Heads of State. You will recall about four months ago, when the President was in Uganda, they addressed these issues as some Kenyans had been arrested in Uganda. The three East African countries have been discussing these issues. Last week, I was in Bagamoyo, where I had to attend a council of Ministers' meeting on fisheries within the territories. One of the issues we keep on addressing is that about security and harassment on the lake. Already, there is the general agreement that there will be no more harassment within the lake. I know this problem will be a thing of the past when the three East African Community countries open their borders. I will, therefore, ask all of us to look forward to the opening of borders and removal of border restrictions, so that East Africa becomes one country. There is no way that Kenya will be satisfied with one-third of the lake and leave two-thirds to another. In fact, these borders were fixed by Dr. Speke, who came around and pretended to have discovered Lake Victoria.

What the hon. Member is saying is true, but he is not the only *omena* eater; I am also one. I should be regarded as an *omena* eater number one. Therefore, he is number two. This issue has been discussed all the time. It is of interest to fishermen. I read about the meeting which was held in Tom Mboya College by all the stakeholders. In fact, Members of Parliament should have been there, because the fishermen said that it was in their interest to close fishing grounds from April to July, so

that when they open them, they will have a lot of fish to catch and market.

The Temporary Deputy Speaker (Mr. Poghisio): Does it have a legal basis?

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, even now there is no law basis controlling this, but the fishermen provide surveillance.

Mr. Sungu: When will he bring a proposed law to this House? Can he address that?

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Sungu! You cannot just rise and say what you want to say. I will not give you another chance.

Mr. Syongo: Mr. Temporary Deputy Speaker, Sir, the Ministerial Statement from the Minister notwithstanding, I want to say that *omena*, like any other fish, is an important commodity. Without *omena*, we will not have the poultry sector. It is an important ingredient for poultry and pig production. Without that component you cannot compose a suitable animal feed.

The Temporary Deputy Speaker (Mr. Poghisio): Are you seeking a clarification?

Mr. Syongo: The clarification I need is this: For proper management of that industry and that particular species, you need an institution that encompasses all the stakeholders, the producers and the consumers. This august House did, in fact, pass a Motion requiring that we set up the Fisheries Development Authority---

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Syongo, you are now talking like the Minister himself. You are actually changing roles. Are you seeking clarification from the Minister or giving one?

Mr. Syongo: I need clarification, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Ask him for your clarification! Let us not talk about all that.

Mr. Syongo: That is the point, Mr. Temporary Deputy Speaker, Sir. Parliament passed that Motion. Could the Minister tell us when the Fisheries Development Authority will be established?

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, I thank the hon. Member, who is also a Member of the Departmental Committee on Agriculture, Lands and Natural Resources, for asking that question. We are working on a Sessional Paper which, if passed by the House, will then enable us to proceed to the next stage.

REPOSSESSION OF UNDEVELOPED LAND

The Minister for Lands and Settlement (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, on the 26th of May, 2004, Mr. Muchiri requested a Ministerial Statement regarding the Ministry's impending plans on repossession of undeveloped land, particularly the effect of this action on the mortgage market and the sensitive banking system generally. The hon. Member also asked that I synchronise the Ministerial Statement with Section 75 of the Constitution that protects private property.

I wish to state from the outset that the Government is fully committed to upholding the rule of law, including the protection of private property. We also recognise the centrality of land in the economic development of this country, and the sensitivity and emotions attached to it by our people. In furtherance of this commitment, my Ministry has taken certain measures to ensure that the laws relating to land are not only followed as provided, but also land, as a limited resource, is efficiently and effectively utilised for sustainable economic development. Those measures include the publication of Legal Notice No.111 of 10th June, 2003, by which I revoked Legal Notice No.305 of 18th of August, 1994, that purportedly allowed transactions involving undeveloped land, and which had unfortunately opened the floodgates for speculative trading in letters of allotment. This was followed by notices to owners of undeveloped land to follow the law or risk losing the same to the Government.

Mr. Temporary Deputy Speaker, Sir, Legal Notice No.305 of 18th August, 1994, provided for a fee to be charged for consent on transfer of undeveloped plots, with the intention of deterring the then emerging trend of trading in land allocated by the Government for development. While the intention may have been genuine then, it was mischievously used to circumvent the provisions of Section 18(1) of the Government Lands Act. The result was that the legal notice was inconsistent with the provisions of an Act under which such subsidiary legislation was made, and a correction had to be made.

The issue of transfer or charging of undeveloped urban land has been grossly misunderstood. The law relating to dealings in leasehold land in urban areas is found under Section 18 of the Government Land Act, Cap.280 of the Laws of Kenya. It specifies that in every lease of a town plot, there shall be implied a covenant by the lessee not to divide the plot, assign or sub-let any portion thereof, except with the previous consent of the Commissioner of Lands, in writing, in such manner and upon such conditions as he may prescribe or require.

The section goes on to provide that no application for consent shall be considered until building conditions have been complied with. The section further states that every application for consent shall contain the applicant's proposals for development of any sub-division and shall be accompanied by plans showing any proposed sub-division. The relevant development condition is to be found under Covenant No.2, annexed to nearly all the town plots leases. This condition states that the grantee shall, within six calendar months of the actual registration of the grant, submit in triplicate to the local authority and the Commissioner of Lands, plans, which include block plans showing the position of the buildings and a system of drainage for disposing of sewage and surface water, drawings, elevations, specifications or buildings the grantee proposes to erect on the land, and shall within 24 months of the actual registration of the grant complete the erection of such buildings and construction of the drainage system in conformity with such plans and drawings, elevations and specifications.

The covenant further provides that parties to a lease, namely the Government on the one hand, and the lessee on the other, agree that failure to develop the plot within the time limits allows the Government to re-enter the land and terminate the lease. This is the basis for my constant reminders to the grantees of the leases to develop them, failure to which, we shall exercise our rights to terminate the lease and effectively repossess the property.

Mr. Temporary Deputy Speaker, Sir, our actions are intended to restate the law as it is, and ensure the owners of undeveloped land comply with development conditions, and also manage the hitherto uncontrolled trading in land that has resulted in exorbitant costs of land that are not backed by any economic fundamentals. We have also taken measures to insulate the genuine holders of leaseholds from losing their properties due to their ignorance in the past. Indeed, on 18th March, 2004, I requested the Commissioner of Lands to issue a public notice in all the mainstream daily newspapers, granting a two-year moratorium, ending 31st December, 2005, to all leaseholders of Government land in breach of development conditions to comply. This shows the good faith on the part of the Government.

Mr. Temporary Deputy Speaker, Sir, we also have a responsibility to protect the innocent purchasers of land and providers of finance. As regards the transfer or charging of undeveloped leasehold land in towns, the law is categorical. Neither the Minister nor the Commissioner of Lands has any discretionary powers to grant the consent. All consent granted to deal in such land would be invalid. Consequently, any purchase of undeveloped land relying on such invalid consent is of doubtful validity. Equally, any charge against such land for any other purpose, save for its development, might also be invalid and the banks are very much aware of this.

Prudent banking practice requires that lenders carry out full due diligence on the borrowers, including on the status of intended security. It also calls for observance of all laws and conditions affecting the security, including development, payment of land rent, *et cetera*. The effects of our actions will lead to a stronger and sustainable mortgage market and the banking system for the

benefit of all.

Mr. Temporary Deputy Speaker, Sir, the Government is equally concerned with the development of land in the settlement schemes allocated through the Settlement Fund Trustees (SFTs). Members will no doubt agree with me that the idea of establishing settlement schemes was to settle the landless, and I would emphasise, the landless Kenyans, so that they can be engaged in gainful economic activities to improve their livelihood and also contribute to the economic development of this country. However, some undeserving individuals ended up being allocated land in these schemes, which they have neither taken possession of nor, developed. The negative effect of this has been the invasion by squatters, as well as hampering the development of infrastructure for the few who have moved in. The economic loss and threat to food security due to the non-utilisation of the land is unnecessary. According to the STF requirements, an allottee must take possession, move into the land and commence development within six months. In some schemes, land has remained idle and unattended for many decades, which, in effect, implies that the allottees did not deserve the land and are just keeping it for speculative purposes. This was never the intention or the spirit of the settlement programme. Accordingly, we have, therefore, given a deadline for all beneficiaries of SFTs and other Government-supported settlement schemes to move into the land and start developing it on or before 31st December, 2005. Otherwise, the land will be repossessed and allocated to deserving cases.

The Temporary Deputy Speaker (Mr. Poghio): Mr. Kimunya, how long is your Ministerial Statement?

The Minister for Lands and Settlement (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I am on the last paragraph.

I wish to state the following as regards Section 75 of the Constitution of Kenya. This section provides that no property of whatever description shall be compulsorily acquired by the Government unless it is needed for a public purpose and the proprietor is fully and promptly compensated. This was intended to bar the Government from arbitrary acquisition of private property. Forfeiture of the STF land or lease for non-compliance with legal conditions which the parties to the lease willingly agreed upon is not tantamount to compulsory acquisition, in which case Section 75 does not apply.

Mr. Temporary Deputy Speaker, Sir, I hope this clarifies the impression created that the Ministry is acting contrary to the laws, and appeals to hon. Members of this House to assist in popularising this noble initiative among the public.

Mr. Serut: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister for that elaborate Ministerial Statement he has given. However, I have a few issues or observations that I would like him to clarify. We all know that land is a very sensitive issue. The Minister has talked of repossessing land if it is not developed within the stipulated time. I would want him to clarify whether the land that was charged before he issued the Legal Notice No.111 of June, 2003, would be affected? What I am saying here is that---

The Temporary Deputy Speaker (Mr. Poghio): Order, Mr. Serut! This is not debate time! Just seek clarification from the Minister!

Mr. Serut: Mr. Temporary Deputy Speaker, Sir, by virtue of charging or mortgaging any land, that in essence means the land has been transferred to the chargee. So, what powers does the Minister have to repossess that land?

The Temporary Deputy Speaker (Mr. Poghio): That is enough for now.

Mr. Serut: Mr. Temporary Deputy Speaker, could I ask another question?

The Temporary Deputy Speaker (Mr. Poghio): You could do so.

Mr. Serut: Mr. Temporary Deputy Speaker, Sir, on the issue of SFTs, the Minister says if the land is not developed within six months, they will repossess it. Under what powers will they repossess the land? The SFT requirements say that so long as an individual has paid for land, it

belongs to him; it is in private ownership and he or she has the right to do anything with it.

The Minister for Lands and Settlement (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, with regard to the first question, when one is granted a lease by the Government, it is an offer made and the person has the option of accepting the conditions on which the lease is given. If you do not comply with the conditions you have already accepted, the contract becomes null and void. What we are doing is that we are sticking to the rule of law. If a person transfers a piece of land to another person and that person does not comply with the development conditions within 24 months, the Government will re-enter into the lease. It does not matter how many transfers or charges have been made, but if the holder of that land will not have developed it as at 31st December, 2005, the Government will exercise its options and re-enter the lease. That is straightforward and in accordance with the law.

Mr. Temporary Deputy Speaker, Sir, in terms of the Settlement Fund Trustee (SFT), the situation is that every person who is allocated land through that Fund undertakes to develop it within six months. It does not matter whether that person has made an outright purchase. The condition is that you must move in and start developing the land within six months. If people have not developed, then we are going to invoke that undertaking by the people and ask them to surrender the land, so that we can give it to deserving cases.

(Applause)

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Members! I am going to make a number of you unhappy. But I think the Minister gave a very detailed Statement. I think clarifications can be dealt with by that document. The document has been laid on the Table and so it is public. So, you can look at it and seek clarifications.

Hon. Members, the matter of fact is that we have to go into the business of the House. So, I am going to call the next Order!

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

The Temporary Deputy Speaker (Mr. Poghiso): You sought a Ministerial Statement?

Mr. Muchiri: Yes.

The Temporary Deputy Speaker (Mr. Poghiso): Okay. Let me backtrack on that and reverse my decision. But the thing is we have to go into business. All that we are doing is not part of the business of the House. I hope you know that.

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

Could I suggest that, because this is a matter of national importance, we defer it until Tuesday?

The Temporary Deputy Speaker (Mr. Poghiso): No! You ask your clarification! You will seek one clarification.

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, be that as it may, I sought the clarification. I am happy that the Minister has given a very elaborate statement. Perhaps, the only thing I would like him to clarify is: When he talks about the actual registration of the grant, does that not mean that anybody holding a letter of allotment has not reached the stage of registration of the grant and, therefore, cannot apply the development clause at that stage, because you have not reached the stage of actual registration of the grant? My understanding is that the actual registration of the grant is when a lease is registered.

The Minister for Lands and Settlement (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I agree that anyone holding a letter of allotment is basically holding a piece of paper. There are a lot of those things which are sold around. A letter of allotment is a letter of offer that you have to accept and pay within 30 days. That is when a lease is prepared. Until it is registered, it is not even transferable. But, unfortunately, in this country, what has happened is that many people are holding

on to the land thinking that they own the land because they bought a letter of allotment from somebody, or they got some papers which are not even registered. It is only when it is registered that we look at it.

POINT OF ORDER
PURCHASE OF VEHICLES
FOR GOVERNMENT OFFICERS

Mr. Omingo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Yesterday, I sought a Ministerial Statement from the Minister for Finance regarding the propriety of Government expenditure in the acquisition of fleets of motorcades for all Government officers. The Assistant Minister; that is, Mr. Katuku, promised the House that he is going to be here this afternoon and give a response. Apparently, when it drew to the time when he was supposed to respond, I am sure he chickened out somewhere, maybe, in the hope that he is anticipating one bigger limousine than the one he has, for the sake of him covering his back!

The Temporary Deputy Speaker (Mr. Poghisio): What is your point of order?

Mr. Omingo: Could I urge the Chair to give direction on the Ministerial Statement which the Assistant Minister promised to give the House today? He has actually disappeared! That is Mr. Mutua Katuku!

The Temporary Deputy Speaker (Mr. Poghisio): If I may ask you, what do you mean by "chickened out"? Is that parliamentary language?

Mr. Omingo: That is a *mtaa* language which I wish to withdraw. I am saying that he actually sneaked out tactfully to avoid answering the issue. He went out unofficially! That is what I meant.

The Temporary Deputy Speaker (Mr. Poghisio): I remember Mr. Katuku promised to give the Statement today. I am going to ask somebody in the Government to respond to that. He is not here. So, somebody can respond. We need to hear from the Government.

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Temporary Deputy Speaker, Sir, I undertake to ask him to bring it on Tuesday.

The Temporary Deputy Speaker (Mr. Poghisio): Fine! Next Order! We must move on to Government business.

MOTIONS

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

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

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Kamotho is not here! Next Order!

(Motion deferred)

ADOPTION OF 1997/1998 PAC REPORT

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, with due consultations, I thought this

Motion was going to be deferred for Members to consult, because it has just been laid on the Table, for Members to make meaningful contributions.

The Temporary Deputy Speaker (Mr. Poghisio): Fine. The Motion is deferred!

(Motion deferred)

Next Order!

BILL

THE INVESTMENT PROMOTION BILL

Second Reading

(The Assistant Minister for Trade and Industry (Mr. Miriti) on 2.6.2004)

(Resumption of Debate interrupted on 2.6.2004)

The Temporary Deputy Speaker (Mr. Poghisio): Who was on the Floor? Mr. Bahari was on the Floor!

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, before the House rose, I was saying that for us to be able to attract investments in this country, the infrastructure must be developed first. It is not a question of this Bill alone. The necessary environment must be created. That environment will attract the investors. That is because an investor is a capitalist. He or she is concerned about the returns. He or she will be going to places where best returns would be realised. So, it should not be forgotten that, while this Bill is important---

QUORUM

Mr. Ndile: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Jumba hili halina Wabunge!

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Ndile! If you want to ask your point of order in Kiswahili, you must find the right words for it! You cannot say there are no Members here!

(Laughter)

Mr. Ndile: Si nimesema Jumba hili ni tupu? Halina Wabunge! Tunaongea na Wabunge hawatoshei! Wako wangapi? Hawatoshei!

Hon Members: There is quorum!

Mr. Ndile: Si nyinyi wakati tunaongea mambo ya mashamba---

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

Mr. Ndile: Idadi ya Wabunge ni chache!

Mr. Kagwe: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that you do not understand what the hon. Member has said, could we continue with the debate?

Mr. Ndile: Bw. Naibu Spika wa Muda, nimesema Jumba halina idadi ya kutosha ya Wabunge!

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Ndile! Order, my friend! I think you need to desist from shouting from every corner of this place! Even for a point of order, you have to catch the eye of the Speaker! You are getting the attention of the Speaker, but I am telling you that you have to use the correct words. You do not just jump and talk when somebody

else is on his feet! I think some order is required on your part. My understanding of what he has said is that there is no quorum.

The Assistant Minister for Lands and Settlement (Mr. Ojode): On a point of order, Mr. Temporary Deputy Speaker, Sir. I seek the indulgence of the Chair to allow the Member who had started contributing to the Investment Promotion Bill to continue because we did not understand what hon. Ndile meant.

The Temporary Deputy Speaker (Mr. Poghisio): Order! At the risk of returning to my earlier ruling, I want to say Mr. Ndile was looking for the correct word. He could not get the correct word, but we understand what he meant. He was raising the fact that there is no quorum in the House, and there is no problem with that. I also notice now that there is no quorum.

Let the Division Bell be rung.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Order! Hon. Members, due to lack of quorum, we may have to adjourn earlier. The House is, therefore, adjourned until Tuesday, 8th June, at 2.30 p.m. The House rose at 5.55 p.m.