

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 3rd June, 2009

The House met at 9.00 a.m.

*[The Temporary Deputy Speaker
(Mr. Imanyara) in the Chair]*

PRAYERS

Mr. Ruteere: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is there quorum in the House?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Ruteere, we are not even on business yet! Could you be patient?

Yes, Mr. Affey!

NOTICE OF MOTION

REGIONAL/ROTATIONAL SESSIONS OF PARLIAMENT

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT aware that Section 58(1) of the Constitution of Kenya provides that each Session of Parliament shall be held at such a place within Kenya and shall commence at such time as the President may appoint; considering the growing public urge and the need to take Parliament to the people; cognizant of the fact that Parliamentarians represent the aspirations of the entire country; conscious of the need for hon. Members to have a first hand account of the real regional development challenges and problems that local people are faced with on daily basis; this House urges the President to appoint venues for Sessions on rotational basis.

QUESTIONS BY PRIVATE NOTICE

PROCUREMENT OF INTERTEK INTERNATIONAL SERVICES TO CONDUCT FITNESS TESTS ON MAIZE

Mr. Ngugi: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Industrialization the following Question by Private Notice.

(a) What criteria and procedure did the Government use to procure the services of M/s Intertek International Ltd to conduct fitness tests on the maize imported from the Republic of South Africa?

(b) How much did the Government pay for the services rendered?

The Temporary Deputy Speaker (Mr. Imanyara): Is there anyone here from the Ministry of Industrialization?

The Minister of State for Defence (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, I undertake to inform the Minister.

The Temporary Deputy Speaker (Mr. Imanyara): Is he on the way?

The Minister of State for Defence (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, I am unable to answer that question.

The Temporary Deputy Speaker (Mr. Imanyara): I will call the Question a second time later on!

INVASION OF MPEKETONI DIVISION BY ARMY WORMS

Mr. Twaha: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that army worms have invaded Mpeketoni Division destroying hundreds of acres of crops?

(b) What urgent measures is he taking to contain the situation?

The Temporary Deputy Speaker (Mr. Imanyara): Is there anyone here from the Ministry of Agriculture?

Mr. Mututho: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Chair has made a ruling to the effect that if Ministers are absent without any substantive reason all their business shall be stayed until such a time that they appear to explain their absence.

The Temporary Deputy Speaker (Mr. Imanyara): I will come to that, Mr. Mututho!

OUTBREAK OF CATTLE DISEASE IN MARA AREA

Mr. ole Lankas: Mr. Temporary Deputy Speaker, Sir, I do not have a copy of the written answer.

However, I beg to ask the Minister for Livestock Development the following Question by Private Notice.

(a) Is the Ministry aware of the outbreak of a disease which is killing cattle in the Mara area of Narok South District?

(b) Could the Minister give the identity of the disease?

(c) What is the Ministry doing to contain the disease?

The Minister for Livestock Development (Dr. Kuti): Mr. Temporary Deputy Speaker, Sir, I have spoken to the hon. Member. This Question requires more investigations to be carried out. I would like to answer this Question on Tuesday, next week.

The Temporary Deputy Speaker (Mr. Imanyara): Is that so, Mr. ole Lankas?

Mr. ole Lankas: Mr. Temporary Deputy Speaker, Sir, I am in agreement.

The Temporary Deputy Speaker (Mr. Imanyara): So, the Question is deferred until Tuesday, next week!

(Question deferred)

Let us move on to Ordinary Questions!

ORAL ANSWERS TO QUESTIONS

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, I have not been supplied with a copy of the written answer.

Question No.023

UPGRADING OF OBOCH DISPENSARY TO HEALTH CENTRE

Mr. Ochieng asked the Minister for Public Health and Sanitation what plans she has to elevate Oboch Dispensary in Nyakach Constituency to a health centre considering that the facility serves many patients.

The Assistant Minister for Public Health and Sanitation (Dr. Gesami): Mr. Temporary Deputy Speaker, Sir, I am waiting for the answer from the Ministry. I request that I answer this Question later on.

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

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Mbugua! Dr. Gesami, I want to get what you are saying because I thought you are an Assistant Minister!

Assistant Minister for Public Health and Sanitation (Dr. Gesami): Mr. Temporary Deputy Speaker, Sir, I am saying that I would like to answer this Question later on because my secretary was a bit late and I could not get the answer.

The Temporary Deputy Speaker (Mr. Imanyara): Very well. We will come back to that Question later on!

Question No.097

LAND ADJUDICATION IN MARAKWET WEST

The Temporary Deputy Speaker (Mr. Imanyara): Is the Member for Marakwet West not here? I will come back to that Question.

Let us move on to the next Question by Mr. Anyanga!

Question No.119

ESTABLISHMENT OF NAVAL BASE AT MUHURU/KARUNGU BAYS

Mr. Anyanga asked the Minister of State for Defence:-

(a) if he could assure the House that Kenya is not in danger of invasion by the neighbouring countries; and,

(b) when the Ministry will establish a naval base at Muhuru and Karungu bays both in Nyatike Constituency.

The Minister of State for Defence (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

Kenya is not under any immediate threat of invasion by any neighbouring country. Indeed, Kenya, as a partner State in the East African Community (EAC), is fully committed to the political federation which is the vision of the Community. Right now, the structure of the peace and security organ of the Community is taking shape. Other neighbouring countries that are not members of the EAC are members of the African Union Peace and Security Architecture that provides for sub-regional standby forces.

These countries from the Eastern Brigade comprise of 13 East African countries, three of which share borders with Kenya. Kenya, too, is fully committed to the principles establishing these institutions and it is a vibrant member. Issues that concern conflict are well articulated within the organ of the Eastern Brigade. It is, therefore, inconsiderate that presently, as a member of the EAC or the East African Standby Force, a member State would attack another member State.

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

[Mr. Deputy Speaker took the Chair]

With respect to the situation in Somalia, the United Nations (UN), African Union (AU) and other regional organisations such as the Inter-Governmental Authority on Development (IGAD) and the Eastern Brigade exist to address the matter. However, Kenya's national security cannot be left to chance. Therefore, the Kenya Armed Forces, in conjunction with other security organisations, are very keen on the Kenya/Somalia situation.

(b) There are no plans to establish naval bases at Muhuru Bay and Karungu Bay in Nyatike Constituency as there are no security concerns that warrant such military posture. It is in the interest of the East African States that Lake Victoria remains as demilitarised as possible to be a joint East African resource. Kenya, as the principal proponent of the East African integration, should be the last country to upscale her military presence within East African resources.

Mr. Anyanga: Mr. Deputy Speaker, Sir, it is quite embarrassing that the Minister is not answering my Question! He has stated that there is no immediate threat of invasion by any neighbouring country. Could he explain to this House whether the presence of foreign security personnel on Migingo Island, the Kacheliba incident and the alleged presence of *Al Shabaab* militants along the Kenya/Somali border do not constitute invasion?

Mr. Haji: Mr. Deputy Speaker, Sir, I have answered the Question as it was put. I still want to state that there is no threat whatsoever to the integrity of this country.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to evade the Question from the Member of Parliament? The Member of Parliament for Nyatike asked a specific question: Uganda, which is a foreign country, hoisted her flag on

Migingo Island, which is Kenyan territory, for five years! Does that not constitute an invasion?

Mr. Haji: Mr. Deputy Speaker, Sir, I do not want to dwell too much on the issue of Migingo Island, which has been spoken about on many occasions. I insist that there is no threat to this country whatsoever.

Dr. Khalwale: Mr. Deputy Speaker, Sir, it is only this afternoon when Kenyans were expecting the inaugural flight of Delta Airlines from the United States of America. However, this flight was cancelled yesterday because of the deteriorating state of security in this country, due to the presence of these invading forces. The Minister is now misleading the House that this is not the obtaining situation when the matter is that grave. Could he confirm that, besides this particular intervention by the USA Government, also a Kenya Air Force helicopter was shot down by some of these invading forces, especially the *Al Shabaab*?

Mr. Haji: Mr. Deputy Speaker, Sir, I am not aware that the flight has been cancelled because of invasion threats to this country. If they had any other reasons, that is up to them. We cannot force any country to bring their planes to this country, if they do not wish to do so.

Regarding the issue of *Al Shabaab* shooting down a Kenya Air Force helicopter, that is a blatant lie, and we intend to take this matter to the highest court of this country.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. We respect the Minister very much, but is he in order to mislead the House that he is not aware that the inaugural flight by Delta Airlines to Kenya has been cancelled by the USA Government, citing insecurity in this country? This information is in the public domain. Is he in order to mislead this House?

Mr. Haji: Mr. Deputy Speaker, Sir, I am not misleading the House. I do not go by reports in newspapers. I have not been told officially that that is why the flight has been cancelled.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. The Minister should take the Republic of Kenya more importantly than that. What we are talking about is not a situation we read about in the Press. He knows that his colleague, Mr. Mwakwere, had been sent to Atlanta to accompany this aircraft. The Government sent him there, and this Minister is part of the Government. How can he say that he was only informed about this incident through the newspapers when we are saying that this Minister is stranded in Atlanta, not knowing how to come back? For all we know, he does not even have means of transport by which to come back. He was going to hike a lift on this particular Delta Airliner. Please, take it seriously! We know that we are not as great as you are, but we know what we are talking about!

Mr. Haji: Mr. Deputy Speaker, sir, I stand by what I have said. I am not aware that Mr. Mwakwere is stranded there. In any case, that is not the only plane that comes to Kenya. He can find his way back home.

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. Sometime back, when I visited Liboi, I found that the Administration Police Officers were at the border and the military personnel were 18 kilometres into Kenyan territory. Between the military officers and the Administration Police officers, who is supposed to guard our borders?

Mr. Haji: Mr. Deputy Speaker, Sir, the fact that the Kenya Army is only 18 kilometres from the border is a clear indication that we are guarding the border properly.

The police do their normal police duty at the border. We intercept anything that passes through there.

(Mr. C. Kilonzo stood up in his place)

Mr. Deputy Speaker: Are you on a point of order or a supplementary question?

Mr. C. Kilonzo: I am on a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Proceed!

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, when Ministers speak in this House, they do so as Ministers. When they speak outside the House, they still do so as Ministers. Is it in order for him to mislead this House. Do we have two Hajis, who are Ministers of State for Defence, and one of them spoke in his own constituency, while having a meeting with elders from Somalia, and said: "This country is under threat."? Is he threatened by *Al Shabaab*? The Minister agreed with the elders from Somalia that they would organise militias in Somalia as the last step before *Al Shabaab* entered Kenya. Today, we have another Haji, who has said that we are not under threat. Can he confirm whether the Haji who spoke a few days out there is the same as the one in this House now?

Mr. Haji: Mr. Deputy Speaker, Sir, the one speaking now is the Minister of State for Defence. I also want to refute the allegation that I had a meeting with leaders from Somalia. I have never had such a meeting. I had a meeting of the Constituency Development Committee. When the Press people came, I told them that the country was secure. That newspaper can be brought here. I would like the hon. Member to show us where he read that allegation.

Mr. J. M. Kamau: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to continue speaking so casually on matters touching on national security? If he is not ready to answer this Question, why can he not seek the indulgence of the House to be given more time?

Mr. Haji: Mr. Deputy Speaker, Sir, I do not know whether the hon. Member wants me to cry! I am not a person who cries. What I have given are facts This country is safe and secure.

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

Mr. Deputy Speaker: You have to be on a point of order! Are you sure you are not on a supplementary question? If you are on a supplementary question, proceed and ask a supplementary question!

Mr. Mbugua: Thank you, Mr. Deputy Speaker, Sir. I want to tell the Minister that if he has to cry---

Mr. Deputy Speaker: Order! Order! That is not a question! You want to tell the Minister something?

Mr. Mbugua: Mr. Deputy Speaker, Sir, I am asking the Minister whether he is, indeed, aware that *Al Shabaab* have infiltrated this country, and that they are all over? If he has to cry, he has to cry for this country, because we are under a threat. If we are not careful, this country will go down.

Mr. Haji: Mr. Deputy Speaker, Sir, if it was not because of the rules of the House, the hon. Member should have been asked to give that information to the police

and the intelligence agencies. This is because I am not aware of *Al Shabaab* infiltrating this country. That is a very serious allegation!

Hon. Members: You are not in charge! You are not in charge!

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

Mr. Deputy Speaker: Order, Mr. Anyanga! You are the one who asked this Question and you still have a chance to ask the last supplementary question. Do you have to be on a point of order to catch the Chair's eye? Are you on a supplementary question or a point of order?

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

Mr. Deputy Speaker: Proceed then!

Mr. Anyanga: Mr. Deputy Speaker, Sir, it is true that the Minister has been trying to avoid my Question. Would I be in order to ask the Chair to defer this Question so as to give the Minister enough time to come back with the right answer?

Mr. Haji: Mr. Deputy Speaker, Sir, I have answered the Question to the best of my ability and I do not think I need any more time to come and answer the same Question!

Mr. Deputy Speaker: Hon. Questioner, you sought to know whether the Minister can assure the House that Kenya is not in danger of invasion by neighbouring countries. The Minister has said that Kenya is not in danger of being invaded by the neighbouring countries. If you do not feel that the answer is adequate, you have provisions in the Standing Orders to still pursue the matter. However, clearly the Minister has answered the Question. If you want to interrogate the answer itself, you have other provisions within the Standing Orders to pursue that matter.

Eng. Gumbo: Mr. Deputy Speaker, Sir, we know that in recent times a number of Somali pirates who are alleged to have links with the *Al Shabaab* have been arrested and tried in Kenya. Could the Minister assure this country that these acts do not expose Kenya to possibilities of terrorist strikes?

(Applause)

Mr. Haji: Mr. Deputy Speaker, Sir, as far as I am concerned, that question is misplaced. It should be directed to the Minister for Justice, National Cohesion and Constitutional Affairs.

Mr. Deputy Speaker: If my memory serves me right, the same matter was handled and addressed through a Ministerial Statement. I think there was another Minister who was responsible for that.

Mrs. Shabesh: Mr. Deputy Speaker, Sir, are the Minister of State for Defence and the Minister for Foreign Affairs on the same page on the issue of threat? The issue of Migingo Island has elicited debate in the East African Legislative Assembly (EALA) and the Pan African Parliament (PAP); that there is a threat to Kenya. Are these Ministers on the same page when it comes to the impending threat on the sovereignty of this country?

Mr. Haji: Mr. Deputy Speaker, Sir, I have said on many occasions that the issue of Migingo Island has been dealt with by many Ministers. Right now, there are negotiations going on between the two countries. Let us give a chance to discussions between these two East African countries.

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

Mr. Anyanga: Mr. Deputy Speaker, Sir, I think there is no need for asking the last question because the Minister has literally decided to avoid my Question. However, neighbouring countries have been patrolling Kenyan waters and governing Kenyan land. That is a matter that is known by almost all Kenyans in this country. Could the Minister confirm to this House if that is not enough security concern to warrant the establishment of a naval base in the Lake Victoria region?

Mr. Haji: Mr. Deputy Speaker, Sir, in my earlier answer, I said that Lake Victoria is an East African resource and, as a country, we do not want to start putting our military officers there when other countries are not doing so.

Mr. Deputy Speaker: Next Question by Mr. Ababu Namwamba!

Question No.173

HALTING OF LATF REMITTANCES
TO LOCAL AUTHORITIES

Mr. Deputy Speaker: Mr. Namwamba is not here! We will come back to that Question later!

Next Question by Mr. Kiuna!

Question No.132

ENFORCEMENT OF MARKETING STANDARDS
FOR AGRICULTURAL PRODUCE

Mr. Deputy Speaker: Mr. Kiuna also not here? We will come back to his Question later.

Next Question by Mr. Kiema Kilonzo!

Question No.123

ESTABLISHMENT OF FISH FARMING
IN MUTITO CONSTITUENCY

Mr. K. Kilonzo asked the Minister for Fisheries Development what measures he is taking to establish and encourage fish farming in Mutito Constituency.

The Assistant Minister for Fisheries Development (Mr. A.C. Mohamed): Mr. Deputy Speaker, Sir, I beg to reply.

In my previous response to a similar Question, I had informed the House about the various programmes which my Ministry has put in place to develop fish farming in the country.

Mr. Deputy Speaker, Sir, with regard to Mutito Constituency, my Ministry has been implementing the following fish farming activities:-

1. Public sensitization on fish farming.
2. Fish farmers training.

3. Extension service delivery.

During the first quarter of 2009, seven fish farmers' field days were conducted in the region where 5,957 farmers were sensitized on opportunities available in fish farming.

My Ministry sensitized the public on fisheries opportunities during the cultural day held in Zombe last year. During the same period, six Common Interest Groups (CIG), with a total membership of 104 farmers were trained on fish farming and aqua-business skills.

Mr. Deputy Speaker, Sir, two fish farmers groups have been trained on good fish pond management practices. Also, the groups have been advised to fill the *Njaa Marufuku Kenya* forms to ask for funds in the coming financial year. In the same constituency, 27 farmers' exchange visits were carried out to share experiences among producers. In addition, a total of 156 visits were conducted as a follow-up extension service to farmers.

Through collaboration with the Arid Lands Resource Management Programme, based in Kitui, the Ministry has managed to get pond liners for six fish farmers as follows:-

1. Nguthu Musyoki - 100 square metres.
2. Dominic Kathuku - 80 square metres.
3. Muluka Self-Help Group - 70 square metres.
4. Muluvi Mutua - 30 square metres.
5. Musyimi - 108 square metres.
6. Mbuuni Self Help Group - 100 square metres.

Ten fish farms and two self-help groups have been assisted with 9,920 tilapia fingerlings for their ponds. This has been in collaboration with the Arid Lands Resource Management Programme who provide the money for the fingerlings while my Ministry provided the fingerlings from Sagana Aqua-culture Farm.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for the good answer. The problem my constituents are facing is lack of storage facilities for the fish and lack of markets. What is the Ministry doing to sensitize the people of Mutito, and Kitui at large, on how to store fish and what market is available?

Mr. A.C. Mohamed: Mr. Deputy Speaker, Sir, as the hon. Member is aware, this Ministry started operating just the other day. In the next financial year, if funds are available, we will do everything possible.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, since fish farming is new in the area, I want to request the good Assistant Minister to organize a workshop, if possible within this month, so that people can learn more about fish farming and its benefits to them.

Mr. A.C. Mohamed: Mr. Deputy Speaker, Sir, that is a very good suggestion. We are ready to offer extension services any time the constituents or the hon. Member requires them. The Member can write to us or come to the Ministry and we will avail all the necessary services to his people.

Question No.180

DE-COMMISSIONING OF DANDORA DUMPSITE

Mr. Waititu asked the Minister for Environment and Mineral Resources when he will decommission the Dandora Dumpsite considering the continued environmental hazards that the residents are exposed to.

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Mr. Deputy Speaker, Sir, I beg to reply.

My Ministry has already started the process of decommissioning Dandora Dumpsite which has created an environmental hazard that the residents are exposed to. Relocation is one of the major objectives of the ongoing Nairobi River Basin Rehabilitation Programme which aims to address the entire problem of waste management in the City of Nairobi.

My Ministry has already initiated an Environmental Impact Assessment for both decommissioning Dandora Dumpsite and our proposed disposal site in Ruai. In addition, contracts have already been awarded to technical experts whose technical report will be to review dimensional environment management authority and give technical conditions to be adhered to when actual decommissioning starts.

Mr. Waititu: Mr. Deputy Speaker, Sir, the Dandora Dumpsite has been a health hazard to Dandora residents. Two months ago, the same Assistant Minister promised, in this House, to decommission Dandora Dumpsite. In fact, he had given us a promise of doing so, within a month. However, to date, he has not decommissioned it. It is a pity that they have set up another dumpsite at Kayole. Could he confirm to this House that Kayole will not become another dumpsite like the one we have in Dandora?

Mr. Kajembe: Mr. Deputy Speaker, Sir, it is true that when I answered a Question from hon. Waititu, I said that I would decommission it in a month's time. However, when we started the Nairobi River Rehabilitation Programme, we thought that Dandora, Nairobi River and Kayole should be put under this programme. We have a commission in place undertaking this project. The NEMA is overseeing the implementation of this programme. Yes, there was a delay in implementing this programme because of financial constraints. We are now on course and we are moving at supersonic speed. I want to assure the hon. Member that, one day, Dandora will be a good place for his constituents to live in.

Mr. Mbugua: Mr. Deputy Speaker, Sir, I would like to ask the Assistant Minister if he is considering taking over the Environmental Department currently under the Nairobi City Council.

Mr. Kajembe: Mr. Deputy Speaker, Sir, we have not decided to take over waste management services from the Nairobi City Council. However, where local authorities have failed to deliver services, and are unable to collect garbage, my Ministry is considering taking over those services. For the attention of hon. Members, local authorities are lead agencies of my Ministry. Where they are unable to deliver, the Ministry will not delay to take over the delivery of services.

Mr. Njuguna: Thank you, Mr. Deputy Speaker, Sir. I want to thank the Assistant Minister for that elaborate answer. With a serious degree of commitment, he has indicated the implementation of the decommissioning of the Dandora Dumpsite. Could he now indicate the amount of funds they have allocated for that project? What is the timeframe, so that we know when this project will be complete?

Mr. Kajembe: Mr. Deputy Speaker, Sir. That is a very important Question. Right now, we are working in liaison with the Ministry of Nairobi Metropolitan Development

to fully implement this programme. We already have experts on the ground. In future, after these negotiations are concluded, I will be in a position to say when this project will be concluded.

Mr. Waititu: Mr. Deputy Speaker, Sir, it seems that there is confusion between the Nairobi City Council and the Ministry of Environment and Mineral Resources on how to manage solid waste in Nairobi. The NCC has assigned JICA to do some studies on how to handle the Dandora Dumpsite. According to them, it is better if we go on using the Dandora Dumpsite. The Minister for Environment and Mineral Resources is proposing to decommission it. Which is which? Could he also give us a time frame he will decommission this site? What he is planning to do about Kayole where they have started dumping solid waste?

Mr. Kajembe: Mr. Deputy Speaker, Sir, JICA is a subordinate establishment of our Ministry. What I am telling this House is the truth. The hon. Member should rely on what I have said here. We are temporarily using Kayole Dumpsite to sort out wastes.

Mr. Waititu: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister's claim that they are using Kayole as a sorting area is not true. Actually they are dumping garbage there. In fact, we are very worried that they want to start another dumpsite. Could the Assistant Minister confirm that they are not starting another dumpsite at the Kayole quarry?

Mr. Kajembe: Mr. Deputy Speaker, Sir, I would like to inform Mr. Waititu that you must do dumping first before sorting. You cannot sort something which is not there. Dumping is being done at the Kayole quarry, but we are also doing sorting. There is no problem with this. Later on---

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

Mr. Deputy Speaker: Order, Mr. Waititu! I think the Assistant Minister has adequately answered your Question!

Let us move on to the next Question by Mr. J.M. Kamau!

Question No.165

DISMISSAL OF JOSEPH G. MBOGO FROM PRISONS SERVICE

Mr. J.M. Kamau asked the Vice-President and Minister for Home Affairs:-

(a) what the status of Joseph Gichuhi Mbogo who was dismissed from the Prisons Service on 22nd December, 1997 despite numerous appeals for reinstatement on the grounds that he was not afforded an opportunity to be heard prior to his interdiction is; and,

(b) what action the Government will take to resolve this particular matter, and ensure that officers working in the Prisons Service are afforded a fair hearing without prejudicing their record in the service.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Mrs. Kones): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Ex-Warder, Joseph Gichuhi Mbogo, Personal No.24129, was enlisted on 4th July, 1991 and dismissed on 22nd December, 1997, for drug- trafficking with the prisoners. The decision to dismiss him was reached on the face of the fact that he had

three previous drug- trafficking convictions and had been given a final warning prior to the last offence that led to his dismissal. As pertains to the ex-warder's subsequent appeal, grounded on the basis that he was not accorded an opportunity to be heard, I find the same to be unfounded. The Departmental Disciplinary Board proceedings that determined his dismissal attest to the fact that he fully participated in the said proceedings and, indeed, gave his statement. He was further accorded the chance to cross-examine the witnesses, which he did exhaustively. He produced no defence witnesses despite being availed with the chance to do so.

(b) The officers working in the Prisons Department are accorded a fair hearing that is not prejudicial to their record in the service. The Departmental Disciplinary Board is properly constituted and the officers are accorded the chance not only to defend themselves and produce their defence witnesses, but also to cross-examine the prosecution witnesses. They are further informed of their right of appeal. The ex-warder, Mr. Joseph Gichuhi Mbogo, appealed to the Public Service Commission and his appeal was dismissed. He was advised to lodge a second appeal within the stipulated six months, which he failed to do so and was consequently time barred. The ex-warder subsequently stands dismissed as he was a liability to the department and prejudicial to the security of the prisons, due to habitual trafficking of contrabands with the prisoners.

Mr. J.M. Kamau: Mr. Deputy Speaker, Sir, drug-trafficking in this country has always been a very serious offence. Why did the Prisons Department not find it necessary to take this gentle to court and present the exhibits?

Mrs. Kones: Mr. Deputy Speaker, Sir, the Prisons Department has a separate department for disciplinary cases. In this case, the officer was taken to the Departmental Disciplinary Board where he was given time to defend himself. He had been warned three times. The first warning was given on 22nd July, 1994(?). The second warning was given on 2nd February, 1994(?) for trafficking with the prisoners, which was contrary to the Prisons Act. The third and last warning was issued on 22nd July, 1994(?) when he brought in drugs and tobacco. In this case, when he was being grilled by the disciplinary committee, he was given a chance to defend himself, which he did, but he never produced any witnesses. I have evidence to show in all the cases where he agreed that, indeed, he committed the offences. He appealed to the Public Service Commission when he was time barred, because he was given six months to do so. When he was dismissed in 2006, again, he appealed to the Commissioner of Prisons. His appeal was also dismissed because it was late. He was also given a certificate of discharge. So, the Commissioner of Prisons gave him a fair judgement instead of taking him to court.

Mr. J.M. Kamau: Mr. Deputy Speaker, Sir, the Assistant Minister is not telling this House the truth. This is because the Prisons Department does not have a Legal Section. Were there lawyers who represented the officer? The hearing was only done by the prisons officers and there was no legal representation. Is that in order?

Mr. Deputy Speaker: Hon. J.M. Kamau, in all the disciplined forces, except when it is a court marshal, an officer does not need to have legal representation in a disciplinary matter!

Mr. J.M. Kamau: Mr. Deputy Speaker, Sir, we are talking about drug-trafficking! This has always been a serious offence in this country. Why was his case taken so casually?

Mr. Deputy Speaker: He was not taken to court. So, ask a Question that essentially---

Mr. J.M. Kamau: Mr. Deputy Speaker, Sir, why was he not taken to court?

Mrs. Kones: Mr. Deputy Speaker, Sir, I have said that the Prisons Department has its own Disciplinary Committee which deals with discipline. It was fair for the Commissioner of Prisons to give him a lesser charge instead of taking him to court. If the officer was not satisfied with that, he was the right person to appoint a lawyer to pursue his case. That is if he was unfairly treated.

Mr. Deputy Speaker: Last question, hon. J.M. Kamau!

Mr. J.M. Kamau: Could the Assistant Minister table all the documents relating to the hearings that they held in the Prisons Department?

Mrs. Kones: Mr. Deputy Speaker, Sir, I would like to table these documents to prove that the officer was given a fair judgement and was not dismissed unfairly. I also wish to table the certificate of dismissal.

(Mrs. Kones laid the documents on the Table)

Mr. Deputy Speaker: Fair enough, hon. Assistant Minister.

Next Question by hon. Mbau!

Mr. Mbau: Mr. Deputy Speaker, Sir, I am still waiting for a copy of the written answer.

Question No.160

RESOLUTION OF ROAD RESERVE ENCROACHMENT/
LAND DISPUTE AT KENOL TRADING CENTRE

Mr. Mbau asked the Minister for Roads:-

(a) what steps he is taking to solve the land dispute occasioned by encroachments on the road reserve on or surrounding Plot No.L.R.10812 at Kenol Trading Centre in Murang'a South District which has led to death threats between the parties in dispute; and,

(b) if he could verify the extent of the road reserve and demarcate the boundaries as necessary to stem any ugly incidents.

Mr. Deputy Speaker: Do you still intend to proceed with this Question?

Mr. Mbau: Mr. Deputy Speaker, Sir, I intend to proceed, as I await a copy of the written answer.

Mr. Deputy Speaker: Order! Mr. Mbau, you have a choice to have this Question deferred to another time when the Minister will provide a copy of the written answer if you think you cannot prosecute it adequately without having a copy of the written answer. Do you intend to proceed with the Question or do you want it deferred?

Mr. Mbau: Mr. Deputy Speaker, Sir, let us proceed.

Mr. Deputy Speaker: Proceed hon. Assistant Minister!

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Deputy Speaker, Sir, I beg to reply.

(a) First of all, allow me to clarify that land set aside for road reserves is for the public good. My Ministry will not allow individuals to carve out such land for private use, and there should be no dispute on this position because those who encroach on road reserves must surely know that the Government will not allow individuals to acquire it for personal benefit. Accordingly, my Ministry is taking the following actions to protect and recover road reserves that have been encroached on at the Junction of Roads A2 and C71:-

(i) Notifying all those who have put up buildings and other structures within the road reserve at the Kenol Trading Centre (Junction of A2 and C71) by marking all the affected buildings and structures.

(ii) Issuing of public notices to the owners of such buildings or structures on the mentioned road reserve to demolish or relocate them.

(iii) After the expiry of such notice, my Ministry reserves the right to remove any buildings or structures erected on the road reserve.

(b) My Ministry will mark out the road reserve at this junction to demarcate the road corridor. I also appeal to members of the public who may not be sure of the road reserve boundaries to clear with my Ministry staff in their districts before putting up buildings and thus avoid costly demolitions.

Mr. Mbau: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for this answer. This Question is prompted by a letter written by the OCS in charge of Kabati Police Station, because there has been a threat to the lives of the occupants of that piece of land. This threat was issued on 16th February, 2006. Could the Assistant Minister, therefore, tell us when he is going to resolve that issue? Given that he agrees that there is encroachment, could he indicate exactly when he will act, so that we can resolve the matter without giving rise to any ugly incident?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, as to the issue of members of the public issuing threats with regard to this particular land, it would be in the interests of the affected people to report the matter to the police, so that appropriate investigations can be carried out. In the meantime my Ministry will, in the next 60 days, do the necessary notices to the people concerned in this area and appropriate action will be taken thereafter.

Mr. Deputy Speaker: Mr. Mbau, are you satisfied with that?

Mr. Mbau: I am satisfied, Mr. Deputy Speaker, Sir, provided it will be done within 60 days.

Mr. Deputy Speaker: Indeed, the Chair has taken note of that.

Question No.186

NUMBER OF KENYANS APPLYING FOR
TRAVEL VISAS TO USA/BITAIN

Dr. Munyaka asked the Minister for Foreign Affairs:-

(a) how many Kenyan citizens apply for travel visas to the United States of America (USA) and Britain and how many succeed;

(b) what the fee charged is for the respective visa applications in both countries; and,

(c) what steps the Government is taking to ensure that Kenyans are not unduly exploited in search of these visas.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The issuance of visas by diplomatic missions is an immigration control measure which is usually a sovereign right of any country. The host country has, therefore, no way of accessing information relating to the number of visa applications and the number of visas issued or denied. In the case of Kenya, it would be easy to know how many Americans or Britons are issued with entry visas to Kenya since this information is in our custody, as the issuing country. It is, however, not possible for us to get the same information from the Embassy of the USA and the British High Commission, since they are under no obligation to divulge this information to us.

(b) On what amount of money, or fees, is charged for the respective visa applications by both countries, I would like to say that the charges for the visa fees vary from one country to another. In the case of the USA, a visitor's visa is for Kshs10,500 while for Britain the amount is Kshs8,200.

(c) As to what steps the Government is taking to ensure that Kenyans are not unduly exploited in search of such visas, I am not sure that I know of any cases of Kenyans being exploited in their search for these visas. Respective governments have their own guidelines on how much to charge for different types of visas and for different entries. This is the practice worldwide and cannot, therefore, be termed as exploitative. The processing of visa applications is an administrative cost, and a certain fee is usually levied for the service. The issuing country has the discretion to decide how much to charge individuals of whichever country that is applying for the visa.

Thank you.

Dr. Munyaka: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for that very good answer. However, I thought he would agree with me, and many Kenyans, that Kenyans are usually exposed to very rigorous processes when trying to acquire visas to many European countries and the USA. So, why are the visitors from such countries not also exposed to the same processes they expose Kenyans to when they decide to go to their countries?

Mr. Onyonka: Mr. Deputy Speaker, Sir, as I said earlier, it is usually the country to be visited which makes the decision. When somebody wants to apply for a visa, that individual will make the decision, which is usually voluntary, and the individual decides whether they are going to pay the amount of money that that country is asking for. But in order to address the high visa fees charged by many of the embassies, including the USA, my Ministry is leading a process of negotiating with the USA and Britain for five-year visa extensions for students, diplomats, Government officials, hon. Members, tourists and business people from these three countries. This arrangement will greatly relieve Kenyans of the burden of making frequent trips to the USA Embassy or paying the US\$131 which they pay every time they make an application to travel to the USA. I believe that the USA, the British and any other government we are having bilateral discussions with will consider this to be a matter of urgency and give us the necessary support, so that we can help our people.

Mr. Affey: Mr. Deputy Speaker, Sir, I hope the Assistant Minister will treat this Question with the seriousness it deserves, because the matter raised through it affects a

huge population of this country. In part “a” of the Question, which the Assistant Minister has conveniently decided not to answer, we are asking about the number of Kenyans. I would like to know whether the Ministry of Foreign Affairs has requested the missions here to provide this information. Have they refused to provide this information to you? This will help us to know whether they are friendly to this country or not.

Mr. Onyonka: Mr. Deputy Speaker, Sir, under international protocols the Kenyan Government cannot force a sovereign state to divulge information as to how many Kenyans apply to travel out of the country. But even if we were to get this information, I am not sure whether there is a reason why we should know how many they are and how much--- We are aware of the amount of money they pay, but we are not sure of the number of the people who travel because---

Mr. Affey: On a point of order, Mr. Deputy Speaker, Sir. I am asking the Assistant Minister whether, in fact, the Ministry of Foreign Affairs has reacted to the request by the hon. Member. Have they requested the missions here to supply this information? Whether they deny or give it is another matter. But have they done their bit, as the Government?

Mr. Onyonka: Mr. Deputy Speaker, Sir, we have made a request, the reason being that we cannot force them to give us the names of Kenyans who are travelling.

Mr. Bahari: Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House how much, in terms of the visa fees, the Government of Kenya charges the British and the United States of America (USA) citizens when they come to Kenya and what guides the amounts charged?

Mr. Onyonka: Mr. Deputy Speaker, Sir, that is a different Question but if the hon. Member wants me to give that information, I will avail it as soon as he may wish.

Mr. Deputy Speaker: Are you sure it is very different? Mr. Assistant Minister, you should be able to know how much those countries are charging us and how much we are charging them!

Mr. Onyonka: Mr. Deputy Speaker, we have about 100 countries and that Question would require more time for me to do a tabulation.

Mr. Deputy Speaker: Mr. Bahari, are you asking about all the countries in the world?

Mr. Bahari: Mr. Deputy Speaker, Sir, certainly not! If you look at part “b” of the Question, it implies that Kenya is charging less and yet Britain and the USA are exploiting our people. That is the message in the Question!

Mr. Deputy Speaker: Mr. Assistant Minister, you should be able to give a comparative fee. What are they charging us and what are we charging them?

Mr. Onyonka: Mr. Deputy Speaker, Sir, in our analysis and interpretation of the Question, we did not get that comparative analysis which he is asking for, but I can do it as soon as I get the records.

Mr. Bahari: Mr. Deputy Speaker, Sir, in the same vein, could the Assistant Minister produce the evidence that he has written to the USA Embassy and the British High Commission, so that we know that the Ministry is serious?

Mr. Onyonka: Mr. Deputy Speaker, Sir, I hope that the hon. Member is not doubting the credibility of my Ministry. I want to inform him that some of the documents which he may wish to see, for example, a letter written to the USA Embassy, might be privileged information.

Mr. Deputy Speaker: Mr. Munyaka, last question!

Dr. Munyaka: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that VIPs and Members of Parliament have lost important official business appointments due to delays in processing of visas?

Mr. Onyonka: Mr. Deputy Speaker, Sir, I agree with the hon. Member that sometimes the procedures of application and issuance of visas to Members of Parliament and Government officials delays because the applications are done late. However, I can promise them that through our Ministry, which also houses the Department of Immigration and the department in Parliament which handles immigration matters for hon. Members, if co-ordination can be improved, then this matter should not be an issue at all.

Mr. Deputy Speaker: Next Question!

We shall go back to the first Question by Private Notice.

QUESTIONS BY PRIVATE NOTICE

PROCUREMENT OF INTERTEK INTERNATIONAL SERVICES TO CONDUCT FITNESS TESTS ON MAIZE

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

(a) What is the criteria and procedure used by the Government to procure the services of M/s Intertek International Limited to conduct fitness tests on the maize imported from the Republic of South Africa?

(b) What is the amount of money paid by the Government for the services rendered?

The Minister for Industrialization (Mr. Kosgey): Mr. Deputy Speaker, Sir, I apologize for coming late.

I beg to reply.

(a) The Government used the following criteria and procedure to procure the services of Intertek International Limited to conduct fitness tests on the maize imported into the country from the Republic of South Africa:-

(i) A survey was carried out on the four firms detailed below to determine their capability to undertake the tests, that is, if they have fully-fledged offices in Mombasa. The four are international firms that carry out inspection, certification and testing of products:

(a) SGS: This firm had carried out inspection at the point of origin and therefore, they were excluded from carrying it out in Mombasa.

(b) Bureau of Veritas: This firm did not want to be involved in this particular consignment.

(c) Cotecna: This firm does not have offices or laboratory facilities at the Port of Mombasa.

(d) Intertek International Limited: This firm operates a fully-fledged laboratory at the Port of Mombasa and happened to be the only one among the four that was ready and well-equipped to undertake the tests on the maize.

(ii) The Government invoked Section 74 of the Public Procurement and Disposal Act, 2005 to procure services of M/s Intertek International Limited. The Act allows procuring entities to make direct procurements and it states *inter alia*, if, there is an urgent need for goods, works and services being procured; the circumstances that give rise to the urgency were not foreseeable and were not the result of dilatory conduct on the part of the procuring entity; and the other procurement methods are impracticable.

Mr. Deputy Speaker, Sir, Section 90(2) of the Act further allows direct procurement of goods, works or services from a reputable provider in respect of low value goods or services that fall far below a threshold of Kshs30,000. The criteria and procedure used to engage the services of M/s Intertek to undertake tests on maize imported into the country from South Africa was, therefore, lawful.

(b)The amount of money paid to the firm for conducting tests was Kshs25, 520 broken down as follows:-

Analysis costs	-	Kshs17, 000
Sampling	-	Kshs 5,000
VAT	-	Kshs 3,520
Total	-	Kshs25,520

Mr. K. Kilonzo: On a point of order Mr. Deputy Speaker, Sir. I have a letter here which I want to read so that you can see that it is relevant.

Mr. Deputy Speaker: What is your point of order? What is not in order? Has the Minister misled the House?

Mr. K. Kilonzo: Yes, Mr. Deputy Speaker, Sir. That is why I want to read this letter from the Ministry of Industrialization addressed to Parliament. It states:-

“Reference is made to the above referred Question by Private Notice from the Member of Parliament for Kinangop, Mr. Ngugi directed to the Minister for Industrialization.

This is to inform you that the Ministry of Industrialization did not procure Intertek International Limited to conduct tests on imported maize neither is the Ministry privy to the authority that engaged the firm. In the circumstances, we are not in a position to provide the required answer. You are kindly required to establish the authority that engaged the firm to undertake the tests and re-direct the Question accordingly.

Prof. J.K. Lonyangapuo,
Permanent Secretary.

cc:
The Speaker of the National Assembly,
The Vice-President,
The Prime Minister
The Minister for Industrialization”

Mr. Deputy Speaker, Sir, according to this letter, is the Minister in order to mislead this House that he has the answer to this Question yet, the Ministry itself has written to the august House and stated that the Question is not within their province and that they cannot answer it? Where did he get that answer from?

Mr. Kosgey: Mr. Deputy Speaker, Sir, last time, I said that I was aware that the Office of the Prime Minister, in its capacity as coordinator and supervisor of Government operations including my Ministry, did commission Intertek International to carry out tests on this maize. I confirm that they were commissioned and I also confirm that I have sufficient information from the Office of the Prime Minister, through the Permanent Secretary, to adequately deal with this question.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! The hon. Minister is responding to a point of order.

Mr. Kosgey: Mr. Deputy Speaker, Sir, the Question is asking about the criteria and procedure used by the Government to procure the services of this particular firm. It is not a very complicated Question. The third part is on the amount of money paid. I have sufficiently provided the answer on behalf of the Government. I have done so, as the Minister of the Government and also in my capacity as the Minister responsible for standards or testing of materials such as maize that comes to this country.

As I explained last time, the reason it was necessary to seek a second or third opinion was because some doubts had been expressed in the local media about the credibility of the results that had been obtained by three other Government agencies.

Mr. Keynan: On a point of order, Mr. Deputy Speaker, Sir. This Question is directed at the Minister for Industrialisation. However, the Minister purports to answer the Question on behalf of the Prime Minister. If truly he did not have the necessary information, then he would have as well directed the same Question to the Office of the Prime Minister.

Secondly, we have a letter from the Permanent Secretary who is the executive arm of the Ministry and yet, the Minister purports to say that he has information. So, this House is being taken for a ride. Could the Chair list his name as a person who persistently and consistently misleads this House? Could he give Parliament the necessary information because what he is saying is misleading? Otherwise, he should refer the issue to the Office of the Prime Minister. The Prime Minister has a Permanent Secretary and can adequately answer this Question. The House is being taken for a ride.

Mr. Deputy Speaker, Sir, thirdly, we have the Kenya Bureau of Standards (KEBS) as an institution funded by the Kenyan taxpayers. The same role which is supposed to be played by KEBS is now being given to a private entity solely to protect the interest of the very importers. This House is being taken for a ride.

Mr. Deputy Speaker: Order, hon. Keynan! You have made your point. You were on a point of order and when you are on a point of order you confine yourself to it.

Dr. Nuh: Mr. Deputy Speaker, Sir, the HANSARD will bear me witness; the Minister says that since the Prime Minister's Office has the role of co-ordination and supervision, they went ahead to procure services. Does the role of co-ordination and supervision include carrying out of individual Ministerial work?

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

Mr. Deputy Speaker: Order! Let the hon. Minister Respond. You raised a point of order on top of a point of order. You better learn the practice of the House. Wait until the Minister responds to the point of order, then you rise on a point of order.

Mr. Mbadi, you have been here for more than a year and you should stand by those basic rules.

Mr. Minister, proceed!

Mr. Kosgey: Mr. Deputy Speaker, Sir, before the commissioning of this firm to carry out this fairly simple test, there was a meeting in the Prime Minister's Office.

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

Mr. Deputy Speaker: Order, Mr. Mbadi! Wait for your moment. Are you running to somewhere else? Do you have one minute or ten minutes to stay in the House or everything else should stop for you to raise your points of order? The Minister is responding to a point of order. When a Minister is responding to a point of order, you allow him to do so, because the point of order was raised by a hon. Member, not a less hon. Member than you. The Members and the House have a right for the Minister to respond to that point of order first. Then you rise on your point of order after that!

Mr. Kosgey: Mr. Deputy Speaker, Sir, as I was saying, before the activity was undertaken by this firm, there was a meeting in the Prime Minister's Office comprising of officers from my office, Permanent Secretaries from my office, Office of the Prime Minister, Ministry of Agriculture and Ministry of Public Health and Sanitation to deliberate on this particular issue. After that very elaborate meeting which included officers from the Kenya Bureau of Standards (KEBS), it was decided that they all go to Mombasa and use this firm to sample and produce results. That was done under the auspices of the Prime Minister in his capacity as the co-ordinator and supervisor of Government services. I have answered it under the collective responsibility of the Government and also in my capacity as the Minister responsible for standards. I think I have dealt with the Question as put adequately. Unless, there is other information, I am ready to answer this Question.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. The reason I insisted on my point of order is that you allowed another point of order on top of another point of order.

As far as I know, it is the Minister who is answerable to the Legislature. We have three Arms of Government. Allowing Members of Parliament to question the answer of a Minister based on a letter from a Permanent Secretary in that Ministry, is, to me, sabotage.

Hon. Members: No! No!

Mr. Mbadi: I want to know why the Executive is using some Members of Parliament to sabotage the work of other Ministries. I need your guidance on this matter. No amount of murmurs and shouts will stop me. This is an issue of Permanent Secretaries sabotaging Ministers from one side of the Coalition Government? The Permanent Secretary is writing to the National Assembly on---

Hon. Members: No! No!

Mr. Deputy Speaker: Order! Order! First of all, you insisted on a point of order on top of a point of order. Then you rose on a point of order and essentially, you were supposed to say what is not in order in as far as the Minister's answer is concerned.

Then, you proceed on a business that essentially does not fall within the purview of a point of order. Hon. Member, you are out of order, in that respect.

Proceed, hon. Minister!

Mr. Kosgey: Mr. Deputy Speaker, Sir, as I said, I have dealt adequately with the Question. The Question is asking about the criteria and procedure and the amount of money paid. I have answered it and given sufficient information. I am ready to answer supplementary questions based on the Question.

Mr. Deputy Speaker: Hon. Minister, I notice that this same Question was raised another time and you attempted to answer it.

Mr. Mbugua: Yes. He is out of order!

Mr. Deputy Speaker: The hon. Member for Kamkunji the next time you decide to run the House yourself from the sidelines, the Chair will act accordingly. It is not for you to say who is out of order and in order.

The Hon. Minister, indeed, the Question did appear again on the Order Paper today. The ruling of the Chair at that time for the Question to be revisited again was based on the information that was given and that your Ministry did not give answer in the opinion of the Chair at that time, that adequately addressed the Question.

Since then, there is information that was not available from your office at the time. It is a letter written to the Clerk of the National Assembly, copied to the Speaker and also, among others, the Member for Kinangop, the Questioner, hon. David Ngugi. Your Ministry says it has no intention to answer this Question. In a nutshell, it says:-

“This is to inform you that the Ministry of Industrialization did not procure Intertek International Ltd to conduct the tests.”

The letter proceeds on with more information that is available right now and says:-

“You are kindly requested to establish the authority that engaged the firm to undertake the tests and redirect the Question accordingly.”

Your Ministry did not want to address this Question on the Floor of the House.

(Applause)

You, nonetheless, came up and said: “As a consequence of the collective responsibility of the Government, that it be directed to the Prime Minister. Or rather, you said that you have direction from the Office of the Prime Minister for further information”. Whatever the information may be, and based on the amount of interest that this issue has generated, and the fact that your own Ministry has prevaricated on a number of occasions--- You want to answer? You do not want to answer! You want to answer? You do not want to answer! Now, you have attempted to answer the Question. The Chair directs that this Question be directed to the Prime Minister’s Office, which will come up with the answer. This Question will be put on the Order Paper next week on Wednesday during the Prime Minister’s Question Time.

Proceed!

(Applause)

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

Mr. Deputy Speaker: Order! This matter is settled! What is it, Dr. Khalwale? Is your point of order on the same matter?

Dr. Khalwale: It is on procedures, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! On what procedure?

Dr. Khalwale: Mr. Deputy Speaker, Sir, under our procedures, Standing Order 97(f) provides that if an hon. Member deliberately gives false evidence to this House---

Mr. Deputy Speaker: Order!

Dr. Khalwale: Then, Mr. Deputy Speaker, Sir, proceed to Standing Order No.98, which allows me, and I do invite you, that you may name hon. Kosgey to be suspended from the House for gross misconduct.

(Laughter)

An hon. Member: It is not a laughing matter!

Mr. Deputy Speaker: Order! Order! Order, hon. Members! Order! The hon. Member has done nothing on the Floor of the House. You need to read the Standing Orders properly. The misleading of the House is based on the substance and content. Whether it is this Ministry or the Prime Minister's Office that should answer the Question is not a misleading matter! The Government has a collective responsibility. It is the view of the Chair based on the amount of interest that the matter itself has generated that the Chair has ruled that it is best going to be served to the Office of the Prime Minister, so that this matter can be put to rest once and for all. But there is no information from the Minister that can be said to mislead anybody! The Question is explicit. It is asking for the criteria and the amount. Other than for the fact that his Ministry did not want to answer the Question at one stage and now wants to answer it, and for dragging in the Office of the Prime Minister as the one which has directed, the Chair does not see anything in the content of the answer given by the Minister to warrant the naming under Standing Order No.97. So, under the circumstances, the matter is put to rest. The Prime Minister is going to respond to this Question during the Prime Ministers' Question Time on Wednesday, next week. This matter is put to rest!

Hon. Minister, as much as you have attempted to answer this Question, you have answered it very appropriately. That is because the Question, itself, was very straightforward and you have given a straightforward answer. But based on the fact that your Ministry has prevaricated and kept on either wanting to answer and not wanting to answer, the matter, consequently, generated a lot of interest. It is on that basis that the Chair rules that the Prime Minister deals with this matter, once and for all, on Wednesday, next week. This matter is put to rest.

Next Question!

Mr. Kosgey: Mr. Speaker, Sir---

Mr. Deputy Speaker: Is it on the same, Mr. Kosgey? There is a ruling from the Chair. If you are going to give anything else, it is fine. But on this matter, I think it is settled.

Order! Next Question!

INVASION OF MPEKETONI DIVISION BY ARMY WORMS

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

(a) Is the Minister aware that army worms have invaded Mpeketoni Division, destroying hundreds of acres of crops?

(b) What urgent measures is he taking to contain the situation?

The Minister for Agriculture (Mr. Samoei): Mr. Deputy Speaker, Sir, I seek the indulgence of this House to explain that we were not able to answer this Question when it was called for the first time. That is because we got the Question last evening. But we now have the answer.

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

(a) I am aware that army worms have invaded Mpeketoni Division, affecting ten acres of newly planted young maize crop.

(b) My Ministry has already taken steps to spray the spotted army worms with Bestox 20 EC and Pyrenex 80 EC and has stepped up surveillance efforts in the area to eliminate any threat of army worms to agricultural crops in the division.

Mr. Twaha: Mr. Deputy Speaker, Sir, I would like to thank the Minister for taking swift action against that problem. But I wonder whether the Minister is aware that some of those army worms are resistant to the pesticides that are normally used?

Mr. Samoei: Mr. Deputy Speaker, Sir, we are aware that army worms are developing resistance to some of the pesticides that we use. That is why I mentioned here that we are now using a combination of Bestox 20 EC and Pyrenex 80 EC as a means of overcoming the issues of resistance that has been developed by army worms. I want to also inform the hon. Member that we have adequate control mechanism in place. We have adequate surveillance equipment on the ground and we have also sensitized farmers adequately to ensure that whenever they spot army worms in the area, they quickly inform our staff. We have ensured that there is adequate supply of Bestox 20 EC, Pyrenex 80 EC and knapsacks. We have also ensured that our staff have adequate fuel to ensure that surveillance is carried out and spraying is carried out whenever army worms are spotted.

(Mr. Chanzu stood up in his place)

Mr. Deputy Speaker: Hon. Chanzu, did you rise to ask a question?

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

Mr. Deputy Speaker: Then why are you not asking your question?

Mr. Chanzu: I am sorry, Mr. Deputy Speaker, Sir. I just wanted to ask the Minister: Since army worms can attack any part of the country and the invasion is normally unpredictable, what steps is he putting in place to ensure that this menace is eradicated completely, rather than waiting to fight when the army worms have already attacked and destroyed the crops?

Mr. Samoei: Mr. Deputy Speaker, Sir, apart from the surveillance effort, we have, under the Ministry of Agriculture, collaboration under the Desert Locust Control Organization (DLCO) with other countries to ensure that whenever army worm invasions are across the boundaries, we use the services of DLCO. They have aeroplanes that can be used. Kenya is an active member of DLCO that also assists in fighting army worms.

Mr. Deputy Speaker, Sir, I agree that those pests can, sometimes, cause a great threat to crops across the country. But I want to assure the House that adequate preparations have been made both at the Ministry level and at the national level to ensure that those pests are put under control.

Mr. Pesa : Mr. Deputy Speaker, Sir, I really want to appreciate the fact that the Minister is trying to ensure that we have food security in Kenya. That is why he is spending funds to control the army worms. What would it take the Minister, once we have food in this country, to allow National Cereals and Produce Board (NCPB) depots in some areas to sell maize to the people who are going hungry?

Mr. Deputy Speaker: That is a different question.

The Minister for Agriculture (Mr. Samoei): Mr. Deputy Speaker, Sir, that is a different question. However, I had an occasion to discuss with the hon. Member and I have advised him that the Ministry of State for Special Programmes would be in a good position to answer that question.

Mr. Deputy Speaker: Last question on this hon. Twaha!

Mr. Twaha: Mr. Deputy Speaker, Sir, I do not have further questions.

Mr. Deputy Speaker: Order, hon. Members! Today is a Private Members Day and, consequently, it is only fair that we give attention to Private Members Motions. With regard to Question No.3 by Private Notice appearing on the Order Paper, the Chair directs that it appears on the Order Paper tomorrow. Questions No.023 by hon. Ochieng, No.097 by hon. Kaino, No.173 by hon. Namwamba and No.132 by hon. Kiuna will appear on the Order Paper on Tuesday afternoon and Wednesday morning, next week.

OUTBREAK OF CATTLE DISEASE IN MARA AREA

(Mr. ole Lankas) to ask the Minister for Livestock Development:-

- (a) Is the Ministry aware of the outbreak of a disease that is killing cattle in the Mara Area of Narok South District?
- (b) Could the Minister give the identity of the disease?
- (c) What is the Ministry doing to contain the disease?

(Question deferred)

Question No.023

UPGRADING OF OBOCH DISPENSARY TO HEALTH CENTRE

(Question deferred)

Question No.097

LAND ADJUDICATION IN MARAKWET WEST

(Question deferred)

QUESTION No.173

HALTING OF LATF REMITTANCES TO LOCAL AUTHORITIES

(Question deferred)

Question No.132

ENFORCEMENT OF MARKETING STANDARDS
FOR AGRICULTURAL PRODUCE

(Question deferred)

POINTS OF ORDER

DELAY IN GAZETTEMET OF APPOINTMENTS TO KENYA
ANTI-CORRUPTION ADVISORY BOARD

Mr. Imanyara: Mr. Deputy Speaker, Sir, I wish to seek a Ministerial Statement from the Minister for Justice, National Cohesion and Constitutional Affairs regarding whether or not His Excellency the President has gazetted the names submitted to him as a result of a resolution of this House on 19th February, 2009, submitting the following names to the Kenya Anti-Corruption Advisory Board:-

Hon. Billow Adan Kerrow, submitted by the Institute of Certified Public Accountants of Kenya.

Mr. John Kameme Wanyera, submitted by the Kenya Bankers Association

Mrs. Jackline Mugo, submitted by the Federation of Kenya Employers.

Eng. Reuben Kosgei, submitted by the Institution of Kenya Engineers.

Dr. Abdalla Kibwana, submitted by the Kenya Medical Association.

Mr. Sulu Tana, submitted by the Kenya Association of Manufacturers.

Ms. Irene Keino, submitted by the Architectural Association of Kenya.

Mrs. Grace Kaome Injene, submitted by the Association of Professional Societies of East Africa.

Mr. Francis Wangara, submitted by Central Organization of Trade Unions.

Mr. Deputy Speaker, Sir, I am seeking this Ministerial Statement in light of the resolution we passed yesterday, approving the appointment of the two Assistant Directors of the Kenya Anti-Corruption Commission. My information is that, as of now, six months after this House approved the names and were submitted by the Clerk of the Kenya National Assembly by a letter dated 24th February, 2009, in compliance to the provisions of the law that requires the President to gazette the names within 14 days, these names have not been submitted.

Therefore, could the Minister tell us why those names have not been gazetted? Is this House acting in vain in sending other names to His Excellency the President to gazette, when he has not acted six months after this House approved the names of the members of the Kenya Anti-Corruption Advisory Board, simply because he may not like one person in the name of hon. Billow Kerrow?

Mr. Deputy Speaker: Hon. Minister, can you give an undertaking on behalf of the Minister for Justice, National Cohesion and Constitutional Affairs?

The Minister for Agriculture (Mr. Samoei): Sorry! I thought it was an occasion for me to issue my Ministerial Statement.

Mr. Deputy Speaker: Order. As a Minister, this is in line with collective responsibility.

The Minister for Agriculture (Mr. Samoei): Mr. Deputy Speaker, Sir, I undertake, on behalf of the Government, to inform the Minister for Justice, National Cohesion and Constitutional Affairs ---

Mr. Deputy Speaker: Order! You should give a definitive day when the Minister is going to issue the Statement.

The Minister for Agriculture (Mr. Samoei): Mr. Deputy Speaker, Sir, the Minister is away in Geneva, but I am sure that Thursday next week would be an appropriate day.

Mr. Deputy Speaker: Thursday next week! That is in line with collective responsibility. However, it is not just the Minister. He has Assistant Ministers. The Chair directs that this matter be responded to by the Minister on Thursday next week.

STRATEGY FOR CAPTURING PASTORAL COMMUNITIES DURING NATIONAL CENSUS

Mr. Bahari: Mr. Deputy Speaker, Sir, the national census is expected to commence on 24th August, 2009. As you know, there is a devastating drought in almost 80 per cent of this country. That has had serious adverse effects on the economy of the pastoral community. The exercise I am referring to is the census---

(Loud consultations)

Mr. Deputy Speaker: Order! Hon. Ministers, the Member of Parliament who is a Back Bencher is seeking a Ministerial Statement from the Government. It would be fair if you listened to it so that you can convey the information and take the undertaking on behalf of the Government.

Proceed, hon. Bahari!

Mr. Bahari: Mr. Deputy Speaker, Sir, this is directed to the Ministry of State for Planning, National Development and Vision 2030 as it relates to the census.

I have just arrived from my constituency this morning and the residents of more than five neighbouring constituencies are already in my constituency. They are likely to disperse further into the interior of those vasa districts. I want to know from the Ministry what effective specific arrangements is the Ministry undertaking to ensure that the census is effectively carried out among the pastoral communities?

I am particularly asking this question because the month of August is when we are faced with the worst situation. It is going to be very difficult to carry out an effective census at that time.

Thank you very much.

Mr. Deputy Speaker: Hon. Minister, in view of the fact that the possibility of getting the pastoral communities during the drought is difficult, the Minister should give a Ministerial Statement. Mr. Samoei, could you give an undertaking on behalf of the Minister?

The Minister for Agriculture (Mr. Samoei): Mr. Deputy Speaker, Sir, the Ministerial Statement will be made on Wednesday next week.

Mr. Deputy Speaker: It is so directed! Hon. Assistant Minister for Finance, can you proceed and issue your Ministerial Statement? That should be the last business on Ministerial Statements today, either seeking or issuing. We will go to the next business.

The Assistant Minister for Finance (Dr. Oburu): Thank you, Mr. Deputy Speaker, Sir. On 5th---

Mr. Deputy Speaker: Order! Order! Hon. Assistant Minister, I understand that the direction from the Speaker last time was that it is hon. Samoei, the Minister for Agriculture, who should give his Ministerial Statement. This Ministerial Statement, which was noted by the Speaker, is the only one that we are going to take for today. We will have to allocate another day for the rest.

The Assistant Minister for Finance (Dr. Oburu): On a point of order, Mr. Deputy Speaker, Sir. The Speaker ordered last week, and I have it in the HANSARD, that I should issue my Statement today.

Mr. Deputy Speaker: Order! In view of the many Ministerial Statements that we have, the Chair has directed that for today, we will have only the Ministerial Statement by the Minister for Agriculture. We will slot the others for other days.

Proceed!

Mr. Affey: On a point of order, Mr. Deputy Speaker, Sir. I had requested for a Ministerial Statement from the Minister of State for Special Programmes. The Chair had directed that the Statement be issued this morning. I do not know whether that directive has been overtaken by events.

Mr. Deputy Speaker: While the Chair is consulting on the same, could the Minister for Agriculture issue his Ministerial Statement?

MINISTERIAL STATEMENTS

FACTORS AFFECTING THE SUGAR SUB-SECTOR

The Minister for Agriculture (Mr. Samoei): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to brief the House on the issues affecting the sugar sub-sector in the country.

The sugar industry plays a very significant role in the economic development of our country. It is the main economic activity in many parts of Nyanza, Western and parts of Rift Valley provinces. Approximately 250 small-scale farmers who supply approximately 90 per cent of the cane survive on the sugar sub-sector. An estimated six million people or approximately 16 per cent of the entire population, derive their livelihood directly or indirectly from the industry which is estimated to employ approximately 12,500 Kenyans in the sugar plantations and sugar factories.

Domestic production saves the country approximately US\$250 million, which is equivalent to Kshs20 billion in foreign exchange every year. Other benefits accruing from the industry are social amenities such as schools, roads, bridges as well as health facilities provided to communities by the various sugar companies.

Mr. Deputy Speaker, Sir, the industry's performance in the last two years has been on the upward trend. The sugar industry has indicated industry profit after tax which

has improved from Kshs1.8 billion earned in 2005/2006 to Kshs2.3 billion in the 2006/2007 Financial Year. The small decline in the 2007/2008 Financial Year is because of the challenges that faced us last year. The gross turnover for the sugar industry increased marginally from Kshs24 billion in the 2005/2006 financial year to Kshs27 billion in the 2007/2008 Financial Year. It is noteworthy that the operating mills made profits after tax in the 2006/2007 Financial Year to date, compared to the previous years when Sony Sugar, Chemilil and Muhoroni Sugar companies in receivership recorded losses after tax.

Despite massive investments over the years, sufficiency in sugar production in the country has remained elusive as consumption continues to out speed supply. In 2007, for instance, consumption was at 748,000 metric tonnes compared to production at 520 metric tonnes, leaving a deficit of approximately 227 metric tonnes. The installed capacity, that is, the crushing capacity is 24,400 tonnes per day against a potential of 47,000 tonnes per day. Kenya, unfortunately, has the highest sugar production cost in the Common Market for Eastern and Southern Africa (COMESA) Region at approximately US\$600,000 per tonne.

[Mr. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker
(Mr. Imanyara) resumed the Chair]*

Mr. Temporary Deputy Speaker, Sir, we have various challenges facing the sugar sub-sector and I want to detail them for the House. Among them is under-investment in the industry, resulting in the use of obsolete or near-obsolete, inefficient processing technology; high cost of production; low productivity at both the factory and the farm level; heavy indebtedness limiting access to adequate and affordable credit; weaknesses in existing institutional and legal framework resulting in ineffective out-grower institution; poor state of infrastructure; weak research and extension; illegal importation of sugar disguised as other commodities crowding out locally produced sugar; under-utilization of company assets; and, poor management practices.

The single biggest challenge that faces the sugar sub-sector is its debt portfolio. Despite this significant contribution of the sub-sector to the economy, the performance of the public sugar enterprises over the years has been on a downward trend. Under-utilization of company assets and historical poor management practices has led to a debt portfolio in excess of Kshs58 billion, whose details as at March, 2008 are as follows.

Chemelil Sugar Company has a debt portfolio of Kshs2.548 billion; Agrochemicals and Food Chemical Industry - Kshs6.884 billion; Miwani Sugar Company - Kshs8.666 billion; Muhoroni Sugar Company - Kshs9.968 billion; Busia Sugar Company - Kshs375 million; Nzoia Sugar Company - Kshs26.657 billion and South Nyanza Sugar Company - Kshs2.998 billion. The grand total debt to the sugar sub-sector is Kshs58,096,000,000. This debt is one of the most constraining factors in the development of the sugar industry in Kenya. It results into severe cash flow problems and constrains the ability of the sugar companies to borrow in order to finance their recurrent operations and capital investments. Sugar companies are under-capitalized and unable to finance important activities such as cane development, factory maintenance and even

payment of farmers' dues. These debts affect the public sugar companies which are the most underperforming and are rendering them technically insolvent.

Mr. Temporary Deputy Speaker, Sir, the Government has taken the following interventions. The short-term priority interventions that the Government has taken include enforcement of good corporate governance practices, including the introduction of performance-based management contracts; reduction of interest rates from 10 per cent to five per cent on Sugar Development Fund (SDF) loans given to factories; suspension, while seeking Parliamentary write-off – of accrued interest and penalties on SDF loans and levy which amounts to Kshs4.7 billion; disbursement of loans, approximately, Kshs1.2 billion as part payment to offset arrears owed to farmers by sugar millers; enhancing research whose funds have been increased 100 per cent from 0.5 per cent to 1 per cent of the levy collections and successful negotiation of a two-four-year COMESA safeguard period to end in February, 2012 to allow the country sufficient time to restructure the industry.

We have also carried out strategic interventions which include financing the restructuring of Government-owned sugar companies; divestiture of Government shareholding through privatisation; enactment of the Sugar Amendment Bill, 2008 whose objectives include ensuring good governance in the industry, improving the administration and management of the SDF and reconstituting of the Board to have a lean and effective regulatory Board.

Mr. Temporary Deputy Speaker, Sir, I would like to brief the House now on the privatisation of the sugar industry in the country. Sugar industry stakeholders identified privatisation as one of the policy measures necessary for the revitalisation of the industry. These policy measures are contained in Sessional Paper No.--- of 2008 and the Sugar Amendment Bill, 2008. The current safeguards granted to us, as a country, under the COMESA protocol are for a period of four years. This is intended to allow the sugar industry time to restructure and attain competitiveness. This reprieve was, however, subject to a number of conditions, key among them that the Government adopts a privatisation plan and grants the necessary approval for the privatisation of the four remaining public-owned sugar mills within the first 12 months of the safeguard extension.

Two, the Government agency responsible for privatisation undertakes very viable steps to privatise these remaining publicly owned mills within the first 24 months of the safeguard extension. The commencement of the privatisation exercise is a step towards honouring this national commitment in support of the safeguard measures granted by the COMESA Council of Ministers. It is also progress towards the attainment of our national Vision 2030, specifically on industrialisation and poverty eradication.

Mr. Temporary Deputy Speaker, Sir, the reasons as to why we think privatisation is the way to go are: One, we need new, adequate and fresh capital injection into our sugar factories. Two, we need to expand because, at the moment, we are operating at 40 per cent of the capacity---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Samoei, your Ministerial Statement is very long.

The Minister for Agriculture (Mr. Samoei): Mr. Temporary Deputy Speaker, Sir, give me another three minutes and I will be done.

Thirdly, we need to modernise, so that we can integrate to mainstream other products that currently are not being produced in our sugar factories. At the moment, the majority of our sugar factories just crush cane and produce sugar. They can produce other products like ethanol, coal and other products that would help to improve the competitiveness of our sugar factories. It is also our intention to bring on board the private sector for purposes of professional management and divest Government shareholding.

The policy direction on privatisation, which we have told the people in charge of privatisation, we be reducing the cost of production, diversifying revenue streams from integrated enterprise, with a strong business case during privatisation, increasing sugar and sugar-cane production and productivity, expanding and modernising of existing sugar mills, expanding production under irrigation and other potential areas, improving governance and efficiency in the industry and diversifying the product base.

Mr. Temporary Deputy Speakers, Sir, lastly, I want to inform the House that we have made tremendous progress. This process of privatisation is ten years behind schedule, but the good news is that it has now started in earnest. A road map for the financial restructuring and privatisation of step-on mills was developed with stakeholders in 2008 by way of a Draft Cabinet Memo and Sessional Paper. On 8th December, 2008, the Cabinet approved and placed on a priority list, the privatisation of five sugar mills, namely Chemilil, Miwani, Muhoroni, Sony Sugar and Nzoia.

On 20th May, 2009 the Privatisation Commission signed a contract for transaction advisory services with *Ernest and Young*, in consortium with Standard Investment Bank, Murii, Mungai & Company Advocates, Wage and Management, Kemboi & Company Advocates, and Emineo & Fluriskeli. The contract is for 20 months, and the contract sum negotiated by the Privatisation Commission is Kshs89,791,240. We have organised that tomorrow, there will be a *kamukunji* for the Privatisation Commission, the Kenya Sugar Board and the transaction advisors to come and brief Members of Parliament on the steps that will follow between now and when the exercise will be concluded.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, I would allow three short clarifications, starting with Mr. Mungatana. Please, be short.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, you have to give credit where it is due. There are some Ministers who take their work seriously. We appreciate this Ministerial Statement. It shows that industry that has been put into it.

In view of the fact that the House has already been told that the technology that is being utilised with existing sugar mills is outdated, new technology is required. A Cabinet Memo has been passed. The President has spoken about it. The former Vice-President has spoken about it. The Prime Minister has spoken about it – that is the potential of developing the Tana Sugar Belt. Even the Minister---

The Temporary Deputy Speaker (Mr. Imanyara): What clarification are you seeking, Mr. Mungatana?

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, when are we going to get that modern farm that will bring in all these things to enable us produce all these things together, including electricity that will be loaded to the national grid? The people of Tana Delta District have been waiting. We want the Minister to talk about this issue today.

The Temporary Deputy Speaker (Mr. Imanyara): Next is Mr. Chanzu!

Mr. Chanzu: Thank you, Mr. Temporary Deputy Speaker, Sir. We appreciate the measures and strategies that the Minister is putting in place to revive or rejuvenate the industry. I just want him to note the issues I am going to raise, so that he will be able to clarify them.

The sugar sector is just like any other key agricultural sector like tea. There have been key cash crops in this country, but they have been tampered with mainly because of--

The Temporary Deputy Speaker (Mr. Imanyara): What is the clarification that you are seeking?

Mr. Chanzu: What the Minister is doing---

The Temporary Deputy Speaker (Mr. Imanyara): Not what he is doing! What are you asking him?

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I am asking him to clarify about the issue of heavy overheads in the sugar sector as well as in other agricultural sectors.

Secondly---

The Temporary Deputy Speaker (Mr. Imanyara): You will seek one clarification at a time. I am allowing---

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, allow me to seek a short clarification.

The Temporary Deputy Speaker (Mr. Imanyara): Alright. Make it short.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, the strategies that we are putting in place work, but as long as we will have dumping of cheap sugar onto our local market, we will not achieve much. So, I want the Minister to clarify whether he is taking that factor into account. The sugar sector in this country has suffered because of importation of cheap sugar.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Chanzu, you have made your point. Let us have the last clarification before I ask the Minister to respond.

Mr. Washiali: Mr. Temporary Deputy Speaker, Sir, while I appreciate the efforts that the Minister has put in place, for me, privatisation would mean some kind of efficiency. To farmers, efficiency would mean putting more money into their pockets.

The Temporary Deputy Speaker (Mr. Imanyara): Please, seek clarification.

Mr. Washiali: Mr. Temporary Deputy Speaker, Sir, what measures is the Minister putting in place to make sure that the stakeholders, who are mainly the farmers, in this case, are properly taken care of?

The Minister for Agriculture (Mr. Samoei): Mr. Temporary Deputy Speaker, Sir, I want to request Mr. Mungatana to allow me to come and issue a Ministerial Statement, specifically on the Tana Delta and the sugar industry in the Coast Province because we are handling them separately from the privatisation that is going on in Western Kenya. That would give it sufficient time, and I will be able to give sufficient information that will inform the House.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mungatana, are you happy with the Minister's request?

Mr. Mungatana: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Very well. You can do that, Mr. Minister.

The Minister for Agriculture (Mr. Samoei): Thank you, Mr. Temporary Deputy Speaker, Sir.

On the issues that were raised by Mr. Yusuf Chanzu, about the huge overheads, we have brought on board transaction advisors to advise Government on what needs to be done to make this industry efficient: What loans need to be written off, what loans need to be turned into equity, how much shareholding should remain in the hands of Government, how much shareholding should go into the private sector, *et cetera*.

All this will be done in consultation with the Government and the Privatisation Commission. In fact, we have asked the Privatisation Commission and the transaction advisors to come and brief Parliament on the steps that will be taken, so that we can eliminate any grey areas on this process. I also want to say that the reason as to why we have this huge debt was basically because of bad governance. Monies were sunk in by Government but, because of mismanagement---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Samoei, I think all that is in your very detailed Ministerial Statement.

The Minister for Agriculture (Mr. Samoei): Lastly, Mr. Temporary Deputy Speaker, Sir, on issues of dumping, I want to assure this House that in the last one year, we have blocked all avenues of dumping goods into the country. As a result, the sugar cane farmer today is being paid Kshs3, 200 per tonne in Western Kenya as opposed to Kshs2, 500 that they were being paid earlier.

In response to the issues raised by Mr. Washiali, I would also like to say that the Government has already directed that beginning 1st January next year, sugar cane will be weighed at the farm gate as opposed to what is going on currently where sugar cane is weighed at the factory and all loses occasioned by transportation is borne by the farmer. Beginning January next year, it will be the responsibility of the millers to weigh sugar cane at the farm gate. Any loses incurred, as a result of transportation will be at the expense of the millers.

Mr. Temporary Deputy Speaker, Sir, adequate arrangements have been made with the Kenya Sugar Board (KSB) and we have already given direction on how equipment is going to be made available for that process to begin.

Secondly, we have also instructed that bulk purchase of fertilizer be initiated under the KSB to reduce the cost of fertilizer. You will be surprised that today, the sugar cane farmer is paying Kshs3, 500 for urea which they can get at under Kshs2, 000 if the consignment was bought in bulk. We have already given direction. The tenders have been floated and in the next one or two months, fertilizer will be available to sugar cane farmers at reduced costs.

(Applause)

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, I know we are eating into Mr. Mungatana's time but the Chair is inclined to allow Dr. Oburu to issue a Statement.

Dr. Oburu, please, proceed!

INTENDED SALE OF MBO-I-KAMITI FARMERS' LAND BY NATIONAL BANK KENYA.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, on the 6th May 2009, Mr. Peter Baiya, the Member for Githunguri sought a Ministerial Statement from the Deputy Prime Minister and Minister for Finance on the earmarked sale of land belonging to Mbo-I-Kamiti Farmers Company Limited. In particular, he wanted to know:-

1. Whether the Minister is aware that the National Bank of Kenya (NBK) has earmarked for sale Mbo-I-Kamiti Farmers Company Limited land to recover bad loan arrears;

2. Why the Government has chosen to allow the sale of the company properties; and,

3. What action the Government proposes to take to save the company's property and safeguard the interest of the small holders.

Mr. Temporary Deputy Speaker, Sir, I confirm that I am aware that the properties belonging to the Mbo-I-Kamiti Farmers Company Limited were advertised for sale by public auction in the *Daily Nation* newspapers on 20th April 2009 and 4th May 2009. The auction was scheduled to take place on 5th May 2009. However, on the same date, Mbo-I-Kamiti Farmers Company Limited obtained a court injunction to stop the sale of the properties under Court Case No.306 of 2009 filed at Milimani Commercial Courts. The case is still pending in court awaiting hearing and determination.

The issues raised by the hon. Member can, therefore, only be addressed once the court case is concluded.

Mr. Temporary Deputy Speaker, Sir, on the third issue raised by the hon. Member, I wish to state that Mbo-I-Kamiti Farmers Company Limited is a private company and its dealings with the NBK Limited are of private nature between the bank and the company as a customer. I, therefore, wish to advise the management of Mbo-I-Kamiti Farmers Company Limited to approach the bank and seek an amicable solution to their issues in order to protect the interest of the peasant shareholders.

Thank you.

Mr. Baiya: Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for that Statement. However, it has fallen short of addressing the issues at hand.

In the first place, to say that the issue is *sub judice* is really to escape responding to the issues. We are only asking why the NBK intends to sell this property. This is a very big company owned by over 7,000 small shareholders. It is a big company dealing in coffee. If the Government is serious about restarting the economy, why can it not consider writing-off that debt alongside the others it has written-off? The Government has written-off debts owed by sugar cane farmers. Maize and coffee farmers have also been given subsidies. The viability of this company is no longer an issue.

Mr. Temporary Deputy Speaker, Sir, to say that this company is a private company is to completely miss the point. This is a company that has even been managed by the Provincial Administration. We have actually---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Baiya! You really must seek clarification and not make a statement.

Mr. Baiya: Mr. Temporary Deputy Speaker, Sir, we have even had past heads of State getting into the management of this company. Is it fair for the Government to intervene in some cases and then when it comes to issues of responsibility, it ducks and says it is a private company? I urge the Government to intervene and take action.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, the NBK itself was rescued by the Government when it had problems and they put in a lot of money. Mbo-I-Kamiti Farmers Company Limited is truly the only company that is owned by peasants. Last night, the United States of America (USA) rescued General Motors (GM)---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mututho, restrict yourself to seeking clarifications.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, why does the Assistant Minister find it so difficult to rescue this company as they did with the NBK which is now auctioning Mbo-I-Kamiti Company Limited given the number of people who are involved in this company?

Mr. Mungatana: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am standing on a point of order under Standing Order No.80(3)(c). The hon. Assistant Minister has referred to this matter as being *sub judice*. In fact, the rules require that if any Member alleges that a matter is *sub judice*, he or she has to actually provide evidence. He has to bring the case number and show that the matter is *sub judice*.

Secondly, it is expected of the Assistant Minister, in any way, to stop us from discussing this matter, to show that there is active preparation for trial for that matter. Otherwise, if there is no trial date, hearing date or preparation, this matter should be canvassed properly.

Mr. Temporary Deputy Speaker, Sir, under this point of order, I urge that the Assistant Minister should not throw that blanket. He should canvass these matters of Mbo-I-Kamiti properly. We are interested, because when you have 7,000 members---

The Temporary Deputy Speaker (Mr. Imanyara): Okay, you have made your point.

Mr. Mungatana if you look at Standing Order No.80(5), the Chair has the discretion to allow references, notwithstanding that the matter may be *sub judice*. Because the mover himself has not raised that issue, I think the Assistant Minister can address all the issues that can be raised.

I will give two other Members one minute each to seek clarifications.

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, the problem of Mboi Kamiti started several years back when the Government started managing it just like they did with the National Bank of Kenya. The coffee industry has been in a limbo for many years. Could the Assistant Minister tell us the difference between the coffee loans that were written off by the Government and these 7,000 coffee farmers? Why can he not consider handling the Mboi Kamiti issue like any other coffee industry issues that they have handled in the past?

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, we appreciate the critical role the Government has played in the management of Mboi Kamiti Limited for the last ten years. We are also aware of the magnitude and effects of the mismanagement of this company and its impact if it is not bailed out of its current predicament. Why can the Government being the stakeholder in this company not come up with a package to salvage it, just the way it did with the National Bank of Kenya and the Kenya Commercial Bank?

The Assistant, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, most of the clarifications that have been sought by hon. Members are more or less similar. The bottom line of what hon.

Members are asking is why the Government was in a position to rescue other companies and not Mboi Kamiti. If, indeed, I understood the clarifications sought by the hon. Members. Mboi Kamiti has a long history of mismanagement. I am sure that hon. Members are aware that the Government has done its best in the past to rescue Mboi Kamiti. However, every management that comes in starts the normal practice of looting. Again, this company is different from the National Bank of Kenya. We cannot compare Mboi Kamiti with the National Bank of Kenya because the bank is owned by the Government. The National Bank of Kenya is a public property. It belongs to Kenyans.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Are you telling this House that the National Bank of Kenya is owned by the Government?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, the majority shareholding is by the Government.

The Temporary Deputy Speaker (Mr. Imanyara): The majority shareholding is by the Government, but is it now owned by the Government.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, in that case, we own the majority shareholding in the National Bank of Kenya. This is a---

Mr. Mututho: On a point of order, Mr. Temporary Deputy Speaker, Sir; is the Assistant Minister in order to say that the National Bank of Kenya is owned by the Kenyan Government?

The Temporary Deputy Speaker (Mr. Imanyara): He has clarified that, Mr. Mututho!

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, who owns the Government of Kenya because this is the same Government that sent a District Commissioner as a manager to mismanage Mboi Kamiti. Why can they not rescue it in a same rescue package like they did to other companies?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, the Mboi Kamiti cannot strictly fall under privatization programme of the Government. This is because strictly speaking, it is a shareholders' entity.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Oburu, he is not asking whether it falls under privatization programme. He is asking what steps the Government can take to save this company from collapse given there are 7,000 ordinary Kenyan shareholders involved in it. That is the issue we are raising!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, I have stated in my Statement that this case is in court.

The Temporary Deputy Speaker (Mr. Imanyara): Order! If you insist on that, then I will uphold Mr. Mungatana's point of order and require you to come and provide that information relating to the case being *sub judice*. You cannot hide under the *sub judice* rule when it suits you. So, you either decide to answer the issues raised or I will uphold his point of order and require you come next week and deliver the details.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, at the moment, the Government has not plan of rescuing Mboi Kamiti.

The Temporary Deputy Speaker (Mr. Imanyara): That is the question you are being asked. Why are there no plans?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, this is a private company. The Government has in the past tried to rescue it unsuccessfully. Therefore, there are no immediate plans to rescue it.

Mr. Baiya: Mr. Temporary Deputy Speaker, Sir, is it in order for the Assistant Minister to assert that this is a private company when, in fact, it is registered as a public company and the number of shareholders are so substantial that it affects the economy of a whole region? If it is actually private, what was so unprivate about other companies like the KCC, KCC 2000 and the Kenya Meat Commission? There are other institutions that have been saved. In any case, we have seen even in the US, the General Motors---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Assistant Minister, you can now conclude.

Mr. Baiya, you have made your point.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Speaker, Sir, I cannot go into comparison as to why the others were rescued and why this one was not rescued. Each particular case must be treated according to its own merit. The ones which were rescued had proposals which were properly considered by the Government for write off. Mboi Kamiti was not one of those which were considered for write off. There is no immediate plan to do so.

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

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I was expecting a Ministerial Statement from the Minister of State for Special Programmes. The Chair had directed that the Statement be delivered this morning.

The Temporary Deputy Speaker (Mr. Imanyara): Is she here?

Mr. Baiya: The Minister is here.

Mr. Imanyara: What do you have to say, Madam Minister? Do you have the Statement with you?

The Minister of State for Special Programmes (Dr. Shaban): Yes, Mr. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Mr. Imanyara): I have to seek the indulgence of the Mover of the next Motion because we have really eaten into the Private Members' time. Unless Mr. Mungatana agrees, I will have to request you to give your Ministerial Statement this afternoon.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, the Private Members' Time is sacrosanct. So, we will not give in. We need to debate. She can come back in the afternoon.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Chanzu, you had five minutes of your time remaining for you to contribute into the Motion.

Next Order!

MOTION

FINANCIAL/RESOURCE MANAGEMENT TRAINING
FOR MINISTERS/ASSISTANT MINISTERS

THAT, aware of the need for reforms in all Government institutions, including the Cabinet and in order to enhance good governance, this House urges the Government to facilitate induction and training on financial and resource management for all Ministers, Assistants and other Constitutional officer holders.

(Mr. Mungatana on 27.5.2009)

(Resumption of Debate interrupted on 27.5.2009)

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, when I was contributing to this Motion on Wednesday, I said that the Motion was long overdue. I said that the scope of the Motion offers a good beginning, but I thought that the Motion should cover a larger scope than this. We are talking about leadership. I talked about the confusion we are likely to envisage in the near future. I said that what we got from the Bomas Draft which came from the grassroots level was that we needed to devolve more. When we devolve, we take resources to the grassroots level. Wherever these resources end up, they have to be administered by people who know what this Motion is addressing; that is, the Government to facilitate induction and training on financial and resource management. It is a good beginning, although long overdue. In future, we need to cover a wider scope either laterally or vertically.

Mr. Temporary Deputy Speaker, Sir, we are better off when we start from the known than the unknown. We are better with leaders, for example, Ministers, who are knowledgeable about what they are doing than those who are not. Even those who have not been trained have to understand that training and re-training should be a continuous process. I think these are the aspects that this Motion should be addressing.

Mr. Temporary Deputy Speaker, Sir, we should not only dwell on financial management. This is because you may understand financial management today, but we also want efficiency. We want things to be done quickly and services to be delivered promptly to the people. We cannot do that if we just say that we understand financial management but we do not have modern management techniques. It is very important that as we debate this Motion, we take into account all these aspects, particularly those to do with management as a whole.

Corporate governance in the management of public and private institutions was introduced sometime back. However, I noticed that we have got Government corporations, where chief executive officers and board members go for corporate governance training. But when they return to their offices, they are supposed to be answerable, for example, to the Permanent Secretary, Secretary to the Cabinet and Head of Public Service who does not appreciate their training because he is not trained. So, most of the money that has been spent on corporate governance has gone to waste. This is because its purpose is to ensure that there is easy flow of communication between those who are managed and those who are managing. However, if those who are managing do not appreciate the training that has been undertaken, then it is a waste of time. It is important that our leaders, including Ministers, Assistant Ministers, constitutional office holders and others, are trained and re-trained.

Mr. Temporary Deputy Speaker, Sir, once appointments are made on merit and after people are well trained, the only aspect that we will deal with will be retraining. However, if appointment is not on merit, then we do not even know how to classify the people you will train. I remember when I was doing a Masters programme in the United Kingdom, the lecturer just wanted to know the level of mathematics we could start with because we came from all over the world. He gave us the Algebra that we were doing in Form Three. Some people who came to do the course but who had not done that sum spent a lot of time trying to prove that $A + B$ is equal to 0 and $A + C$ is equal to this and that. They took a lot of time and yet the professor only wanted to see where we could start. Because they did not understand this sum and they were doing a Masters programme, they were supposed to do more. It would be easier even to classify people when we take them for training if the appointment is done on merit.

Mr. Temporary Deputy Speaker, Sir, we have looked at the politics in this country. The minimum education---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Chanzu, your time is up!

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Temporary Deputy Speaker, Sir, I also want to join my colleagues in supporting this Motion that we need an induction course for Ministers, Assistant Ministers and holders of Constitutional offices. This is because all of us must understand that the government is an old institution; even before the first republic was formed. It is an old institution starting from the time of Kings David and Solomon all the way to when Aristotle and Plato philosophized on issues of governance. The Government is an old institution that people who are charged with the management of Government affairs must understand.

I propose that, at least, after each and every election, Members of Parliament, Ministers and Assistant Ministers should be taken through an induction course for two weeks for them to understand the dynamics of the Government, including issues of financial resource management and Government organization. Ministers should understand why we have officers all the way to the sub-location level and their roles. So, Government organization is extremely important.

Mr. Temporary Deputy Speaker, Sir, the fundamentals of the Constitution must be understood by constitutional office holders, Ministers, Assistant Ministers and even Members of Parliament. We all know that we have Ministries that have executive powers, like the Ministry of Finance and Ministry of Local Government. When you appoint a Minister to that Ministry who does not understand the rudiments or the very basics of management in that Ministry, you end up having problems especially in the management of financial affairs.

During the time of the Anglo Leasing scandal, you will remember that a Minister came here and actually admitted that he did not know what he was doing. He said that he just signed a document because he was given by a mandarin at the Treasury. It is extremely imperative that Ministers and Assistant Ministers are trained or given induction on these matters.

Ministers should understand the Code of Regulations. They should also understand issues concerning administrative law so that they do not act *ultra vires* and punish officers when they should not be punished. You also understand that the economic

management of a country is extremely important. So, Ministers should understand the very basics of economics. They should understand how the economy performs, critical issues of inflation and unemployment because these are the main issues which affect Kenyans. They should also understand how the economy is rated in terms of the Gross Domestic Product (GDP) and Per capita income. This is because there are people who may not understand some of these things.

Mr. Temporary Deputy Speaker, Sir, there are also issues of diplomacy. We should know how the diplomatic field operates. Diplomacy is important because without it, the management of Government affairs cannot function very well. When we talk about financial management, we should also be told that when you go to a Ministry and realise that it takes forever for a voucher to be signed to become a cheque--- You cannot understand why the process should take a week or so. We should understand this so that we even shorten the period. I congratulate a Minister who was appointed to the Ministry of Roads and found 22 signatures on a voucher before anything could be done. He reduced them to 12. I think this is extremely imperative and this seminar is important to all of us.

Mr. Temporary Deputy Speaker, Sir, when you look at the evolution of development policies in this country, right from the time of Sessional Paper No.2, the District Focus for Rural Development Strategy, the initiative of the rural development fund, rural enterprise fund, the structural adjustment programmes and the retrenchment policy that came in, when quite a number of civil servants were retrenched to the extent that right now we do not have senior officers--- We have a shortage of senior officers at the upper echelons, and that is why some people are coming up with the policy that the retirement age should be raised to 60 years, a policy that most youthful Kenyans do not want. So, we should understand some of these things.

We used to have something called the "Dream Team". Where did it go? Why did it fail? We should also understand that. We need, as a matter of urgency--- I think the Minister for Planning, National Development and Vision 2030 recently promised to organize a seminar or a workshop for hon. Members on the Vision 2030, even though we all know that that vision is a dream. It is a long-term dream, and we need to understand whether we should maintain it or even bring it forward to 2020. We need to understand the short-term, medium-term and the long-term initiatives, so that Ministers and hon. Members can fast track, so that most of us can see it function.

We have always talked about industrialization by the year 2015, and it is very few years down the line. We need to understand this. As I said earlier, the Government is a very big and old institution, and it takes quite a long time for people to understand the very fundamentals of Government. So, this Motion has come at the right time and we want to move into action by supporting it. Those who are in charge should organize the induction courses as a matter of priority.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Muthama, I would like some indication as to who is responding on behalf of the Government.

Mr. Shakeel: Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion. It is long overdue and, at the risk of repeating what has been said - I think repetition sometimes is important because it underlines the importance of what we are speaking - there have been Ministers, Permanent Secretaries and other executive officers in various

Ministries who seriously required training. I do not agree that a two-week course is going to be sufficient. I do not agree! It will be totally inadequate because even professionals - whether you are a qualified lawyer or accountant - need continuous education. It is my proposal that we have a continuous training for Ministers, Assistant Ministers and others. So, if a person is appointed as the Minister for Finance, he must first have the prerequisite qualifications to even understand what is required in the Ministry of Finance. You cannot allow somebody to go to the Ministry of Local Government yet he has no idea what the Ministry does. The first requirement is that the Minister appointed by His Excellency the President, at his pleasure, should have minimum qualifications for that job. The reason that we are having problems in the Ministry of Finance, and other Ministries - let us zero in on the Ministry of Finance- for the last number of years, is because the Ministers in that Ministry do not have a good grip on the operations of that Ministry. I can speak about the Anglo Leasing, the Grand Regency Hotel, the Goldenberg and others. It only requires somebody with basic information to know whether certain reports are right or wrong. What happened in the Ministry of Finance was that the so called "mandarins" who have been there for years and years, and who know all the loopholes, used them to advise comen like Pattni and Somaia to work out how to get Goldenberg. I do not, for one minute, think that any one person, as clever as people say Mr. Pattni is, would have had the inside knowledge of how to con this country of billions of shillings.

Mr. Mututho: On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard the hon. Member mention a number of names without tabling any substantive---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Mututho! You are overruled! Continue, Mr. Shakeel!

Mr. Shakeel: Thank you, Mr. Temporary Deputy Speaker, Sir, for protecting me. The situation, as I said, is that when you look into all these problems, including Triton and others, surely, you know that there are some people who have shown those people who had ulterior motives how to defraud this country. If, however, the Minister in charge has some basic knowledge, he can sense certain signals.

I want to bring to your attention one glaring factor. When the Permanent Secretaries are being reshuffled, there is another big problem. You have a gentleman who has been, for argument's sake, a Director of Medical Services for a long time, and is moved to the Ministry in charge of women affairs. I want to talk about Dr. Nyikal. He was an excellent Director of Medical Services for many years. What, in God's name, is he doing at the other Ministry? That in itself shows that we have no clear sense of the manning any Ministry. This sort of thing cannot continue. The Ministers need constant training just like Parliamentarians. We are not here to waste money. We do not want to go to Mombasa, or wherever, it can be done here. The School of Monetary Studies is here, and I think time has come that Ministers for critical Ministries must have certain qualifications to start off with.

The systems of control, and for argument's sake, we are really stuck; we have experts in this country. We have some experts in IT in this House, yet they are not involved. The Minister for Local Government and others have no idea what is going on. They cannot even involve other people. We have experts and so it is very good that the Minister in charge of communications is here, but we need expertise. Training is an essential element of life and I strongly support this proposal. I suggest that it takes, at least, six months and all appointed Ministers should take up their positions on a

probationary period. He should then be evaluated, not by way of a test, but by constant evaluation and correction, so that at the end of six months, he has the capacity to understand and can effectively lead.

There should be constant evaluation so that at the end of six months, he has the capacity to understand so that he can effectively work in the Ministry. The other issue is that those Permanent Secretaries in the Ministries must be experts in their fields. There is no point appointing a Permanent Secretary from one speciality and putting him in another just because he knows how to deal with Government procedures. Even a chief can deal with Government procedures.

With those few remarks, I support.

The Temporary Deputy Speaker (Mr. Imanyara): I propose to give the Government responder time at 11.50 a.m.

Mr. Muthama: Do you mean 12.15 p.m. or 11.50 a.m. because we are passed 11.00 a.m.

Thank you very much for the opportunity. I will take a maximum of five minutes to make my contribution. When you look at what is happening in the country, it is true that Ministerial positions have been given to people who need to be taken through induction courses. The best example is today. We are reading in the newspapers that Ministers are representing the Republic of Kenya with a population of about 38 million people and yet they do not understand the meaning of their positions. They failed here and now they have taken flights to go to Geneva to show our misunderstanding and failures.

Mr. Lagat: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am really surprised by the hon. Member, considering that he is well aware that this is a coalition Government which requires that before we sent Ministers out there---

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

Mr. Lagat: Mr. Temporary Deputy Speaker, Sir, my point of order is that the hon. Member is not right in saying that two coalition Government Ministers that we have send out there are fighting amongst themselves. It is the Principals who appointed them!

The Temporary Deputy Speaker (Mr. Imanyara): Order! We did not send there two coalitions. There is only one coalition Government.

Mr. Muthama: Thank you, Mr. Temporary Deputy Speaker, Sir, for making that clear. I never mentioned the word "coalition", I am talking about the responsibilities of Ministers in the Republic of Kenya. I am also not talking about infighting. I am talking about failure by Ministers to understand their responsibilities. It is not good to have Ministers who are squabbling and taking flights to go and represent over 38 million Kenyans.

Mr. Temporary Deputy Speaker, Sir, we need to understand that as leaders we should be responsible and those who have been appointed to Ministries should undertake induction courses so that we can eliminate what is happening now. The Ministers are the Chief Executive Officers of their Ministries and they need to understand the responsibilities of the organizations that they are managing.

As hon. Members, we have a lot of work to do in the constituencies. In many cases, a person is appointed today, taken to the office and he or she is answering questions. The answers to those questions have been drafted by the Permanent Secretaries and subordinate members of staff in the Ministry. Most of them do not understand the

functions of the Ministry. A good example is the Ministries that were created. There is the Ministry of Public Health and Sanitation and that of Medical Services. The responsibilities of those Ministries overlap. So, the Minister for Medical Services does not know his boundaries and the same applies to the Minister for Public Health and Sanitation. That is why there are contradictory issues arising. So, Ministers need to be trained even if it means for a month or so. That is necessary so that we can have good leadership and provide services to Kenyans.

With those few remarks, I beg to support.

Prof. Kamar: Mr. Temporary Deputy Speaker, Sir, I rise to support this wonderful Motion on capacity building of our Ministers and Assistant Ministers. I want to thank the Mover for the wise articulation of the Motion. It is time to put this House in order. Parliament is judged by the contribution of its Members. We have always said that the House is a reflection of how our Committees perform and also how the Cabinet performs. Our Cabinet is not just limited to the Ministries that they are given.

Currently, the performance of Ministers is worrying. We have seen Ministers who come here and mumble as they answer Questions directed at their Ministries. Even after surviving reading the written answer which we know is normally prepared by their technical staff, they cannot tackle a supplementary question. That is because the appointment of Ministers is done without any consideration of qualifications. There are times when Ministers have been moved from one Ministry to the other. You find that a social scientist is moved from a Ministry that is purely scientific to one for engineering. That does not auger well for the performance in the Ministries.

Mr. Temporary Deputy Speaker, Sir, the performance of a Minister is not tied to the House but also in the Ministry. Sometimes, we hear of difficulties in the Ministries and we do not realize that Ministers were not prepared. All of us come here for a period of five years and we only take up positions that are given to us. It is important that these Ministers be given clear guidelines in handing over while shifting from one Ministry to the other.

Mr. Temporary Deputy Speaker, Sir, when I looked at this Motion, I wished that it had gone further than this. We need to persuade the Executive that, as they select Ministers, they should think about their qualifications. They should actually qualify in some way. There is no reason why we should swap them and mismatch them in the Ministries. This country is lagging behind as far as qualifications for certain jobs are concerned. In Uganda you cannot be selected to head a Ministry if you do not have a first degree. That is already a pointer to where we should be going. When Mr. Ethuro came up with a Motion on qualifications and the number of Ministers, we debated it at length. We should all think about it. Whether it is on this Floor or in the Constitution that is coming, we really need to think very seriously.

I am saying that because our Ministers' duties are not only limited to this House and their Ministries. They also go to international forums. We do not want them to go there--- If they cannot tackle a supplementary question in this House, how can they fully participate in an international forum? How can they contribute to a debate in an international forum except to read their speeches and quietly sit down? You cannot blame them because they are not qualified in what they are doing.

Mr. Temporary Deputy Speaker, Sir, what we are saying is that we have people who are qualified right within the Cabinet but the way the appointments are done,

nobody considers their qualifications. You will find that an engineer is appointed to the Ministry concerned with social services while somebody who is qualified in social sciences is dealing with roads. That is a mix-up. As we realized, there is need for capacity building. It is important to also look at the kind of people that we have so that we spent less time in capacity building. I support this, but for how long is that capacity building going to take place?

The Temporary Deputy Speaker (Mr. Imanyara): Professor, you must wind up unless Mr. Omingo donates time to you.

Prof. Kamar: As I wind up, I notice that he has given me a minute. I just want to say that when we go ahead to interrogate our Constitution, we must address this issue.

The last contribution I want to make is what is going on in Rwanda. Ministers in Rwanda come from outside the House. They come with their expertise. There is a Minister of State who came with the Rwandan President recently for the Prayer Breakfast. He told us that there was no way they can have an engineer as a Minister for Finance or a social scientists as a Minister for Health. I think those are very healthy things we should learn from the region. Otherwise, we are the only ones who are lagging behind in the region.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Omingo, it is your time to respond. If you are not going to take the entire 20 minutes, you may perhaps, give some of your time to your colleagues. But it is entirely within your discretion.

The Assistant Minister for Trade (Mr. Omingo): Mr. Temporary Deputy Speaker, Sir, I have not been consulted by any Member. But in the interest of gender, I would like to give five minutes to Dr. Laboso and two minutes to my younger brother here, Mr. Pesa.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Dr. Laboso): I must thank the Assistant Minister for the two minutes he has given me.

The Temporary Deputy Speaker (Mr. Imanyara): He has given you five minutes.

Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Dr. Laboso): Oh, five minutes! I may not even use the five minutes.

Mr. Temporary Deputy Speaker, Sir, mine is to reiterate what has already been stated; that really, training of our Ministers, Assistant Ministers and all constitutional office holders is critical to the reforms that we are looking for in the Government. Financial management is a technical subject. Resource management, whether it is human or capital management, is very technical. When we appoint our Ministers and Assistant Ministers, as has already been stated, we do not take into consideration what competencies these people have. Instead, it is more on the basis of political expediencies.

So, Mr. Temporary Deputy Speaker, Sir, it is really important that once appointed, these members get trained on every aspect that will help them to discharge their duties effectively in their Ministries. As we charge these Ministers and Assistant Ministers with the responsibility of managing both the finances and human capital in their dockets, they must be trained. We must give them some capacity building. We must make sure that we develop their competencies, so that they can actually provide leadership. We give them responsibilities and charge them with a lot of resources, but the bottom line is: Are they able to discharge these duties? Are they able to actually deliver

to Kenyans? My plea is, this Motion has come in at the right time and it should be given the support that it deserves, So that we can help our Ministers and Assistant Ministers build their capacity. Let them lead from the front and let them provide direction and guidance in their Ministries. I believe that those are the kind of reforms that we are looking for.

With those few words, I beg to support the Motion.

Mr. Lagat: Thank you, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has also extended two minutes to me which I want to use to really support this Motion.

Mr. Temporary Deputy Speaker, Sir, we are well aware that every five years, we go for elections in Kenya. It is at that time that Kenyans introduce all profiles of people to this Parliament. It is from these people that the President makes his choice of Ministers. You must have noted that when the current President and all the previous Presidents make such appointments, they do not pay much attention to the qualifications of such Members of Parliament as elected by the people of Kenya. They do not even call for their CVs. We have seen in the past people in this country holding very serious ministerial positions with very little qualification in form of education. You will even notice that in the current Cabinet, we have people with very basic education, running very huge budgets as CEOs of Ministries.

It is on this understanding that I support the Motion that we must induct them. I want to support the view that such inductions shall not last for two hours. Actually, these Ministers should be taken through an induction of more than two months, so that they can come out being able to run the Ministries professionally. We want them to be able to allocate their resources correctly. We want them not to allocate resources, like it is done now; resources are allocated using the voting pattern. For example, if the President is from PNU, resources will be allocated equitably on the strength of PNU votes countrywide. It is for this reason that we want to induct these Ministers. We are want to make them know that they are Kenyans and that when you become a Minister, you are serving the whole country.

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

The Assistant Minister for Trade (Mr. Omingo): Mr. Temporary Deputy Speaker, Sir, I want to donate some four minutes. Hon. Members, I request you not to overstretch my generosity. Two minutes for the Member for Lari and two minutes the for Member for Laikipia West.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, I am very happy with the few minutes that I have been given. I want to indicate that it is very important that we have our managers trained properly, particularly in the primary school sectors where the Government invests a lot of money and these money is misused.

Secondly, we also need our principals trained properly, so that the resources that are released by the CDF and LATF are also used to the best.

Finally, we also need the Permanent Secretaries to be trained because we have seen that they are fully involved in the procurement procedures of this nation. At times, the procurement procedures have not been followed properly. We have seen hopeless choppers being bought through dubious ways and we have lost lives of our people. We have also seen incompetent managers investing in poor ferries that are used in waters. We

have seen innocent lives being lost. Therefore, it is important that we support this training. This training should be mandatory for those people in key positions.

With those few remarks, I support the Motion.

The Assistant Minister for Industrialization (Mr. Muriithi): Thank you, Mr. Temporary Deputy Speaker, Sir. I think this is an excellent Motion and I rise to support it. The whole essence of democracy really is that governments are elected on the basis of a platform that they promise the country to implement a set of policies in order to achieve certain development objectives. Upon coming into office of a new Government, the technocrats would then take these manifestoes and make them into a policy programme for that Government. Last year, the Coalition Government did harmonize manifestoes and came up with the Grand Coalition policy document which then led to the launching of the Vision 2030.

So, there is need for ability, not just of Ministers, Assistant Ministers and Constitutional Office holders, but for everybody involved in governance to understand the process. We all know governments are voted in on the basis of a programme of action that they promise the country.

Therefore, the expenditure of the Government must reflect those priorities that the citizens have voted for. So, for example, this Grand Coalition Government promised to enhance free education to ensure that every child gets 14 years of education across the country. So, in fact, our spending patterns should reflect those priorities. Therefore, I think this is an excellent Motion and this is work that needs to be done.

Mr. Temporary Deputy Speaker, Sir, many projects have been funded by the Constituencies Development Fund (CDF). We have improved the infrastructure. We have built dispensaries and police posts. But we have no requisite personnel who have been recruited to run those institutions. Why? Because there is a disconnect in planning!

Mr. Temporary Deputy Speaker, Sir, I think that all of us should support this Motion. I beg to support.

Thank you, Mr. Temporary Deputy Speaker.

The Assistant Minister for Trade (Mr. Omingo): Thank you, Mr. Temporary Deputy Speaker, Sir. I thank all hon. Members for their contribution.

Mr. Temporary Deputy Speaker, Sir, on behalf of the Government, I want to, from the onset, take the opportunity to support the Motion and thank the hon. Member who moved the Motion for the wisdom that he has displayed and the overwhelming support that this Motion has received. There is no limit to knowledge and if anybody declines to learn, his or her brains usually get rusty. If the Government did do a lot of blending and understood what each one of us stood for when we were elected, I am certainly sure that, perhaps, hon. Mungatana would still be in the Government. There is the issue of cohesion and understanding of what we stand for and how we need to inter-relate in terms of delivery of services.

As we all know, Mr. Temporary Deputy Speaker, Sir, there are no strict terms of reference for Members of Parliament upon election. It is critical that we learn to appreciate, through Curriculum Vitae (CVs), who is appointed to which Ministry. That is not a tall order for anybody to request for. Therefore, when Dr. Khalwale is talking about medical terms, I am sure he understands what he is talking about. If the Ministry is relevant, I am sure it would not be jargon to him. Indeed, it would be value addition to his

career and perfect the art that he knows in terms of what he has been trained to do. Therefore, the country will gain immensely from the knowledge that the people have.

Apparently, Mr. Temporary Deputy Speaker, Sir, it is true that we have been passing such Motions. I want to challenge Back Benchers who are going to be in the Committee of Implementation. We are passing this Motion. I do not believe that the Government is extremely busy dealing with other issues that are relevant to its mandate. But I would request the Committee of Implementation under Standing Order No.198 to follow up on those Motions for implementation.

Mr. Temporary Deputy Speaker, Sir, it does not really look nice for a family to wash its dirty linen in public. You have seen it happening in this House where the Assistant Minister does not know what the Minister is doing. The Permanent Secretary does his things while the Minister does not understand what he is doing. There are some Permanent Secretaries who have, indeed, drafted documents for the Minister to sign on the dotted lines and the consequence is that the country loses billions of shillings! I think we need to bring everybody up to speed to understand what they are signing and why they are signing.

Mr. Temporary Deputy Speaker, Sir, how do we assign roles? As I said earlier, it is important that on every commencement of every Parliament--- I think there is a proposal to bring our CVs and post them on the website for the appointing authority. It does not matter, really, how much you like me as your brother. As the appointing authority, please, give me what I can be able to carry as a Minister responsible. Once again, let us follow up on the issue of responsibility and implementation.

(Applause)

Mr. Temporary Deputy Speaker, Sir, the Government is a big animal. Anybody coming from any quarter--- Maybe, somebody has been appointed, having been in a particular profession or, maybe, in the private sector. But when you come to the Government, it is a big animal! To be able to understand and look neat, even in the international fora, as one of the speakers said, it is really something that should give the country a good image. Perhaps, when we go out there, some of us may not be able to visit those countries and be served in the high table. It is quite an embarrassment! It does happen and you know that 70 per cent of us remain home after every election! The 70 per cent must be polished so that we can grow together and have synergy and a thought process that is going to benefit this nation.

Mr. Temporary Deputy Speaker, Sir, it is also important to have a benchmark for Ministers who are being appointed. What am I supposed to deliver quarterly? I do not approve of the statement that we need to have exams every six months for Members of Parliament and Ministers. I think we can have a refresher course quarterly for every hon. Member or Minister to present and table his efficiencies and inefficiencies. Again, we also need to stop wastage in terms of our expenditure processes. That is where we are going to merge and check who is using funds properly. It could be a learning process and also an evaluation process which is going to help all of us grow together so that we can minimize the squabbles.

Mr. Temporary Deputy Speaker, Sir, it is really painful that, as much as we are trying to bury our head in the sand--- For example, what is happening today

internationally makes us look very bad. In a Government that is supposed to be one, we have two delegations out there in the United Nations (UN). Suppose one team is left out? It would look terrible! Once the country is discredited, it is not those who went but all of us. When you go to international conferences, they will know that you come from Kenya. They will: "Yes. Those people do not do what they say. They do not mean what they say." So, we need to grow together and move this country forward.

Mr. Temporary Deputy Speaker, Sir, processes and programs need to be put together in terms of what the mandate of each Ministry is. Ministers usually have the blue book where their mandate is printed. Really, that is not enough to guide them, unless whatever training they have has--- Unless you are really an exceptional human being who can run everything. All of us have got various professions. Let us place people where they belong.

Mr. Temporary Deputy Speaker, Sir, on the issue of graft, if we know the track records of Members of Parliament who are being appointed as Ministers, and then look at the technical and managerial skills that they have, we can limit the issues of conflict of interest and squabbles in their Ministries. Managerial skills can be inculcated in them so that they can run bigger institutions like the Government. They need to learn those tricks so that they can build teams for the well being of this nation.

You know, Mr. Temporary Deputy Speaker, Sir, the only problem with us is that we look at Kenya or the Government as any other body. But the Government should be viewed as a company incorporated. We must improve the social well-being of the people using the taxes that they remit to the Government. That is critical! That should be our benchmark! Let us tell Ministers and parliamentarians to give us benchmarks. We need you to present policies and Cabinet Papers that give Kenya so much *per capita* income by the end of two years. That is how we can be measured because we do not have strict benchmarks of measurement. That is going to come from the Committee that is going to draft the training schemes. If it can be linked up with a small legislation again--- This is a proposal. It was done by word of mouth and there are very few gentlemen left in the club of gentlemen. It has to be linked up with some bit of legislation so that we can compel the Government to follow what we are doing.

Mr. Temporary Deputy Speaker, Sir, there is nobody who has the monopoly of knowledge. All of us are learners and we are willing to learn. Learning is a continuous process. If you claim to know, please, find out. You may not know what you think you know.

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

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mungatana, it is your time!

Mr. Mungatana: Thank you, Mr. Temporary Deputy Speaker, Sir. I will donate, from my 20 minutes, three minutes to hon. Mututho, three minutes to Dr. Khalwale, three Minutes to hon. Ethuro and three minutes to hon. Mwadeghu, so that I can remain with eight minutes.

Mr. Mututho: Thank you, Mr. Temporary Deputy Speaker, Sir. I support this Motion whole heartedly and do congratulate and thank my brother, hon. Mungatana, for bringing this Motion.

Mr. Temporary Deputy Speaker, Sir, this whole process begins one or two months before the elections. When we start electioneering, we should have a special team that

goes round to understand what that Ministry was doing. That way, at the time when we do the elections, they will come and stay for three months with the new Ministers. It is not odd. Even the President of the most powerful nation, the United States of America (USA), went through three months of induction. This will ensure that we have Ministers who, at least, know what they are supposed to do in their Ministries.

Mr. Temporary Deputy Speaker, Sir, I would further add that we should consider a permanent secretariat for Ministers so that, just like in the White House--- Just behind the White House, there is a 15-storey building housing the permanent Secretariat for the Presidency.

(Applause)

So, we should have professional officers who are not under the Permanent Secretary in the Ministers offices. They should be professionals who will do the job.

Mr. Temporary Deputy Speaker, Sir, I want to support this Motion because the private sector should train us. It is the private sector that represents the people. Any Government is a government of the people, for the people, by the people.

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

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, allow me to join my colleagues in supporting this very useful Motion. May I use this opportunity to appeal to those in this country who have the privilege to serve as Ministers to always remember that being a Minister is a very serious calling. Being a Minister is a great honour. Being a Minister, indeed, is a well paying job and it also demands and calls for resilience. Therefore, we cannot ask for less. We can only ask for more.

Ministers should not feel belittled that we are requesting that we send them for induction and training. Training and induction are noble things even in professions like medicine, where I come from. Trained and highly qualified as doctors are, we still undergo continuous education because we realize that knowledge is power. To perfect the performance of a Minister should start right at the point of appointment. We should amend our Constitution to provide that before a person qualifies to be a Minister, his name must be subjected to vetting by Parliament. That way, Parliament can add its voice as to who should sit in our Cabinet on our behalf. Only then shall we have the very best in the country serving us.

This is not strange because even in the United States, as soon as the President wins an election, he presents names of his Secretaries to the Congress, so that it can have an input. Training must be formalized. In formalizing that, we must make sure that we dedicate the training to the very fundamentals of the Government. We should cause our Ministers to be committed to the noble exercise that in this country, all Ministers must, on behalf of the Government and the Executive, be committed to the eradication of poverty, extreme as it is, and the eradication of extreme hunger. Our Ministers must be committed to the eradication of corruption. That is because all Ministers in this country will be lucky if, in their day to day discharge of their duty, do not end up being rubbed with temptations of corruption.

Mr. Temporary Deputy Speaker, Sir, the Masinde Muliro University has provided a course on the fight against corruption. I want to propose that in this law, we should

include that all Ministers should go for an in-service course at the Masinde Muliro University, so that they can have some experience on how to fight corruption.

I want to conclude by appealing, once again, that we must reduce the size of our Cabinet. Our Cabinet is just too big. If the United States, big as it is; and Germany, which has a big economy, have only 15 Ministers, why do we have 40 Ministers? Is it to make hon. Omingo go round in the villages calling himself a Minister?

I beg to support.

Mr. Ethuro: Mr. temporary Deputy Speaker, Sir, I wish to thank the hon. Member for bringing this Motion. Indeed, I need to pay special tribute to hon. Mungatana because since he left the Government, he has come up with such a rare zeal and commitment to make sure that governance in the Cabinet is properly observed.

Shortly, as I stand here, I will be bring a Bill on the size of the Cabinet. Even the greatest democracies or the countries with the largest population have very small cabinets. What do you make of a Cabinet of 42 Ministers? That cannot be the council of advisors to the President. That can only be a classroom or a *baraza*. It is no wonder that there is a lot of wrangling in this Coalition, in particular. The Ministers do not seem to be very sure of their responsibilities. This goes beyond financial and resources allocation. It includes the whole essence and etiquette of governance. The position of a Minister should be a very exalted position. The Cabinet should remain small, lean, swift and respected in the nation.

It is unfortunate that the House has seen it fit to debate this Motion, because of the failure of the Cabinet to respond to what makes work better. An induction course should not be part of a Motion in this House. This is to encourage the Government or an organization to do what is common sense.

Mr. Temporary Deputy Speaker, Sir, before I came to this House, I used to be the Deputy Chief Executive Officer of an organization called Oxfam International. Immediately one is recruited to that organization, he is taken on a three-month induction course, including going to the Headquarters in the UK for a one month course known as "Know Oxfam Course". But here, Ministers, who are supposed to respond to the needs of the Republic of Kenya, come here with no clue of what they are supposed to do. Indeed, if you saw what happened last week, you will agree with us why this Motion is urgent. I expected the Assistant Ministers to support their Minister. They contradicted the Minister on the Floor of the House. That is completely embarrassing.

Finally, I want the Cabinet to be a Cabinet of principle. We had the late Jaramogi as the Vice-President. But when he realized that the appointing authority was not working in tandem with him, he resigned. We had the late Kaggia. When he realized that the appointing authority was working against known policy, he resigned. Ms. Karua and hon. Mungatana resigned this year. After the induction, I expect the Cabinet Ministers to realize that these things happen and resign when they have no business working in that Cabinet. Thank you, Mr. Temporary Deputy Speaker.

I support.

Mr. Mwadeghu: Bw. Naibu Spika wa Muda, naomba kuchukua nafasi hii kwanza kumshukuru mhe. Mungatana kwa kunipa nafasi ili nichangie Hoja hii. Hoja hii imekuja wakati unaofaa maana tumeona nchi yetu imeingia katika janga kwa sababu ya ufedhuli wetu, hasa, wakati wa kuchagua Mawaziri, Wasaidizi wao na Makatibu.

Ni jambo la kufadhaisha mno kuona kuwa wale ambao wamepewa nafasi hizi za kuhudumia nchi yetu, hawana mwelekeo, habari na wengi hawajui kazi zao. Lakini si makosa yao maana walienda kwa wananchi kuomba kura. Walipopatiwa kura, lilikuwa ni jukumu la Serikali kuwapatia mafunzo. Kama wewe umeingia Bunge, umepatiwa kazi ya Waziri, swala nyeti la kuuliza ni: Je, hiyo kazi ambayo umepewa, unaiweza? Kama haiuwezi, Serikali imefanya nini kuhakikisha kuwa imekupatia mafunzo na maandalizi ya kutosha ya kukufanya uweze kuhudumu vilivyo katika kazi yako?

Mara nyingi tunaona mtu ameingilia kazi ambayo amepewa lakini hana nyuma wala mbele. Ndio maana kila wakati unakuta Mawaziri wanazozana na Manaibu wao. Ni jambo la kufadhaisha kama vile juzi, Waziri alitoa hoja yake kuhusu michezo na Wasaidizi wake wakaanza kuzozana naye. Wote walikuwa hawana msingi. Kama wangekuwa wamepewa mafunzo ya kutosha ya nidhamu, maendeleo na kuendeleza Wizara yao, tokeo kama hilo halingetokea hapa Bungeni. Je, Mawaziri wote tulionao wanamshauri Rais? Je, tunawahitaji hawa Mawaziri wote? Wanahudumu jinsi inavyohitajika kulingana na mishahara wanayolipwa? Mara nyingi tunagundua kwamba hawahudumu vilivyo wala hawampatii Rais ushauri. Hii ni kwa sababu ni wengi mno. Vikao vyao vimekuwa kama mabaraza tunayokuwa nayo kule vijijini kwa sababu wote wanataka kuchangia ilhali haiwezekani. Hii ndiyo maana kila wakati mambo yetu yanaenda mrama. Tunaiomba Serikali ichukue muda wakati huu ili ichunguze makatibu wake wa kudumu. Je, makatibu wa kudumu ambao wanateuliwa wamechunguzwa kwa undani? Labda itafaa ikiwa majina yao yataletwa hapa Bungeni ili tuyachambue na tuweze kubainisha ikiwa mtu anaweza kufanya hiyo kazi. Je, tunapeana kazi kwa sababu, labda, mtu alitusaidia wakati wa uchaguzi? Huenda mtu anapewa kazi kwa sababu alimsaidia Rais akiwa katika harakati za uchaguzi. Wakati umefika nchi hii kusimamiwa kikamilifu na watu waliohitimu.

Mara nyingi tumewaona watu wamepewa nyadhifa mbali, mbali ilhali taaluma zao ni tofauti sana na kazi walizopewa. Ningependekeza kwamba ndugu zetu ambao wamefuzu kama madaktari wapewa nafasi ambazo ni za udaktari.

Bw. Naibu Spika wa Muda, muda wangu umeyoyoma. Naomba kuunga Hoja hii mkono na kumshukuru Bw. Mungatana kwa kuileta Bungeni.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, I yield two minutes to Mr. Mwaita.

Mr. Mwaita: Mr. Temporary Deputy Speaker, Sir, I would like to thank the hon. Member for donating two minutes to me. I rise to support this very important Motion which is on training Ministers, Assistant Ministers and constitutional office holders in financial management.

Financial management is critical in Government. The role of Ministers and Assistant Ministers is to expound and propagate policy in the Government. Most of those policies have a major bearing on the use of finances. So, it is very important if they are trained so that they can know the basic financial management practices. For example, in some Ministries, you will find some Assistant Ministers who do not understand regulations on imprests. They do not know that an imprest has to be returned within 48 hours. They are supposed to know what the money they are allocated is supposed to do.

Basic financial management is very critical when it comes to the implementation of projects. You will find some officers particularly constitutional office holders and Assistant Ministers in some Ministries holding imprest to the tune of millions of shillings,

running into several weeks or months. They hold funds which could be used in other sectors.

Mr. Temporary Deputy Speaker, Sir, the other thing I wanted to talk about on this Motion---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mwaita, you have already exceeded the time you were granted!

Mr. Mwaita: Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, I thank all the hon. Members for supporting this Motion. I do not want to belabour the points that have been raised.

There is a land that we want to live in. Whether the President is Mr. Omingo, Dr. Khalwale, Mr. Mututho or any other hon. Member, there is a land we want to live in where Cabinet Ministers will function efficiently. They will also work according to the responsibilities they are given. There is that land we want to go to, where Cabinet Ministers will be different from what we see today. Today, even when the President is shown on television with the Ministers he appointed, you will find that they do not even have laptops. It is a shame!

They look like the Cabinet of the late Mzee Jomo Kenyatta in the 21st Century. Some of the Cabinet Ministers do not even have computer literacy. What kind of capacity do we have in our Ministers? We want a properly functional Cabinet, and we want to see it functioning properly.

The Assistant Minister for Trade (Mr. Omingo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to just give a blanket condemnation of all of us, Ministers and Assistant Ministers, by saying that we do not have computer literacy?

The Temporary Deputy Speaker (Mr. Imanyara): He said some of you. He did not say all of you.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, definitely, I know that Mr. Omingo is computer literate. However, amongst them, when you say "mouse", they do not think of a computer mouse. They think of a rat. It is a shame that in the 21st Century, we have incapacitated Ministers sitting in the Cabinet meetings as if we are in Mzee Jomo Kenyatta's Cabinet. We need to move forward.

It is my prayer that when we set up the implementation Committee, under Standing Order No.196, it will follow up and make sure that this Motion is implemented by the Government because time has come for us to move forward.

With those few remarks, I beg to move.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, on that note, we will interrupt business and resume business at 2.30 pm.

The House rose at 12.30 p.m.