

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 14th November, 2001

The House met at 2.30 P.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

### ADMINISTRATION OF OATH

The oath of allegiance was administered to the following Member:-  
Mr. John Mutinda Mutiso.

### ORAL ANSWERS TO QUESTIONS

*Question No.644*

#### DIVERSION OF MUKURWE-INI WATER PROJECT FUNDS

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

- (a) whether he could deny or confirm that *El Nino* Funds meant for Mukurwe-ini Water Project were diverted to some other projects outside Mukurwe-ini;
- (b) what is the total cost of this project, and when it is going to start; and,
- (c) when the project will be completed.

**The Minister of State, Office of the President** (Mr. Nassir): Mr. Deputy Speaker, Sir, I beg to reply.

(a) It is not true that *El Nino* Funds meant for Mukurwe-ini Water Project have been diverted to other projects outside Mukurwe-ini.

(b) Mukurwe-ini Water Project has been combined with Karatina Water Supply, and both projects will be implemented under one contract. The total contract value is Kshs36,313,599, out of which the allocation for Mukurwe-ini Water Project is Kshs27,674,483.

(c) The project is due to start in mid-December, 2001, and it is expected to be completed by mid-August, 2002.

**Mr. Mutahi:** Mr. Deputy Speaker, Sir, I wish what the hon. Minister is saying could be true. While I appreciate the answer he has given, this project was supposed to start by October, 2000. Could he tell us what has been happening since last year? Why is the Ministry combining the two projects? The source of water for one of the projects is Othaya, while the other one is Mt. Kenya!

**Mr. Nassir:** Mr. Deputy Speaker, Sir, the water projects are meant for the two areas. But as a matter of fact, we will meet with the hon. Member and see how best we can do that job.

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, we have heard a lot about these *El Nino* projects. Could the Minister tell us why we have a lot of delays and yet, funding for these projects has been availed to the Government?

**Mr. Nassir:** Mr. Deputy Speaker, Sir, I happen to be a politician and not an engineer. It is better for those delays to be there so that we can do a good job.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, these *El Nino* projects had a lot of funds allocated to them. Could the Minister table in this House a list of all the projects that fall under the *El Nino* Programme, showing when they were started; how much money was involved and when they will be completed?

**Mr. Nassir:** Mr. Deputy Speaker, Sir, that is another Question altogether. I will have to go and compile that list and avail it to the House. If it is required by the House, I will bring it next week.

**Mr. Mutahi:** Mr. Deputy Speaker, Sir, I am dissatisfied with the answer given by the Minister. The water for the Karatina project will be sourced from Mt. Kenya, while the water for the Mukurwe-ini project will be

sourced from the Chinga Dam. How is the Ministry combining the two projects? The Karatina Water Project originates from Mt. Kenya by gravity, and the Mukurwe-ini project from the Chinga Dam! How is the Ministry combining the two contracts?

**Mr. Nassir:** Mr. Deputy Speaker, Sir, as I said before, he is a capable engineer who told us that he could do it. If he does not do it or there is anything wrong, it is and him and I to correct it.

**Ms. Karua:** On a point of order, Mr. Deputy Speaker, Sir, according to the parliamentary programme published for the Questions coming this week, my Question No.630 should be the second one. But it is missing from the Order Paper. I would like to know what is happening and why the Question has not appeared on the Order Paper!

**Mr. Deputy Speaker:** Order! The Chair conducts the business of the House according to the Order Paper! What you are holding is not the Order Paper! Secondly, arrangement of the business of the House is the responsibility of the House Business Committee. This particular Chair is not a Member. You are a Member!

**Mr. Mutahi:** Mr. Deputy Speaker, Sir, could the Minister tell this House how the *El Nino* Project for Mukurweini is being constructed? What is involved? What is the contract of Kshs27 million involving? Who is the contractor? You have already said that the contractor has been identified.

**Mr. Nassir:** Mr. Deputy Speaker, Sir, most of us are highly educated and some of us came from universities, but we must know where the *El Nino* money comes from! The *El Nino* money comes from the donors. They just come and identify the places to be helped and we only pay the 10 per cent. So, when there is a delay, it is not only from us; it is also caused by the donors!

**Mr. Deputy Speaker:** Order! Mr. Minister, just answer his question! The question that you have answered was not asked by him! If you did not get it properly, I will ask him to repeat it.

**Mr. Nassir:** Could you, please, ask him to repeat his question very clearly, so that I can reply?

**Mr. Mutahi:** Mr. Deputy Speaker, Sir, I am asking for the name of the person who has been awarded the contract for the Mukurweini *El Nino* Project! What is the contractor going to do? Is it getting water from point (a) to (b) or what is that money for, with regard to that project? Simple!

**Mr. Nassir:** Mr. Deputy Speaker, Sir, as I said before, the engineers and donors meet together and discuss the project. But I was not present at that time. But if he is worried about the project, he can ask me to take him down there and see for himself.

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

**Mr. Deputy Speaker:** Order, Mr. Mutahi! I have told you many times before that the Chair cannot dictate the manner in which a Minister answers a Question. If a Member is not satisfied with the answer, he knows what to do!

Next Question!

#### *Question No.638*

#### CRITERIA FOR UPGRADING UNTRAINED "A" LEVEL TEACHERS

**Mr. Ngure** asked the Minister for Education:-

(a) what criteria did the Ministry use to upgrade "A" Level untrained teachers to "S2" position; and,

(b) what plans the Ministry has laid down to similarly upgrade trained P1 teachers.

**The Assistant Minister for Education, Science and Technology** (Mr. Awori): Mr. Speaker, Sir, I beg to reply. In the first instance, I would like to correct a mistake in the Order Paper. There is no position of "S2" in the Ministry. It should be S1.

(a) The criteria used by the Ministry to upgrade "A" Level untrained teachers to S1 positions is as follows:-

(i) They must have, at least, one principal and two subsidiaries, excluding general paper for humanity.

(ii) They must have, at least, one principal and one subsidiary, excluding general paper for science.

(iii) They must be registered in the Teachers Service Commission (TSC) as a teacher serving in a registered institution in the Republic of Kenya.

(iv) They must have taught continuously, at least for six years.

(b) My Ministry has put in place a comprehensive plan, with a view to ensuring the promotions of P1 teachers to S1 as follows:-

(i) Must be a serving P1 teacher in a public school, who is an employee of the TSC.

(ii) Must have, at least, one principal and two subsidiaries, excluding general paper for those who teach humanity.

(iii) Must have, at least, one principal and one subsidiary pass, excluding general paper for those who teach science.

(iv) Those upgradings are undertaken by the Ministry from time to time, as the budgetary allocation allows.

**Mr. Nguni:** Mr. Deputy Speaker, Sir, the criteria read out by the Minister apply to all trained teachers. The question is: Why was it necessary to take "A" Level untrained teachers to a two-week course and promote them over the ones that had gone to teacher training colleges?

**Mr. Awori:** Mr. Deputy Speaker, Sir, I accept what the hon. Member has said. Unfortunately, there was a Director of Education at the time who decided to take the untrained teachers to a two-week crash-programme at Kagumo and Bondo and upgraded them to S1, ignoring the teachers who had taken two years in college.

Mr. Deputy Speaker, Sir, we intend to correct that situation.

**Mr. Munyasia:** Mr. Deputy Speaker, Sir, it is unimaginable that after a two-week course at any centre, an "A" Level untrained teacher would become a trained teacher. So, if the Assistant Minister is not satisfied that two weeks were adequate to turn "A" Level untrained teachers into S1s, what refresher courses is he arranging during the year, to make sure that those people become as qualified as those who have attended normal S1 courses?

**Mr. Awori:** Mr. Deputy Speaker, Sir, in the first place, those teachers had been teaching while being untrained for six years. When they undertook the two-week crash programme and completed, we were satisfied that, indeed, they had become proficient in teaching.

**Mr. Muturi:** Mr. Deputy Speaker, Sir, the Assistant Minister has admitted that the decision to upgrade the "A" Level untrained teachers to S1 teachers was taken by one Government functionary - a Director of Education. It was, therefore, not a ministerial decision.

Mr. Deputy Speaker, Sir, is the Assistant Minister satisfied that all areas of the country benefitted from that irrational decision by the Director of Education, especially the Coast Province? Could he tell us how many people from the Coast Province benefitted from that programme?

**Mr. Awori:** Mr. Deputy Speaker, Sir, in the first place, I would say that it was a Ministerial decision. The Director of Education operates under the Ministry and it must take full responsibility for whatever action he takes. Indeed, the whole country benefitted from this action. In particular, some benefitted more than the others. The particular question the hon. Member has asked is what did the Coast Province get? Kilifi and Malindi got two; Kwale got one; Mombasa got nine; Lamu got nothing; Tana River got four and Taita-Taveta, 11. The total was 27.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, trained P1 teachers are Form Four leavers from division one to three or the equivalent of a D+ of the 8-4-4 system. I have heard the Assistant Minister say that for one to qualify to be promoted to S1 from P1, you must have a principal in some subjects. How would a P1 teacher or the equivalent of a Form Four leaver have a principal?

**Mr. Awori:** Mr. Deputy Speaker, Sir, we were referring to all those who have already sat for "O" level exams and who were untrained. We were not referring to the current crop of trained teachers.

**Mr. Murungi:** Mr. Deputy Speaker, Sir, the main issue here is that one of having a scheme of service for teachers. We do know of teachers, both from the "A" level and "O" cadres, who have served as P1 teachers for over ten years. The only change in their lives is the Kshs100 increment they get per year. Could the Assistant Minister consider introducing a scheme of service, especially for P1 teachers, so that they can see clearly the career improvement on linear scale?

**Mr. Awori:** Mr. Deputy Speaker, Sir, that is under consideration. It is just a question of budgetary allocation. For instance, in this particular case, we have 7,002 qualified teachers who are waiting to be upgraded to S1. It will involve Kshs795 million per month just to cover that. Until we have got that amount of money, I regret we will not be able to do it.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, if the Assistant Minister is satisfied that two weeks are enough to train the teachers, why is the Government spending so much money in teacher training colleges whereby

teachers are taking two to three years to qualify?

**Mr. Awori:** Mr. Deputy Speaker, Sir, this was a once only situation where we took teachers who had been teaching for six years.

**Mr. Ngure:** The Assistant Minister has admitted that there was an anomaly. That notwithstanding, could he tell this House whether the promotion will be on a yearly basis rather than waiting for the budgetary allocation to promote all the teachers?

**Mr. Awori:** We normally do that in any case. There are limited positions in accordance with what we can afford and we normally promote a certain number on an annual basis. When funds are available, then the rest will be promoted.

*Question No.516*

COMPLETION OF MALAVA  
ELECTRIFICATION PROJECT

**Mr. Shitanda** asked the Minister for Energy what arrangements the Ministry has towards the completion of the Malava Rural Electrification Project which started in 1998.

Mr. Deputy Speaker, Sir, there is a mistake in the phrasing of the Question. Instead of the word "started", it is supposed to be "stalled".

**The Assistant Minister for Energy** (Eng. Manga): Mr. Deputy Speaker, Sir, I beg to give the following reply.

First of all, I want to admit that the word "started" is a mistake and the corrected version is "stalled".

The Malava Rural Electrification Project, which stalled in 1998, comprises of approximately 12 kilometres of 33 KVA lines, a number of transformers and service lines at an estimated cost of Kshs20 million. A total of 8 kilometres of 33 KVA lines has been constructed at the cost of Kshs10 million. The remaining part of the works has been included in the French Credit Scheme which is programmed to commence in 2002/2003 financial year.

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, arising from the Assistant Minister's answer, a total of Kshs20 million was budgeted to be spent on this particular project and Kshs4 million has been spent. He said that most of the stalled projects will be covered under the French Credit Scheme. Could he confirm whether the French Credit Scheme will only cover the remaining bit of four kilometres or other areas which had been phased under the Rural Electrification Programme into three phases.

**Eng. Manga:** Mr. Deputy Speaker, Sir, I am talking about the French Credit Scheme which is earmarked for 2002/2003 financial year, and we have not phased it yet. That part of the project which stalled will be covered by this scheme, including other areas within the province.

**Mr. Mwakirigo:** Mr. Deputy Speaker, Sir, is the Assistant Minister trying to tell us that if the French Government does not give us that loan, then this project will not be completed? Why can we not use our own resources?

**Eng. Manga:** Mr. Deputy Speaker, Sir, the contract has been signed and the preliminary work has started in different places. Therefore, the question of stalling does not arise. In case this happens, we will look for other sources of funds to do that.

**Mr. Kibicho:** Mr. Deputy Speaker, Sir, could the Assistant Minister tell us whether there is any allocation for Kirinyaga District, particularly my constituency Ndia, from the French Credit Scheme and if so, how much is it?

**Eng. Manga:** Mr. Deputy Speaker, Sir, we gave the French consultant a master plan which covers the whole nation. For reasons of their own, they opted to concentrate in Western Province. Therefore, the credit does not cover the area that the hon. Member is asking.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, the Ministry seems to be having some problems with regard to funds needed to complete rural electrification programmes in this country. Since we are in the era of privatisation, could the Assistant Minister consider privatising the whole power sector in this country so that there is a competitive company to take over this project, electrify the whole country and earn money both for itself and the Government? This way, the Government will benefit from the taxes that this company will be getting, and all Kenyans will be connected to power.

**Mr. Manga:** Mr. Deputy Speaker, Sir, we have moved away from that already. There is no problem. If there is anybody who wants to come and do that, providing he goes according to our regulations, there is no

problem.

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, the Assistant Minister has told us that the programme is to commence in the financial year 2002/2003. A financial year has 12 months. Could the Assistant Minister, now that he has signed the contract, be specific and tell us which particular month this programme is going to start?

**Mr. Manga:** Mr. Deputy Speaker, Sir, I just want to clarify that right now preliminary work is going on and it will mean survey and all these other things coming up. So, we are saying the effective financial year that the actual works on site will start is the year 2002/2003.

**Mr. Deputy Speaker:** Next Question, Mr. Thirikwa Kamau!

*Question No.640*

BENEFICIARIES OF NNDARAGWA  
ELECTRICITY PROJECT

**Mr. Thirikwa** asked the Minister for Energy:-

(a) which public and private institutions, if any, are going to benefit from power supply during the on-going power line construction to Ndaragwa Divisional Headquarters; and,

(b) what plans the Government has to extend the power line beyond Ndaragwa Township.

**The Minister for Energy** (Mr. Raila): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The public and private institutions which are going to benefit during the on-going power lines construction in Ndaragwa Divisional Headquarters are as follows:

Mr. Deputy Speaker, Sir, the list is long and they are all in all about 107. They include churches, schools, health centres, business and residential premises. However, in order to save time, I wish to lay the list of the institutions on the Table.

*(Mr. Raila laid the document  
on the Table)*

**Mr. Thirikwa:** Mr. Deputy Speaker, Sir, so far, so good, and I would really wish to commend the Minister for the work that is going on right now at Ndaragwa. However, we have seen many such projects which go on well and, at a particular stage, they stall.

I want to get an assurance from the Minister, and let him assure the people of Ndaragwa, that he has enough money to complete this project to an extent of connecting the people of Ndaragwa with power?

**Mr. Raila:** Yes, Mr. Deputy Speaker, Sir. We will try our best means available to connect as many people as possible. As the Member will have seen in the answer, in this particular phase, we are connecting 107 institutions and very many of them are private individuals.

Although I have said that we have no plans to extend this scheme beyond Ndaragwa Township in this phase, we are willing to take on some other centres in his constituency in the next phase.

**Dr. Murungaru:** Mr. Deputy Speaker, Sir, I hope it is not that I did not hear correctly, but the Minister did not answer part "b" of the Question, which is: "What plans does the Government have to extend the power line beyond Ndaragwa Township?"

**Mr. Deputy Speaker:** He has just answered that question.

**Mr. Thirikwa:** Mr. Deputy Speaker, Sir, while I once again thank the Minister for the answer, could he consider, in view of the fact that he has now built a power line of 25 kilometres inside Ndaragwa Division, extending the power line through Kanyagia up to Kaheho Township? For the Minister's information, Kaheho Township is the busiest and biggest township in Ndaragwa Division, even though Ndaragwa is the divisional headquarters. Could he consider extending this power line to Kaheho through Kanyagia?

**Mr. Raila:** Mr. Deputy Speaker, Sir, I just want to inform the Member that provision of power in the districts is usually prioritised by the District Development Committees (DDC) and I am sure that the DDC did put Ndaragwa Town as the first priority. However, the Member has been to see me and I have told him that the Ministry will consider Kanyagia and Kaheho townships which are busy centres in his constituency in the next phase when funds are available.

**Mr. Deputy Speaker:** Next Question, Mr. Omingo!

*Question No.642*

UPGRADING OF NDURU HEALTH CENTRE

**Mr. Omingo** asked the Minister for Medical Services:-

(a) when Nduru Health Centre will be upgraded to a sub-district hospital to bring medical services closer to the people who now travel over 50 kilometres to the nearest hospital for treatment; and,

(b) when the said health centre will be supplied with an ambulance and an X-ray machine.

**The Assistant Minister for Medical Services** (Dr. G.B. Galgalo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry has no immediate plans to upgrade Nduru Health Centre to a sub-district hospital as the catchment population is adequately served by the existing health facilities.

(b) The health centre will be supplied with an ambulance and an X-ray machine when they become available in the Ministry.

**Mr. Omingo:** Mr. Deputy Speaker, Sir, the Assistant Minister has just given a blanket answer, that he is not going to consider doing anything about this health facility. However, could the Assistant Minister enumerate or give this House the conditions or the criteria they use to upgrade health centres to a sub-district hospitals? This is because I feel strongly that we talked about a sub-district hospital and the nearest is Kisii which is congested.

**Dr. G.B. Galgalo:** Mr. Deputy Speaker, Sir, the criteria we use are many. The most important one is the catchment population. In this case, the catchment population for this health centre is 130,000 people. For a sub-district hospital, the requirement is that the catchment should be between 250,000 to 1 million people. Bed capacity of a hospital also matters. A sub-district hospital should have a bed capacity of between 150 to 300 beds. This health facility has 24 beds. Proximity to other health facilities, as I said, is also important. In this particular case, there are several health facilities near Nduru Health Centre. For example, Etago Health Centre is only 15 kilometres away; Ogembo Hospital is only 10 kilometres away; Tabaka Mission Hospital is about 5 to 10 kilometres, and a major hospital which is Kisii Hospital, is only 20 kilometres away. So, the population is well served.

**Dr. Kulundu:** On a point of order, Mr. Deputy Speaker, Sir. I do not know whether the Assistant Minister has been to Gusiiland. Ten kilometres in Gusiiland would cover a lot of people, and the population he is talking about is nowhere near the population served by Nduru Health Centre. I know it personally. Last week, this Ministry told us that Kisii Hospital is just about the most congested hospital in this country and upgrading Nduru Health Centre would greatly reduce the pressure on Kisii Hospital. Why, for heaven's sake, can he not consider a legitimate request from this intelligent Member for South Mugarango?

**Dr. G.B. Galgalo:** Mr. Deputy Speaker, Sir, the sentiments raised by hon. Dr. Kulundu are genuine as far as the congestion at Kisii Hospital is concerned. It is true it is quite congested but there are other health facilities which I have mentioned, like Etago, Ogembo and Tabaka Mission Hospital, which are all close by. Also, as I said earlier, the catchment population does not warrant the upgrading of Nduru Health Centre to a sub-district hospital.

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

**Mr. Deputy Speaker:** Hon. Wanjala, I know you do not want to raise a point of order.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, I want to raise a point of order.

**Mr. Deputy Speaker:** All right. Go ahead and tell me which Standing Order you are referring to. Which Standing Order is it?

**Mr. Obwocha:** Sit down, Mr. Wanjala! Mr. Deputy Speaker, Sir, I want to commend you because this is a serious matter and we must address it seriously. This is about lives of people. You heard the former Medical Officer of Health (MOH), Dr. Newton Wanjala Kulundu, telling you about the situation in Kisii. If the Assistant Minister is unable to upgrade this health centre to a sub-district status, and we know that in the Ministry there is a Vote for equipment, could he give this health centre an X-ray machine? It is not too much to ask for an X-ray machine.

**Dr. G.B. Galgalo:** Mr. Deputy Speaker, Sir, an X-ray machine has other facilities which go with it. For example, you need a building which has to be constructed in a particular way to protect people from X-ray emissions. There is other equipment and personnel. It is not as simple as many would think, like getting an X-ray machine and fixing it. At the moment, the situation does not warrant us to upgrade the place to a sub-district hospital. So, it does not qualify for an X-ray machine.

**Mr. Omingo:** Mr. Deputy Speaker, Sir, if population is anything to go by, and I stand to be corrected, for 250,000 people to queue for any facility like I am requesting for--- There should never be a hospital near where the Assistant Minister comes from. This is because population is an issue; where I come from, we do not qualify for it. None of us. There was an ambulance in this particular hospital and it was taken away about two-and-half

years ago for repair. It has never been brought back. Again, the facility that the Assistant Minister is talking about, that is Tabaka, is a cost-sharing hospital.

The health facility that he is talking about is just a mere health centre which works for about five hours a day. Could he - on a serious note - consider this very genuine request and give the people of South Mugirango this facility because they need it?

**Dr. G.B. Galgalo:** Mr. Deputy Speaker, Sir, for the hon. Member's information, the part of the country where I come from is not endowed with many hospitals as he is imagining. We have very few of them. On the issue of trying to trace why this place should be upgraded, we are doing our best in times of crisis, but not to the level of a sub-district hospital, for the reasons I have given. What we are doing now is providing other equipment. We have a programme of rehabilitation which has been sponsored by JICA and they are rehabilitating the facility and expanding existing facilities, and they are supplying a lot of equipment.

I have a list here of about 50 or 60 equipment which is being supplied. The idea is to assist the facility in giving better services but not in the status of a sub-district hospital for the reasons I had given earlier.

*Question No.164*

INADEQUACY OF HEALTH  
FACILITIES IN NAIROBI

**Mr. Gatabaki** asked the Minister for Local Government:-

- (a) whether he is aware that Nairobi with a population of about 3 million has only 25 health centres and 44 dispensaries;
- (b) whether he is further aware that lack of health facilities poses grave health hazard to the residents of Nairobi; and,
- (c) what measures are in place to address the provision of adequate public health-care facilities in the City.

**The Assistant Minister for Local Government** (Mr. Kiangoi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that Nairobi has a population of 3 million, but I am aware that Nairobi has a population of 2,143,254 according to the latest census.

(b) Nairobi is well catered in as far as provision for health facilities is concerned and no health risk is posed to its residents. The City has 26 hospitals, 19 nursing homes and 14 health centres, and 195 dispensaries and clinics.

(c) It is a policy of the Nairobi City Council to have adequate health facilities in every planned urban settlement. My Ministry has also embarked on decentralisation of health services by inauguration of the Nairobi Health Management Board, where residents will adequately be represented. To support my answer as to the health facilities, we have here, a list of 26 hospitals in the City. Some of them are Government and others are private nursing homes, mainly private, and health centres mainly for Nairobi City Council and dispensaries and clinics. There are 254 in total and I wish to lay the list on the Table.

*(Mr. Kiangoi laid the list on the Table)*

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, I do not know how to respond to the Assistant Minister, because if you can remember, this Question was deferred because the Minister and his Assistant Minister rushed to the Jomo Kenyatta International Airport to help the President who was stuck in the British Airways plane that was involved in an accident. However, the reply that I got last week is very different from the one I got today. It indicated that there were 257 health clinics in Nairobi. In today's answer, they have indicated the number of hospitals, health centres and dispensaries. That answer even conflicts with the total number. Also, the population of Nairobi as given today is wrong, and the Assistant Minister is not aware of it. Yet last week, the reply indicated that the population of Nairobi is 2,000,143. It is very clear that the population of Nairobi is over 3 million, but because this Government is so scared about the constituencies in this City which are mainly represented by Opposition Members of Parliament, the health facilities have remained eight in the last 30 years, instead of about 30. This is because no KANU Government can get any representation from Nairobi. However, that is beside the point. Could he be clear enough and tell us what is the population of Nairobi City because this is the headquarters of Kenya? Also, could he tell us how many health institutions are specifically there? He should not tell us of numbers which contradict other numbers. That is what we want to know and not a collection of fictitious figures which we cannot know what they are all about.

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, regarding matters relating to division of constituencies, the hon. Member should know where to go to. I am not in a position to say so because it is not in my docket. I have laid on the Table, the list of 254 health facilities. I have called them health facilities, and I have given a breakdown in terms of hospitals, health centres, nursing homes, dispensaries and clinics. It is so clear, and at the moment, those are the facilities that are available. But my Ministry will continue, as new urban settlements are created, to increase the number of health facilities, particularly those under the Nairobi City Council.

**Mr. Sungu:** Mr. Deputy Speaker, Sir, the Assistant Minister says that for a population of 2.1 million Nairobians, that is quite a number of health facilities. But by contrast, Kisumu, with a population of over one million has only four working health centres. Migosi Health Centre in Kisumu is not operational. What plans does the Assistant Minister have of expanding the existing health facilities, constructing new ones and operationalising Migosi Health Centre?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, although the question is slightly different, let me say that the policy of the Ministry is to expand health facilities in all local authorities. It is not true that Kisumu has only four health facilities. There may be four health centres, but there are other private clinics which serve Kisumu.

**Mr. M.M. Galgalo:** Mr. Deputy Speaker, Sir, the population of Nairobi has increased manyfolds since the establishment of the health facilities mentioned by the Assistant Minister. So, could he urgently consider putting up health facilities in Greenfields, Donholm, Savana, Fedha and Avenue Park Estates, and in other areas without a single health centre?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, as I said, it is our policy that Nairobi City Council should have adequate health facilities in every planned urban settlement. Settlements which have come up, such as Savana Estate, will be catered for; it is in our plan.

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

**Mr. Deputy Speaker:** Under what Standing Order are you raising the point of order?

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, the Assistant Minister is misleading the House.

**Mr. Deputy Speaker:** Under what Standing Order are you raising the point order?

Proceed, Mr. Kamanda!

**Mr. Kamanda:** Mr. Deputy Speaker, Sir, three health facilities in Nairobi, namely, Highridge and Karura Health Centres, and Lions Health Clinic in Huruma, have been grabbed. Could the Assistant Minister tell the House when he will cancel the allocation of these facilities?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, I think that is a different issue. So, I would like the hon. Member to bring a substantive Question so that I can address it.

**Mr. Deputy Speaker:** No, no, no, Mr. Assistant Minister! You have already given the House a list of the health facilities in Nairobi. The point Mr. Kamanda is making is whether the health facilities he has mentioned are among the 254 health institutions you have mentioned.

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, in the first place, I am not able to confirm or deny whether the institutions he has mentioned have been taken away, if that is what the word "grabbed" [**Mr. Kiangoi**] means. Cancellation of allotment of any land parcel is done by the Commissioner of Lands. However, if the hon. Member supplies us with the relevant information, we will liaise with the Commissioner of Lands and the Minister for Lands and Settlement and address the issue.

**Mr. N. Nyagah:** Mr. Deputy Speaker, Sir, when the Government realised a problem in the provision of health care to the people of Nairobi, the Minister for Local Government set up the Health Management Board, on which I sit.

Mr. Deputy Speaker, Sir, could the Assistant Minister explain when the Board will be funded, so that it can effectively provide services? Could he also confirm whether the Government will provide medical personnel to up-coming private health institutions? Last week, we opened one such health facility in my constituency.

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, as the hon. Member may, perhaps, be aware, the Health Management Board is run in conjunction with the Ministry of Health. We, in conjunction with the Ministry of Health, have instructed the Nairobi City Council to ensure that funds are availed to cater for the Health Management Board.

**Mr. Deputy Speaker:** The last question, Mr. Gatabaki!

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, could the Assistant Minister tell us the situation regarding Lady North Home and Muthaiga Health Centre? Are they still being operated by the Nairobi City Council or have they been given to private developers? Could he also tell Kenyans whether, among the 26 hospitals he has mentioned, are Nairobi and Aga Khan Hospitals, which are inaccessible to more than 90 per cent of Nairobi people and, therefore, for all practical purposes are not in the service of the majority of the residents of Nairobi?



**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, the health facilities I have tabled include health centres which are accessible to ordinary Kenyans. These also include Kenyatta National Hospital, which is a public institution, and Nairobi Hospital, which can cater for part of that population. I believe that amongst the population of Nairobi, there are some people who can afford to go to Nairobi Hospital.

**Mr. Gatabaki:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not said whether Lady North Home and Muthaiga Health Centre are still being run by the Nairobi City Council or have been given to private developers.

**Mr. Deputy Speaker:** Under which Question?

**Mr. Gatabaki:** Under the same Question, Mr. Deputy Speaker, Sir. I had asked the Assistant Minister whether Lady North Home and Muthaiga Health Centre are still operational or have been grabbed by some individuals, as has been reported by the Press.

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, all the health facilities contained in the list that I tabled here are in existence. However, I would like hon. Members to furnish us with any information in their possession regarding public health facilities which may have been allocated to individuals or private institutions. Institutions given to individuals do not serve the purposes for which they were meant and we will certainly take appropriate action.

*Question No.586*

ESTABLISHMENT OF NATIONAL  
CRIME RESEARCH INSTITUTE

**Mr. Munyasia** asked the Attorney-General when he will set up the National Crime Research Institute (NCRI).

**The Attorney-General** (Mr. Wako): Mr. Deputy Speaker, Sir, I beg to reply.

The Governing Council of the National Crime Research Centre (GCNCRC) has been appointed, vide Kenya Gazette Notice No.7017 of 2000. The first meeting of the Council will be convened on 7th December, 2001.

**Mr. Munyasia:** Mr. Deputy Speaker, Sir, the Attorney-General is not serious about the creation of this institute. The centre we are asking about had its Act enacted in 1997. While initiating debate on the Bill then, the Attorney-General pleaded with us that the centre was necessary because it was only through research that he could have the data necessary to form Government policy regarding crime prevention. He appointed the GCNCRC on 3rd November, 2000. Today is 14th November, 2001, more than one year since the appointment of the governing council, but it has not met. Could he tell the House why the governing council, of which he is the Chairman, appointed on 3rd November, 2000, has not met, more than a year after its appointment?

**Mr. Wako:** Mr. Deputy Speaker, Sir, I think that is a very genuine concern and the Attorney-General is equally concerned, but the council has not met because of financial constraints. The council was gazetted for the purpose of soliciting funds from a number of donors who were interested in funding it. In that financial year, the project had not been budgeted for. It was removed from the Budget.

But I am pleased to inform you that in the current financial year, 2001/2002, a sum of Kshs5 million has been allocated for this project. That is why we can now start meeting.

**Mr. Kihoro:** Mr. Deputy Speaker, Sir, could the Attorney-General explain to this House the policy the Government has on the release of statistics to members of the public, the media and anybody who would be interested?

There have been so many cases of murder, violent crimes and robberies, including crimes by police officers. Could the Attorney-General tell this House whether these statistics will remain secret or whether they will be availed to members of the public on daily, weekly or annual basis?

**Mr. Wako:** Mr. Deputy Speaker, Sir, the intention of setting up this centre is simply to also provide those statistics. I am quite sure that once the centre is set up and is operational, we should provide statistics on an on-going basis.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, if we lived in a country where crime was punished, it would make sense for the Attorney-General to be surprised that last year we did not have any allocation in the Budget for crime research. But since greed and crime, for example, is rewarded, sometimes with a flag or a controversial High Court ruling, why is the Attorney-General surprised that last year we did not have any money to research into crime?

**Mr. Wako:** Mr. Deputy Speaker, Sir, hon. Members are very much aware of the financial constraints facing the Government, which the Minister for Finance has explained to this House again and again.

**Mr. Murungi:** Mr. Deputy Speaker, Sir, the Attorney-General should take his job much more seriously because he is handling a very important portfolio. He is fond of creating numerous institutions, which actually do nothing on the ground. Could he explain why he pushed this House to pass a law to set up the National Law Reporting Council when, to date, it has not published a single law report? What is the problem?

**Mr. Wako:** Mr. Deputy Speaker, Sir, although that is a different question, I will take this opportunity to answer it. This has been due to financial constraints, but I can tell you now that the Editorial Board is meeting on a regular basis under the Chairmanship of the Chief Justice. I can also tell you now that we have received some funding from donors in order to get on with it. I can also tell you now that a judge has been appointed to start doing the editing work.

**Mr. Munyasia:** Mr. Deputy Speaker, Sir, may I adopt the style that the Attorney-General understands best. Section 7(c) of that Act states that one of the functions of the Governing Council is to plan and organise fund-raising activities to generate funds for the centre. Having read out that to the Attorney-General, if he confirms that, that is what the law states, I want to put it to him that he has misled this House by saying that the centre was not set up because there was no money. The centre itself could have organised to raise funds from elsewhere.

**Mr. Wako:** Mr. Deputy Speaker, Sir, as you know, on any project, one requires "seed money" before you can start soliciting for funds. Now we have the seed money amounting to Kshs5 million, which is way below what the centre will require on an annual basis. We hope and expect that, that seed money will help the Council when it starts meeting to do the work that it is supposed to do, including soliciting for funds.

*Question No.624*

ASSAULT ON MR. MBAABU M'INOTI BY POLICE

**Mr. Murungi** asked the Attorney-General:-

- (a) whether he is aware that Mr. Elias Mbaabu M'Inoti was assaulted by police officers from Ruaraka Police Post on 28th February, 1994, and as a result he became irreversibly blind;
- (b) whether he is further aware that on 27th October, 1999, the High Court in HCCC No.626 of 1995, awarded Mr. M'Inoti Kshs4,811,100 as damages for personal injuries, and ordered that the said policemen be arrested and charged; and,
- (c) why he has refused to pay the said amount and have the said police officers arrested as ordered by the High Court.

**The Attorney-General** (Mr. Wako): Mr. Deputy Speaker, Sir, this is an important Question raised by the shadow Attorney-General of the Democratic Party of Kenya (DP). I would kindly request him to agree to have the Question deferred to Wednesday or Thursday next week.

**Mr. Murungi:** Mr. Deputy Speaker, Sir, this is a very straightforward Question. A man was beaten up and blinded by the police. The High Court has ordered that he be paid Kshs4.8 million. I have no problem with the Question being answered on Wednesday next week, so long as the Attorney-General assures this House that he will come carrying that cheque of Kshs4.8 million to this House on Wednesday, next week.

**The Attorney-General** (Mr. Wako): Mr. Deputy Speaker, Sir, the Attorney-General of the Republic is not in the habit of carrying cheques, which on presentation will be marked "refer to drawer". I cannot promise to do that. But there are [The Attorney-General] some issues I am looking into in this Question, and I hope to be in a position to reply to it next week.

**Mr. Deputy Speaker:** The Question is deferred to Wednesday, next week.

*(Question deferred)*

QUESTIONS BY PRIVATE NOTICE

NAMES OF CONSTITUENCY AIDS  
CONTROL COMMITTEES

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

- (a) Could the Minister table the names of Constituency Aids Control Committees (CACCs), which have

been formed throughout the country?

(b) How much money was allocated to each of the Committees since they were formed and how much of the allocated money has so far been remitted to the Committees?

(c) Could he give the number of bicycles or other means of transport that have been issued to each Committee?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The list of the CACCs so far formed was tabled here last week.

(b) The attached list also showed the amounts of money which had been given.

(c) The National Aids Control Council does not provide any means of transport.

**Mr. Musila:** Mr. Deputy Speaker, Sir, I thank the Minister and confirm having received the list in question, which has also been circulated to hon. Members. However, the list is not entirely correct. For example, Mwingi South Constituency Aids Control Committee has certainly not received the Kshs25,000 shown on the second column. If the Minister has any proof of this, I would like to see it. Be that as it may, could the Minister explain the huge disparity in the amounts allocated to CACCs? Eighty Committees received Kshs45,120 each and only eight Committees received Kshs375,000 each!

**Maj. Madoka:** Mr. Deputy Speaker, Sir, it is true that there is that discrepancy. First, on the question of the Kshs25,000, this was the money the CACCs were advised to spend for their launching and then submit their claims. I believe most of these CACCs have been refunded this money.

**Hon. Members:** No!

**Maj. Madoka:** Mr. Deputy Speaker, Sir, if they have not been refunded the money, then they need to present their statements in order for them to be given that money. So, if they have not been paid although they have presented their statements, I would advise them to go and see the Director, because she should pay that money immediately.

Also, when we started the CACCs, we had money which we gave out in varying amounts of between Kshs350,000 and Kshs212,000 for the various CACCs to start on their various operations. We discovered that when this money was given, most of these CACCs did not know what to do with it. In fact, most of them misappropriated these funds. We have got 11 CACCs which got Kshs350,000, have properly accounted for that money, and are free to come for further allocations.

Further, we also learned that members of most Constituency AIDS Control Committees were not quite clear on their roles. Therefore, we embarked on training members of various AIDS Committees and, in fact, out of those 96 Constituency AIDS Control Committees that have benefited, we have found out that because members have been properly trained, they have been able to come out with proper work plans which we can then fund. There are others which have not---

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

**Mr. Deputy Speaker:** Yes, tell me which Standing Order you are referring to. Which Standing Order are you referring to?

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, Standing Order 34.

**Mr. Deputy Speaker:** Order! Order!

**Mr. Sifuna:** Could the Minister substantiate---

**Mr. Deputy Speaker:** Order! Order, Mr. Sifuna! Standing Order 34 reads as follows:-

"Mr. Speaker shall direct the Clerk to read the Orders for the day without question put---"

*(Loud Consultations)*

Order! Order! Mr. Sifuna, I will not allow you to treat this House in that frivolous manner. I will, therefore, require you now to leave the Chamber for the rest of this afternoon.

**Mr. Sifuna:** Mr. Deputy Speaker, Sir---

**Mr. Deputy Speaker:** I am sorry, you are now a stranger!

*(Mr. Sifuna withdrew from the Chamber)*

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, Rangwe Constituency has been listed to have received Kshs45,000. The Rangwe Constituency AIDS Control Committee was launched in May, [Dr. Ochuodho] 2001, by the District Commissioner, on behalf of the Minister. But I have come to learn that later, the DOI also created his own AIDS Committee and, understandably, Kshs45,000 has been paid to that Committee. Even

Kshs25,000 for the launching of the Constituency AIDS Control Committee, which the Minister launched through the DO, has not been reimbursed to the Committee.

Mr. Deputy Speaker, Sir, could the Minister inform this House to whom this Kshs45,000 has been paid because it has not been paid to the authentic constituency committee?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I would really have to check that issue. All I am saying is that, the details I have is that the money was paid to the Constituency AIDS Control Committee through the DO.

**Mr. Kuria:** Mr. Deputy Speaker, Sir, the Minister has said that money for Constituency AIDS Control Committee was given according to the training of the Committees. Is he aware that so many members of the Constituency AIDS Control Committees have not been trained? When will those members of Constituency AIDS Control Committees, who have not been trained, be trained?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I am aware that many members of the Constituency AIDS Control Committees have not been trained and that is why I said that we have so far trained members of 96 Constituency AIDS Control Committees through this programme. We hope that by January, 2002, we will have trained members of all the Constituency AIDS Control Committees.

**Mr. O.K. Mwangi:** Mr. Deputy Speaker, Sir, you have heard the Minister say that some constituencies embezzled funds allocated to them. Could the Minister table a list of those constituencies which embezzled and also give---

**Mr. Deputy Speaker:** Order! Ask one question at a time!

**Mr. O.K. Mwangi:** Mr. Deputy Speaker, Sir, it is a continuation of a question.

**Mr. Deputy Speaker:** Question after question cannot be a continuation of a question!

**Maj. Madoka:** Mr. Deputy Speaker, Sir, when I said that they misused funds, I meant they have not accounted for the funds. So, we are waiting for them to account for the funds. We have made special appeal that they let us know how they have used the funds and then I will be able to table that list.

**Mr. Deputy Speaker:** Order! Order, Mr. Minister! Whether you call it embezzlement, whether you call it "misappropriation", or "mispending", I think these hon. Members are talking about the same thing. Just give them a list of the constituencies which have not done any of the above.

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I would request that I present that next week.

**Mr. Deputy Speaker:** Thank you very much. We will settle for that. Will it be on Wednesday next week?

**Maj. Madoka:** That is okay with me, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** The list will be provided on Wednesday next week.

**Mr. Ndwiga:** Mr. Deputy Speaker, Sir, I think the issue of AIDS since the day we met in Mombasa, was declared a National Disaster. However, the way it has been handled by this office is tragic. This is because members of most Committees which were launched early last year have not been trained; for example, Eastern Province, where members of all Constituency AIDS Control Committees, especially in Opposition constituencies, have not been trained. However, members of those Committees that were formed this year, especially in KANU-held Constituencies, have been trained and have received Kshs350,000, whereas Manyatta Constituency has only received Kshs45,000. Could the Minister now promise this House that he will undertake that by the time he comes here on Wednesday next week with the list, all the Constituency AIDS Control Committees will have received an equal amount of money, whether members have been trained or not?

**Maj. Madoka:** Mr. Deputy Speaker, Sir I will not undertake that one because we certainly feel that we must train all the members of these Committees properly because if we were just to give out this money to people who do not know what to do with it, then the money will not be properly used. Therefore, we will continue with the training programme to make sure that we properly train these people so that they know what they are going to do with that money.

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

**Mr. Deputy Speaker:** Which Standing Order are you referring to?

**Mr. Muihia:** Standing Order 38.

**Mr. Deputy Speaker:** Mr. Muihia, you are referring to Standing Order 38, which, in fact, allows hon. Members to ask supplementary questions. But that is not a point of order because the Minister on the Floor had not breached any order. The Chair has allowed all hon. Members who stood up on supplementary questions to ask them. So, I will let you get away with it this time. You have made a very good attempt. You can now ask your supplementary question.

**Mr. Muihia:** Mr. Deputy Speaker, Sir, is the Minister satisfied that Kshs45,000 which is being given to the Constituency AIDS Control Committee is enough to fund 12 successful meetings in any constituency?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, Kshs45,000 was not just meant for holding meetings, but it was

meant for operational costs and after three months, they were to submit their accounts and they would be reimbursed.

**Mr. Musila:** Mr. Deputy Speaker, Sir, going by the answers given by the Minister to this question, it is very clear that this matter of AIDS is not being taken seriously by the Office of the President.

*(Applause)*

I am saying this because Kenyans are dying in hundreds everyday and yet the Minister can give a constituency Kshs45,000 to spend, when we know that millions of shillings are being spent in hotels in Nairobi on seminars. The Chair can recall that in his answer to part "c" of my Question, the Minister did say that it is not the work of the National AIDS Committees or Council to provide means of transport, yet we know that most of the constituencies have been given bicycles. As a matter of fact, as I speak here now, some constituencies have got even 50 bicycles when others have none. Could the Minister explain where these bicycles are coming from and why they are not being given equitably to all constituencies?

**Hon. Members:** Explain why! Explain!

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I did not say that it is not the responsibility of the National AIDS Control Council (NACC) to give transport. I said that we have not given it. There is a difference.

**Hon. Members:** No! No!

**Maj. Madoka:** Mr. Deputy Speaker, Sir, if I may be allowed to explain, it is true that some Constituency AIDS Committees were given bicycles by the Ministry of Health and not the NACC.

**Mr. Musila:** On a point of order, Mr. Deputy Speaker, Sir. This Question has taken a new dimension. Could we now ask the Minister, since he knows that the Ministry of Health has given bicycles, to bring to this House a list of the constituencies which were given the bicycles and indicate the number on Wednesday, next week?

*(Applause)*

**Mr. Deputy Speaker:** Mr. Minister, I think you will get on your bicycle!

**Maj. Madoka:** Mr. Deputy Speaker, Sir, since it is not my Ministry which gave out those bicycles, maybe, that question should be directed to the Ministry of Health.

**Mr. Deputy Speaker:** Order! Mr. Minister, on this occasion, I am afraid the Chair will not allow you to pass the buck! If these bicycles were given out for purposes of aids control work, then I will allow you to extend your jurisdiction to the Ministry of Health for that purpose.

**Hon. Members:** When will he bring that list?

**Mr. Deputy Speaker:** On Wednesday, next week!

#### BUDALANGI SCHOOLS MADE INACCESSIBLE BY FLOODS

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

(a) Is the Minister aware that Sidokho foot-bridge was completely washed away by the floods on 3rd November, 2001, and people of Rukala, Rungu and Bulwani Sub-Locations of Bunyala South Location, Budalangi Division, cannot access other parts of the constituency?

(b) Is he further aware that pupils of Budalangi Runya and Bulwani Primary Schools cannot access schools?

(c) What urgent measures is the Minister taking to ensure that pupils will be enabled to access these schools for the Kenya Certificate of Primary Education (KCPE) examinations?

**The Minister of State, Office of the President (Mr. Nassir):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware.

(b) I am aware.

(c) We have no money in the *El Nino* kit for that project. The money we were given by the donors was not enough. So, we do not have any money to rebuild the bridge. However, the hon. Member should attend the District Development Committee (DDC) and ask the Ministry of Roads and Public Works to help him.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, it is quite unfortunate that this Question had to be answered by that Minister. But I would like to inform the Chair that four months ago, I invited the very Minister to the ground

and he saw the need for re-building the bridge. When the floods came, they swept away what the Minister had seen. This matter involves children who are supposed to go to school. As the Chair is aware, Budalangi is a swampy place. These people have got no alternative route to follow. Could the Minister, because this is a disaster, take urgent measures to re-build this foot-bridge to enable sick people and school children to go to hospitals and school respectively?

**Mr. Nassir:** Mr. Deputy Speaker, Sir, it is true that I visited the area with the hon. Member. It is only Kshs200,000 which is needed to re-build the bridge. If I were him, I would just have conducted Harambee to raise the money.

**Hon. Members:** On a point of order!

*(Loud consultations)*

**Mr. Nassir:** Mr. Deputy Speaker, Sir, I am still replying. Could I be allowed to finish what I am saying? Could the Chair protect me so that I can finish what I am saying?

**Mr. Deputy Speaker:** Well, Mr. Minister, they are saying that he holds that Harambee, and you will be the guest of honour.

**Mr. Nassir:** Mr. Deputy Speaker, Sir, I agree even if it is held next week.

*(Laughter)*

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

**Mr. Deputy Speaker:** Are you sure it is a point of order?

**Mr. Waithaka:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Which Standing Order has the Minister breached?

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

**Mr. Deputy Speaker:** Order! From now onwards, and this has been stated before, points of order must relate to conduct and procedure. If it is about procedure, there is a Standing Order covering it. So, when you want to rise on a point of order relating to procedure, you must tell the Chair the Standing Order that you are relying on.

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

**Mr. Deputy Speaker:** Which Standing Order has he breached?

**Mr. Waithaka:** Mr. Deputy Speaker, let me first of all finish what I am saying. Is the Chair satisfied that this Minister is answering the Question---

**Mr. Deputy Speaker:** Order! That is not a point of order! You are asking a question, and really, let us take this House seriously. If you want to rise on a point of order, it must relate to only two things; conduct and procedure. If it is relating to procedure, it is covered in our Standing Orders. Point out the Standing Order the hon. Member on the Floor has breached, and I will hear you, but not otherwise!

**Mr. Mboko:** Mr. Deputy Speaker, Sir, are you satisfied with the answer given by the Minister that this Government will be run on Harambee basis?

**Mr. Deputy Speaker:** Well, it only takes a very new person in Kenya to know that we do not do that.

**Mr. Mboko:** Mr. Deputy Speaker, Sir, but that is the answer we have got from the Minister.

**Mr. Deputy Speaker:** Mr. Wanjala, the Minister has given you an answer; are you satisfied?

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, first of all, I am not satisfied with the answer the Minister has given this House, and it seems that he is not informed. This is because this bridge was to be re-built using the *El Nino* Emergency Funds. The estimate of re-building this bridge was Kshs3 million. I am surprised to hear a whole Cabinet Minister talking of Kshs200,000, and asking the poor people to build a foot-bridge on Harambee basis. This foot-bridge will cost Kshs3 million. It covers a distance of 300 metres. These people are taxpayers. Could the Minister now go back and go through the records to know the amount of money this bridge was supposed to take?

**Mr. Nassir:** Mr. Deputy Speaker, Sir, I would like to inform my colleague that the *El Nino* Emergency Fund is not from our Budget, but donors. We are just assisted. When we do not have any money, we look for other sources. This is a Government of the poor; it is his Government. If we are unable to do something, we have to find ways and means of helping our people.

**Mr. Deputy Speaker:** Order! Mr. Minister, really, what the hon. Member is asking is whether your Ministry will help; even if it is on Harambee basis, that you will make sure that, that bridge is re-built so that these

people can communicate. Will you do that?

**Mr. Nassir:** Mr. Deputy Speaker, Sir, I have already said that we are ready to assist. I am the Minister in charge of the *El Nino* Programme. Once I say something, we will do it.

**Mr. Muchiri:** Mr. Deputy Speaker, Sir, there is the disaster fund and this is a disaster. Why can the Minister not use these funds so that those people can be saved from the situation in which they are?

**Mr. Nassir:** Mr. Deputy Speaker, Sir, I am pleased to hear that from my colleague. It is true that we must help one another, but there are some hon. Members in this House who urged the donors not to give us money. This is the problem we are facing. I have told my colleague that if he comes to my office, we will discuss the issue. This bridge also falls under the Ministry of Roads and Public Works. We should ask the Ministry to help our poor people.

**Mr. Muturi:** Thank you, Mr. Deputy Speaker, Sir. The Minister, in his answer to one of [Mr. Muturi] the questions, has referred to himself as the Minister in charge of the *El Nino* Programme. We do understand that *El Nino* was a phenomenon that came and is not persistent. The Minister has gone on to say that *El Nino* Emergency Funds are not available. Could he tell us how he hopes to assist the people of Budalangi, who are affected, to have the foot-bridge constructed whether *El Nino* Emergency Funds are available or the donors give the Government money or not? I think that is the question at hand.

**Mr. Nassir:** Mr. Deputy Speaker, Sir, the Kenya Government has money all over. It has money in the *El Nino* Emergency Fund kitty in the Ministry of Roads and Public Works. I would urge the hon. Member to come to my office so that we discuss this issue exhaustively. Most hon. Members do not understand how we run this Government. It is not run on the *El Nino* Emergency Fund alone. This is an urgent matter and it will be addressed, accordingly.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, you can see the predicament in which this country is. I am afraid to say that these kind of Ministers, with sinister backgrounds and who do not even understand the language we use in this House---

To have this kind of Cabinet Ministers in the Government to help in governance; I think that is why we are saying there is bad governance in this country. This is a disaster! It is a pity that the Minister does not even understand the meaning of the word "disaster." The Minister is a disaster himself!

**Mr. Deputy Speaker:** Mr. Wanjala, ask your question!

**Mr. Wanjala:** People of Budalangi experience floods year in, year out. Last weekend, they were flooded and the bridge was washed away. Their houses have been washed away. Does the Minister expect these same people to raise money to build that bridge to enable them to move from one point to another? To put up a bridge is a very expensive undertaking. It will cost about Kshs3 million. The Minister is talking of Kshs200,000 because he is not an engineer. As a Minister in charge of disaster in this county, what will he do to get money from Disaster Fund to rehabilitate the bridge?

**Mr. Nassir:** Mr. Deputy Speaker, Sir, I am very pleased to know that the hon. Member understands how we run the Government. Government is not politics, but it is how to help one another. Today, I am a Minister in this Government; tomorrow, the hon. Member might be a Minister.

Mr. Deputy Speaker, Sir, I would urge him to come to my office so that we can discuss this matter and see what we can do about the bridge.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order, hon. Members! I am satisfied that the Minister has made "a damn good attempt" at answering the Question. To that extent, I am satisfied.

But really, Mr. Minister, we ask Questions here so that Ministers can answer them. To follow your logic that hon. Members must come to your office, we shall have no Question Time. Why do you not just give an undertaking that you have understood their sentiments and you will do what it takes to make sure that people of Budalangi have their bridge restored?

**Mr. Nassir:** Mr. Deputy Speaker, Sir, because of your good advice and the fact that I have been to Budalangi, I will organise Harambee to assist those people. I will help them to see to it that the bridge is restored because people of Budalangi are Kenyans and they must be helped.

**Mr. Deputy Speaker:** Next Question, Mr. E. Morogo.

## RONGAI SISAL WORKERS

**Mr. E. Morogo:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Labour, the following Question by Private Notice.

(a) Is the Minister aware that Banita Group which runs a number of sisal estates in Rongai Constituency has not paid its workers their salary for the last three years and has not also remitted statutory contributions?

(b) Is he further aware that the workers are running the sisal estates on their own?

(c) What urgent measures is the Minister taking to ensure that the workers are paid their dues promptly and ensure that the company remits the statutory contributions.

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

(a) I am aware that Banita Majani Mingi Group of companies owes their employees' salaries arrears amounting to Kshs24,843,722. The Group has also defaulted in the remittance of statutory deductions to NSSF and NHIF as stipulated by law. The company is experiencing financial difficulties due to debt servicing and depressed market for fibre.

(b) I am not aware that the workers are running the estates. The management is in charge of Banita group of companies in all respect.

(c) The employer has already been taken to court over the arrears of wages and recovery of statutory deduction vide Case No.1310 of 2001. The case is due for mention on 14th December, 2001.

**Mr. E. Morogo:** Mr. Deputy Speaker, Sir, you have heard the answer given by the Assistant Minister. It is a disaster by itself. I asked him what urgent measures he will take to bring food to Banita in my constituency and he said he has taken the employer to court. That action is not very urgent. Could he tell us something more urgent he has taken to help these poor workers?

**Mr. Maizs:** Mr. Deputy Speaker, Sir, the work of the Ministry of Labour and Human Resource Development is to make sure that their employees are paid their dues. If the request by the Minister is not adhered to, we take them to court. We do not have any other way of dealing with such cases.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, you have had the Assistant Minister again hiding behind the issue of the court. He said the matter is in court and it will be mentioned on 14th December this year. These people have not been paid their salaries for three years. Could he tell us who has taken this matter to court? If it is not the Ministry, then it must be the workers themselves. Could the Assistant Minister tell us who has gone to court about this matter?

**Mr. Maizs:** Mr. Deputy Speaker, Sir, it is the responsibility of the Ministry of Labour and Human Resource Development to take any employer to court if he does not pay salaries to his employees. However, through our effort, the company has been able to pay wages amounting to Kshs5,115,075 between January and October this year.

**Mr. Ndicho:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to refuse to answer my question? Who has gone to court over this matter? Who is the litigant in this particular matter? Is it the Ministry of Labour and Human Resource Development, or is it the employees?

**Mr. Maizs:** Mr. Deputy Speaker, Sir, we have the employees, trade union and the Ministry of Labour and Human Resource Development. When the trade union complained to us--- We have the Industrial Court. If the Minister for Labour and Human Resource Development cannot satisfactorily deal with employer, he takes the matter to the Industrial Court.

**An hon. Member:** Who has gone to court over this matter?

**Mr. Maizs:** Mr. Deputy Speaker, Sir, it is the Ministry together with the trade union.

**Mr. Kariuki:** Mr. Deputy Speaker, Sir, could the Assistant Minister explain to this House whether these companies are insolvent or bankrupt because, for the last three years, workers have not been paid their salaries? Either they are slaves who are not supposed to be paid anything, but if they are working and they have families and children in school, maybe there must be something wrong with the estates themselves. Could the Assistant Minister tell us whether those sisal estates are functioning, bankrupt or under receivership? What state of affairs are they in?

**Mr. Maizs:** Mr. Deputy Speaker, Sir, the Ministry of Labour cannot adequately say whether those companies have been taken to court for bankruptcy. When they are insolvent, it means the going concern is not breaking even, but they are still trying to struggle to break even. When they are bankrupt is when the court decides that they cannot be solvent any more.

**Mr. Deputy Speaker:** Order! The hon. Member did not ask you to define insolvency or bankruptcy. He



is asking you the state of this Estate; are they bankrupt or insolvent?

**Mr. Maizs:** Mr. Deputy Speaker, Sir, they are insolvent. They are not yet bankrupt.

**Mr. Deputy Speaker:** Order! If you have not paid your workers for three years, there must be something very grossly wrong.

**Mr. Maizs:** Mr. Deputy Speaker, Sir, There is a total sum of Kshs5 million which they have paid within the last three or four months. The delay was as a result of the problems of the market for fibre, bank loans and poor maintenance. In a bid to offset the huge wage bill, the company has sold part of the land, but the transaction has been delayed by the bank which is holding it as a collateral. It is not yet totally bankrupt, because the assets are still more than the liabilities. So, it is insolvent, but not bankrupt.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, did you hear the Assistant Minister saying that the assets of the company exceed liabilities and then he says it is insolvent?

**Mr. Deputy Speaker:** No, it is not!

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, he should say it is solvent and not insolvent.

**Mr. Deputy Speaker:** Well, English is not our mother tongue!

**Mr. Maizs:** Mr. Deputy Speaker, Sir, by insolvency we mean current assets versus current liabilities. But where we still have immovable chattel where we can--- I did economics at the University of Nairobi and you cannot challenge me over this.

**Mr. Muturi:** Mr. Deputy Speaker, Sir, the Assistant Minister admits that the company has not paid its workers for three years, and that early this year this company was taken to court. The Assistant Minister has not been very clear as to who has actually taken the company to court and in respect of what. If it is in respect of statutory deductions, the Assistant Minister ought to tell us what steps the Ministry is taking to ensure that - because those deductions belong to the employees - whatever happens to the company, the employees' interest will be taken care of. The Assistant Minister should tell **[Mr. Muturi]** us what measures the Ministry is taking to ensure that the workers' interests with regard to those contributions and remittances are going to be safeguarded.

**Mr. Maizs:** Mr. Deputy Speaker, Sir, there are two deductions here which are statutory. That is, the NHIF and the NSSF, and thirdly, the salaries. If they go to the industrial court, it will decide on the matter. It is prejudicial for me to mention how the courts will handle this.

**Mr. Deputy Speaker:** Mr. Maizs, if we take you to court for non-payment of wages, that is criminal. It does not go to the industrial court.

**Mr. Maizs:** Mr. Deputy Speaker, Sir, non-payment of wages is criminal in the industrial court. With negotiations, they will be able to either sell the assets, pay the debts and wind up, or the courts will decide what to do. But because they still have a lot of assets, the industrial court can take care of that.

**Mr. Kamolleh:** Mr. Deputy Speaker, Sir, you will notice that the Assistant Minister is actually confusing so many issues. The question which has been asked by several hon. Members is: Who went to court and on what basis did they go to court? Secondly, if that is the Government or the Ministry as he says, then surely, they should have been able to give these workers a particular date when they will start receiving their money, and if there are any accruals at the same time, because these salaries have not been paid for the last three years. What action is the Assistant Minister going to take? Will there be any accruals for penalties on the salaries of these people or are they just going to the industrial court to ask for payment?

**Mr. Maizs:** Mr. Deputy Speaker, Sir, maybe, it is a matter of semantics. I have said that because of the arrears and the statutory deductions, the case which has been filed by the Ministry, the Labour Officer and the trade unions together, under case No.1310 of 2001, which will be mentioned on 14.12.2001, will be decided by the courts in order to know the fate of the employees. It is very specific.

**Mr. Deputy Speaker:** Mr. E. Morogo are you going to ask the last question or you are satisfied that the Assistant Minister is answering you properly?

**Mr. Maizs:** Mr. Deputy Speaker, Sir, I am not satisfied at all. Now that I have informed the Assistant Minister that with regard to part "b" of the Question, the workers are running the Estate, and they have no managerial skills; therefore, killing the entire operations of the company, which is hiding behind this court case, what urgent measures is the Assistant Minister going to take to assist these people?

**Mr. Maizs:** Mr. Deputy Speaker, Sir, I deny categorically that with regard to part "b" of the Question, the company is being run by the employees. The management group is headed by Harry Horn Senior and Directors. We have already taken the case to court, and it will be mentioned on 14.12.2001.

**Mr. Deputy Speaker:** Thank you very much. Hon. Members, that marks the end of Question Time. I must again say that apart from the Question which was supposed to be answered by the Attorney-General, all the

Questions on the Order Paper have been asked and answered. Well done.

### MINISTERIAL STATEMENT

#### UNLAWFUL ARREST OF MRS. KIBIRA

**The Minister of State, Office of the President** (Maj. Madoka): On a point of order, Mr. Deputy Speaker, Sir. On Thursday, 25th October, 2001, Mr. Muchiri rose on a point of order seeking a Ministerial Statement on the alleged unlawful arrest of Mrs. Kibira from her Karen home on 17th September, 2001. In his request, Mr. Muchiri alleged that Mrs. Kibira was neither booked in the Occurrence Book, nor was she informed of the reason for her arrest despite being held between 17th September, 2001 to 24th September, 2001.

In this connection, I wish to state as follows: Mrs. Florence Serandi Kibira was arrested by police officers from Karen Police Station on 4th June, 2001, and not 17th September as alleged. After she was arrested, she was booked at the Karen Police Station, Occurrence Book No.27 of 5th June, at 12.15 p.m. Mrs. Florence Kibira was charged with the offence of obtaining credit by false pretences before the Senior Resident Magistrate's Court, Kibira, Karen Occurrence Book No.172/186/2001 and court file No.3353/2001.

Mr. Deputy The circumstances leading to the arrest of the accused are as follows: It is alleged that on 14th March, 2001, Mrs. Florence Kibira obtained timber worth Kshs130,000 from KAPU Investments, and paid vide cheque No.0002 in the amount of Kshs130,000 at Barclays Bank of Kenya, Karen branch. The cheque was not honoured by the bank since Mrs. Kibira's account had no money. The proprietor of KAPU Investments, Mr. Simiyu Wasike, claimed to have made several unsuccessful attempts to have Mrs. Kibira pay for the timber. He reported the matter to the police after sensing that Mrs. Kibira was unwilling to pay for the timber and that she was deliberately defrauding him. The police arrested Mrs. Kibira on the strength of the complaint filed by Mr. Wasike.

It is, therefore, not true that the police unlawfully arrested Mrs. Kibira on 17th September; failed to inform her of the offence, and did not book her in the Occurrence Book as required. That is the true position of the case.

### POINT OF ORDER

#### FATE OF TREE SEEDLINGS IN MT. KENYA FOREST

**Dr. Murungaru:** Mr. Deputy Speaker, Sir, last week I sought a Ministerial Statement from the Minister for Environment, regarding 1.5 million tree seedlings in nurseries in Mt. Kenya Forest, which are at a risk of going to waste because the ground to plant them has not been prepared. I have not received that statement and I would like the Minister to provide it.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order, hon. Members! What is happening in that *Kavirondo* corner?

**Dr. Murungaru:** Mr. Deputy Speaker, Sir, if action is not taken immediately, we are going to lose those seedlings and yet, that is a major investment for the people living in that area.

**Mr. Deputy Speaker:** Order, Dr. Murungaru! Those are the same points which you raised when you sought that Ministerial Statement. The Minister for Environment is not here, but I would like to ask the Minister of State, Office of the President to inform him that, that statement must be given next week on Tuesday.

### MINISTERIAL STATEMENT

#### DISAPPEARANCE OF MR. KIMANI

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, on 11th October, 2001, hon. Michuki rose on a point of order, and requested for a Ministerial Statement on the disappearance of Mr. Julius Njuguna Kimani. In this connection, I wish to state as follows:-

On Thursday, 9th August, 2001, I responded to a Question by Private Notice on the same issue, asked by hon. Michuki. In my reply, I indicated that Administration Police Constable, Julius Njuguna Kimani,

P/No.90083747, who was stationed at Maua Administration Police Camp had disappeared, and as at that time, he had not been traced.

Mr. Temporary Deputy Speaker, Sir, let me briefly outline the background to this matter. The police officer applied for, and was granted 45 days annual leave with effect from 2nd May, 2001. The leave was approved by the District Commissioner, Meru North District, vide a letter Ref. No.9008347/47/218 of 3rd May, 2001. The officer had applied for leave since he had lost his child in January, 2001. At the time he applied for leave, his wife was reported to have been very sick. Information received after the officer had proceeded on leave indicated that his wife passed away in May, 2001. It was further reported that following the death of his wife, the officer appeared to be sickly and mentally disturbed. The officer was expected back on duty on 3rd July, 2001, but he did not report back. Five days after the date the officer was expected back, inquiries were made at his rural home, where his two brothers, Mr. Daniel Githinji and Mr. Kamau Kimani, indicated that they did not know where their brother was. Apart from confirming that the officer had lost his wife during the month of May, the next of kin were unable to give useful information as to the officer's whereabouts.

The officer was reported missing on 10th July, 2001, when his next of kin could not explain his whereabouts. Moreover, as required by the Force's Standing Orders, the officer was declared a deserter while efforts to trace him were still in progress. To date, despite numerous inquiries, the whereabouts of Mr. Julius Njuguna Kimani are still unknown. I would like, therefore, to appeal to anyone who has any information that may lead to the tracing of the missing person to report to the nearest police station and record a statement or lead us to where he may be.

Thank you.

**Mr. Michuki:** Mr. Deputy Speaker, Sir, I want to thank the Minister for his elaborate explanation, although I am disappointed that no progress has been made by the Government. Mr. Kimani never reached his home, even though he was on leave. In fact, he stayed at his quarters in Meru North. Therefore, it would appear that he disappeared within Meru Town, where he went on 8th June, 2001. The Minister should continue to look into this matter because human life is involved. Where the disappearance of an individual cannot be explained to the parents and relatives, it creates a lot of trauma and anxiety, which is killing people these days. I appeal to the Minister to continue searching for this man. He should assure the parents and myself, through this House, that he will continue to do so.

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I do appreciate the trauma which the parents and the family of Mr. Kimani may be experiencing. We will continue to trace the whereabouts of Mr. Kimani. The hon. Member seems to be having some information. We would appreciate it if we got any information which will help us.

## BILL

### *Second Reading*

#### THE KENYA WATER INSTITUTE BILL

*(The Minister for Water Development on 13.11.2001)*

*(Resumption of Debate interrupted on 13.11.2001)*

**Mr. Deputy Speaker:** Mr. Kamolleh was on the Floor. Mr. Kamolleh, you have seven more minutes.

**Mr. Kamolleh:** Mr. Deputy Speaker, Sir, we will support the establishment of the Kenya Water Institute. But I would like the Minister to note that we have been having expensive studies on water management. We have done five studies for Nairobi, Mombasa and Nakuru. These studies cost millions of shillings and yet, the reports that emanate from these studies are left to gather dust on the shelves of Government offices. Whenever there is a project on water management, a study is carried out. They should be adding information which they did not have in the previous study during subsequent reports, rather than commissioning a new study.

*[Mr. Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, I think when this Bill is passed, we will have the institute. I hope

the institute will be given the existing records, so that we do not have to carry out those expensive studies again. The training of students in the institute should be on a wider scope. As I said yesterday, we should not train only plumbers, but computer management officers and others, so that they can be able to retrieve the existing information, and so that we do not have to pay so much money now and again on those studies.

Yesterday, I mentioned something about the concept of funding water management. We have had donors coming in and out. The interesting thing is that there is no concept. Money is poured to study, procure, distribute and avail water, but there is no concept. It is just haphazard! I only hope that when we pass this Bill, the institute to be established will assist in some of those areas. We can get papers from the institute guiding us on how the future should look like in water management, rather than rushing to conduct studies when there is a drought or *El Nino* rains. We do not have a concept. It is high time we had a water management policy.

In the Ministry, they have tried the so-called "wholesome approach of commercialisation"! They tried it in Nakuru, but they have now disbanded the company. They tried it in Nyeri, but it is not yet complete. They tried it in Kitale and the company was disbanded. They tried it in Nyahururu and Thika without success. The important thing that I am trying to get at is the lack of water management concept in the country. It is high time, 37 years after Independence, we should not just do things like the *Jua Kali*.

Mr. Temporary Deputy Speaker, Sir, like I said yesterday, in the commercialisation of water, I believe there is something little. We can get some revenue which would go into the maintenance of the water supply. The problem is that the councils which are supposed to hold 99 shares of the commercial water companies are short of cash sometimes. So, they order the water companies to pay them Kshs500,000 or Kshs1 million. That money should not be used on salaries, social services or drivers! The money should be used for the maintenance of pipes and making sure that there is water in the taps. If the Kenya Power and Lighting Company (KPLC) - and the Minister is here and he will bear me witness - has been given some autonomy to run electricity distribution in this country, what is more important to me is water and not electricity. I would like to see the establishment of a Kenya Water Pipeline Corporation which is as independent and autonomous as the KPLC, so that it can be able to take care of water management not only in the municipalities, but also in the rural areas! Therefore, like we did earlier, we will have to remove those irregularities of pricing. The ranches in Voi pay 100 per cent from 6,000 units. You will hear that other ranches in other areas pay their own prices. Why do we have those irregular prices? Why do we not have one constant level billing? It is because there is some corruption. Therefore, I will still go back and say that I hope this Bill will have various advantages for us. We are going to support and pass it. It will train not only one-sided technical people, but also professionals like water planners, water engineers, water economists and the like.

Mr. Temporary Deputy Speaker, Sir, last, but not least, we pay about Kshs50 per jerrycan of water. When you look at that mathematically, it is about Kshs2,000 per cubic metre, while the same is supposed to be about Kshs100 to Kshs500 per cubic metre. The problem we have here is that---

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

**Mr. Kihoro:** Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to contribute to this Bill. I do support the Bill. It is very important that we direct our attention to our water resources as much as possible, and also have properly and sufficiently trained manpower to do the work that needs to be done. Until we have properly trained manpower to manage our water resources, it is going to be very difficult to seriously talk about poverty eradication in this country. It will be paying lip service to agriculture in this country that employs 80 per cent of our population. Therefore, it is very important to direct our full attention to this issue.

It is unlikely that God will come back now and improve our land resources. He has given us an ability to direct our minds to the situation, and see how much we can be able to improve on it. With due respect, I know that until man and woman direct their energies to this question and improve the quality and productivity of our land through water, we will continue fighting over the remaining 25 per cent of Kenya that is properly endowed with fertile soils and proper distribution of water. So, it is important that we have got 225,000 square miles of land in this country. It is nearly two-and-half times the size of Britain, and Britain is supporting a population which is two-and-half times that of Kenya. It is important that we improve our water engineering capability. There should be a hydrology map of this country on the question of water distribution. I know that we live in a water-deficit country like the Minister had said, and that we have got a deficit of nearly 30 per cent that needs to be made good. But we have also wasted our water in a very big way.

We have got very many internal rivers in this country which flow to waste. I say so, having gone to Garissa last week, and seeing River Tana, nearly 100 metres wide, with all that water flowing down to the Indian Ocean without any value or use in irrigation to the people in this country. This morning, even a Member from Malindi talked about the drought in that area, including Lamu; and just a few metres by, we have the River Tana. It is an internal river and we have got complete control over it. We have wasted the opportunity to improve on

land. The first time that I went to Garissa, I thought it was part of the Kenyan desert. But it is very fertile land and what we only need is to improve on our irrigation in that area. We should do it in a proper way, and not the way it was done at Bura.

I have also been to Bura and you find that the way the irrigation was established in the 1980s was wrong. Instead of using gravity to move and tap water from Mt. Kenya at nearly 17,000 feet as it comes down, we use fuel for pumping--- I can see the Minister for Energy is here! I would not like to be a customer to do irrigation through fuel power.

Mr. Temporary Deputy Speaker, Sir, I am saying that Bura Irrigation Scheme, used to spend Kshs12 million every month to buy fuel, until it was impossible to continue at that high cost--- I do understand that the scheme has been revived. It was very easy to run that project by gravity.

Mr. Temporary Deputy Speaker, Sir, the institute should bring people who will understand our country's geography, rivers and map it in a way that we will be able to distribute our internal rivers and also the Mara River that goes down to Tanzania and Lake Victoria. We should also introduce some *Jua Kali* aspect in our water resource management. As much as we go to Kamukunji and find our people very busy there from morning until evening, trying to earn a living out of that industry. Let us employ our own people to improve their land and stop thinking that foreigners will develop our country and give us the resources, that is when we will go the right way. We should not expect foreigners to come in this country and show us how to get water from its natural river beds and cultivate crops that are amenable to our climate. That is what is lacking.

This institute is, therefore, very welcome. I do understand that it is not really very original because in Clause 3(3) of the Bill, we find that the proposed institute will be a successor to the Kenya Water Institute which is in existence, but will cease to exist as soon as the new institute is set up. It is important that our water resources are managed in the right way. I would also like to look at one aspect which will be among those that will be covered by the institute, and this is consultancy in our water management work. I find that, again, we need to enhance the capability of our people in terms of water management and increasing the use of our water.

Previously, we inherited a very inequitable agreement in terms of the Nile Water Agreement of 1931. This agreement needs to be re-negotiated on a more equitable basis and its colonial legacy needs to be updated. What happened then is that up to 80 per cent of the water on the River Nile was allocated to Egypt. A good proportion of what was left was allocated to Sudan. What is left of the water, which is not more than 10 per cent, was allocated to the three East African countries. It is important that we train water experts who will give this country the correct advice in terms of re-negotiating for the Nile Water Agreement which is out of date. It was partisan and favoured one country against the others. However much that country could be dependent on one river, there are some countries that have no rivers at all. What is important is the best interests of our country, and that is what should guide us in terms of making that negotiation.

That is one area where we expect our experts who will be trained at the Kenya Water Institute to direct. Now that we have got the East African Community, we should also liaise properly with the other two East African countries so that we can have a common negotiating position. Water is life and money. That is what we want. We should not throw away our resources and turn ourselves and our country into beggars. We want to manage our resources for the betterment of 85 million East Africans.

I would also like to direct my attention to the question of River Ewaso Nyiro which flows in the right direction, even though it does not end up in the sea. It does disappear in the Lorian Swamp, past Isiolo and near Habaswein. It is a challenge to this country. I do not understand how we can lose so much water into a swamp underground to wherever God knows. I do assume that it might have found its way into the Indian Ocean. We need to utilise that water. There are very many ways of making sure that, that water is utilised on the way. It is true that the swamp is a wetland with its own value but, indeed, we should not waste so much of the water because it disappears directly into a swamp. It can be used for irrigation instead of providing food to people on the way. There should be ways and means of ensuring that they are able to grow their own food.

Mr. Temporary Deputy Speaker, Sir, I would also like to turn my attention to the question of clean water in our houses through the taps in the kitchen. The serviced water from the tap is supposed to be coming directly from a reservoir and from the water catchment areas. It is true that water from our taps has become unclean and unfit for human consumption. It has become a big risk to take the water from the kitchen tap. Germs and other ailments have found their way into our kitchens just because we have failed to manage water services properly. I have lived long enough to have drunk water from taps in Nairobi without fear. Maybe this is a very welcome development for a few people who make as much money out of this unwarranted situation. We cannot all live on mineral water which Mr. Mwenje did say yesterday is now more expensive than a litre of fuel imported all the way from the Middle East. Oil is cheaper than the water that flows from Mt. Kenya and the Cherangani Hills.

It is very important that the institute will investigate and come up with proper studies and back up

services to ensure that water in our kitchen taps becomes clean like it used to be. All that was possible 20 years ago. It is not possible now because profiteers, black marketeers and others have found a way of turning every running service into their sitting duck. They make profits as the majority of Kenyans suffer.

I have also lived in other countries and I have taken clean water from the taps in the house and that must be the target of this institute. It should make sure that every Kenyan who is currently served by a water tap in the house has clean water. That will be the area of attention before we think of all Kenyans who do not have tap water in their houses. We have got a huge market for water in this country. Development of our water resources will guarantee that Kenyans lead a productive and useful life in their houses or farms. That is important.

Mr. Temporary Deputy Speaker, Sir, that is what is important. I do find that over the years, it is true that some Kenyans have lost the vitality they had in life. They used to enjoy clean clothes and strive for it. Long time ago in my village, you could hear people talk and say: "Mr. So-and-so is a very clean man and Mrs. So-and-so is a very clean lady. Now it looks like after the *mitumba* culture did come into this country, it is very difficult to also think about anything clean. That must be the target of this institute and the dialogue of the deaf must stop in this country. Very important ideas do come up and I do find that it is of little interest to the Government to listen and also take action.

Mr. Temporary Deputy Speaker, Sir, the water catchment areas in this country must also be protected. They must be protected because as soon as we finish our forests, and there are concerted efforts everyday in this country to liquidate our forestry resources, then life will become more and more difficult. However, much as we might want to train water engineers, you might find that if you have destroyed your water catchment areas, you have no water and the education of yesterday that was useful and relevant becomes useless and irrelevant. People could get water from a river and you might find a river has dried up. I do have one factory in my own area where the farmers used to get water from a stream. The stream no longer flows and the coffee factory no longer functions. These are a chain of events, and we must to see our ecology as a wholesome whole; that when we think about giving cash and rewarding our political supporters, we must think more seriously about the danger and the harm that we cause to our country when we decide to take from the forest reserve in this country 10 per cent of our forest resources, equivalent to 165,000 acres and do it with the stroke of a pen. We do not consult the people and you do not follow the law. That is what has happened and it is very important that what we are doing today will make a lot of the education, study and research that has been done previously irrelevant. This is because we have changed the geography, climate, environmental and ecological circumstances prevailing in the country.

So, it is important that the water catchment areas be preserved for us and posterity; that is, in terms of inter-generation equity; that you found this country a good place, you found the forests and you did not come here to destroy them and die. You came here to improve on them. You did not come here to destroy our forest resources so that our children will never know what is a good forest, and so that this country will destroy its inheritance all in the name of greed and power. That will not do since time is coming up.

Mr. Temporary Deputy Speaker, Sir, the control of some of the local rivers that flow also into the Lake Victoria becomes very important. We have the Nzoia, Yala, Sondu-Miriu, Nyando and Mara rivers. They are very important and until we find ways and means of utilising that water, not only to carry effluent to the sea--- It is just like before you get to Webuye, the stench on the River Nzoia is taken down to go and kill the fish down in Lake Victoria. God has bestowed this country with wonderful water resources, if we only use them properly. The 75 per cent of Kenya's land that is not directly arable today, more than 50 per cent of it would become arable if only we used our water resources properly. Water on Lake Turkana or Lake Victoria, all of them elevated and nearly 4,000 feet above sea level, with proper use of force of gravity, would ensure that we are going to use our water resources and open up our country and stop the land war that is there and has been running for a long time.

From the time of colonialism, the first law enacted in this country in 1897 by the colonialists was about how to control land in Kenya. This was The East African Land Regulation in 1897 and we continue fighting over 25 per cent of Kenya's land, and the rest of it is forgotten and I believe another 50 per cent is arable. This is like the road I found to Garissa, whereby on both sides of the tarmac road, which is 400 kilometres of land, you will find beautiful arable land but nobody is prepared to utilise it because it is in dry land and only 100 kilometres away to the north we have the River Tana that is not properly utilised.

So, my thoughts in this area are really to urge that this institute be properly developed to think and rethink anew the utilisation of our water resources the way it should be and open up this country for irrigation and better water service, and ensure that our people are going to enjoy the water there is, such that when *El Nino* does come, maybe---

QUORUM

**Mr. Nyanja:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is there a quorum in the House? The hon. Member of Parliament for Nyeri is contributing wonderfully to the Motion.

**The Temporary Deputy Speaker (Mr. Muturi):** No, we do not have a quorum. Mr. Nyanja, you need not belabour the point! Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker (Mr. Muturi):** Order! There is quorum now. Proceed, Mr. Kihoro.

**Mr. Kihoro:** Thank you, Mr. Temporary Deputy Speaker, Sir. I was just about coming to the end. My view of this Government is that it is supposed to be a pastoralist-led Government; one which would improve the lives of Kenyans, especially the water resources in the pastoralist areas. In the process of improving our livestock, we would be able to improve the lives and needs of the pastoralists of this country. That does not happen. The Government has been in power for 23 years, while KANU has been in power for 38 years, and that has not happened. It is important that the Government rethinks about it, but, unfortunately, this might not happen at all. This is because I find that even when we have such an important issue like water being discussed in the House, the Minister for Water Resources is not in the House. He is nowhere to be found. He does not want to hear hon. Members' contribution and be involved in the debate.

**Mr. Mwenje:** He was saved from the hangman's noose!

**Mr. Kihoro:** Mr. Temporary Deputy Speaker, Sir, as soon as you are able to wriggle yourself out of the catch-22 situation of a Kshs185 million court case, you disappear into celebration and you forget the debate in the House.

The National Water and Pipeline Corporation (NWPC) inherited a lot of assets in this country in various areas, since it was formed 12 years ago, and they belonged to our people. Like in my own area, the first Harambees were conducted five years after Independence, and people got water tanks and pipes, and they did the works. In 1988, the NWPC came to the area and inherited all those assets. You will find that today, water has become the only commodity for sale by this corporation. Water has become very expensive in the rural areas. As we have said, in urban areas, it is true that people take so much of Keringet mineral water, even though they have water in their taps. In the rural areas, water that is given by God free has become so expensive. Like in my own area, this corporation is selling water to poor peasants at Ksh250 per month. That is a lot of money! One kilogramme of coffee is purchased from some markets at only Kshs1, or 50 cents. Every month, you will find that the income of the farmers in the rural areas has declined by more than 80 per cent. You will find that the average household in this country does not have an income of more than Kshs3,000 and water alone, through this corporation, is being sold at Kshs250; free water being given by God. We want the corporation to provide the water at net cost. It is true that they are going to have some inputs like chlorine, but it must be at a minimum cost because we do not want to contemplate on the alternatives. People who do not have water to use in the houses become dirtier and are subjected to diseases and there are no hospitals where they can be treated.

Water is life. That is why this corporation must see itself, when it gets good manpower from the institute, as doing the right work of making Kenyans cleaner and healthier. That must be the objective. It is not a question of profiteering in the rural areas, collecting money and bringing it to a corporation where a few people end up selling chlorine at nearly Kshs70 million. That must be the target.

As I conclude, I would like to state that I thought this is going to be a dialogue of the intelligent; the best minds and brains in this country, but now it has fallen short of that. I thought it would be a dialogue of the best, despite the absence of the Minister and his Assistant Ministers and other hon. Members not wanting to listen to the debate. I thought the purpose was to exchange ideas and improve on this institute, so that we can have a better Act that is going to ensure that we have got the right manpower and water resources in this country, which should be managed very well. I am a bit disappointed, that instead of using our time here more seriously, and think about how to regenerate our country, and utilise our water resources, a few have turned it into a market commodity. The future lies in water; in the development of this institute. We have to make sure that we have a manpower which is properly trained, to enable this country utilise its water resources the way it should be. My hope is that we should not train our water engineers and hydrologists who end up working outside this country because this Government will not give them a salary which is commensurate with their training and the work they do. That is what is important; production and productivity. Those who do not work do not deserve to eat, and those who work need to be properly remunerated. That is the only basis and principle that is durable for all times.

With these few words, I beg to support the Bill. **Capt. Ntwiga:** Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill with a lot of reservations.

Mr. Temporary Deputy Speaker, Sir, water is life. There is nothing one can do on earth without water. The Almighty God has endowed this country with a lot of water. Kenya is not like Egypt, which relies only on the waters of River Nile, which is fed by Lake Victoria. Without River Nile, Egypt cannot thrive. Here we are in a country with many permanent rivers and a lot of rainfall and yet we cannot fight poverty. You and I come from the eastern slopes of Mount Kenya, where it rains almost throughout the year, with many permanent rivers which drain into the Indian Ocean as if we have some kind of contract with the Arabs. I do not know what is happening with our water institutions these days. I do not know whether they are being sabotaged by our water engineers. By use of very simple technology, we can harvest rain water. The land terrain in this country is very good. There are many gorges in which water can be trapped using very simple technology and use it during the dry season for irrigation purposes. We train water engineers at our institutions only for them to mess up in the field. I do not know whether they deliberately sabotage our programmes.

Mr. Kihoro has talked about Bura Irrigation Scheme, where furrow irrigation can be carried out more cheaply as opposed to using water pumping equipment. There are three water pumps at Bura Irrigation Scheme, but all of them have broken down; I was there the other day. When the water pumps break down, the engineers make money by repairing them. So, I do not know what these institutions do. Instead of advocating for furrow irrigation at Bura Irrigation Scheme, so that water can flow into the farming fields by gravity, our engineers have settled for mechanical pumping of water, which is very expensive. The diesel used to run the water pumps is very expensive. Also, there are a lot of breakdowns. I do not know whether the engineers initiate the breakdowns of the water pumps so that they can keep on purchasing spare parts all the time. So, the institution which trains our water management personnel must be very serious. I believe that if water resources could be managed properly, we would not be talking of hunger in this country.

Mr. Temporary Deputy Speaker, Sir, we talk about corruption in the Police Force. However, the Ministry in charge of water development is the most corrupt. More than Kshs20 million has been spent on a water project which was started some years back in my constituency, but nothing has taken place so far. The biggest problem is that when civil servants are posted to the field, they only look for ways of making money. This is not only true with officers attached to the Water Department, but also with those in the Ministry of Roads and Public Works and many other Ministries. That is why I call for a policy of involving the local residents in the funding of the activities of all departments at the district level, so that we can at least fight poverty.

Another problem is that water catchment areas and river banks have been left open. The Chief's Authority Act is no longer operational. The only administrator who is very close to the people who destroy the water catchment areas is the chief. I was worried when some Opposition Members of Parliament called for the abolition of the Provincial Administration. They now claim that there is massive destruction of forests and water catchment [**Capt. Ntwiga**]

areas. So, the Government should empower somebody who should ensure that our water catchment areas are not destroyed. Some people are destroying water catchment areas with impunity because there is nobody with authority to apprehend them. So, the outcry from the Opposition has come about as a result of the changes made to the Chief's Authority Act, which tied the chiefs' hands in overseeing the preservation of our water catchment areas. Consequently, our rivers are now drying up.

Mr. Temporary Deputy Speaker, Sir, I come from Nithi Constituency, where there are a lot of rivers. The land terrain allows for many activities. I will very soon bring a Motion here on electric power generation. Some areas, such as my constituency, can accommodate simple technology for the generation of electricity from micro hydro-electric plants, for consumption in those particular areas without necessarily feeding it into the national grid. At the same time, electricity from such micro plants can be used to pump water for irrigation purposes in those areas, so that employment can be created for people in the localities. I believe that through such small projects, our people can get out of unemployment. We should address this problem. People are dying out there because they have nothing to it. Even clean drinking water is unavailable out there. So, we should address the issue of water management by improving the performance of our water institutions. We should also remind the people trained therein that they have to go out there and serve the people. We do not train them for their own benefits. That attitude is killing this nation. We cannot continue accusing the police of corruption when civil servants lead in the malpractice.

Mr. Temporary Deputy Speaker, Sir, in the United States of America, there is the Tennessee Valley Authority. The authority relies on a mere river which has been tamed, and which has provided the area with a number of water dams for the purpose of irrigation. Some bridges have been constructed across the dams. Such is the simple technology which the Kenya Water Institute should adopt to ensure that this country solves its



management problems forever. This is because as has been said, water is life. I can see you have got water in this House so that when you get thirsty, you can take it. You cannot run an engine without water, for cooling purposes. Human beings need water, and cows also need water in order to produce milk. So, water is the mother of everything. With good soils such as the ones we have in this country, we can produce a lot of food and stop talking about hunger in this country. For that reason, I want to beg the Minister to consider taking water institutions where they belong, so that we can come out of this cocoon and our people can benefit.

With those few words, I do not have to talk a lot; I have made my point, and I hope the Minister has taken it seriously. I do not know whether he is present, but I have made my point.

**Mr. Muihia:** Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity to contribute to the Water Institute Bill.

Sometimes I feel that this Government manages its affairs through the touch method. It is like somebody groping in the dark, touching the tusk of an elephant and thinking that it has a hard skin. We have been promised in this country clean water to every homestead for the last decade or two without any success. If anything, we are going backwards, in that many homes and towns are going without water.

### QUORUM

**Mr. Angwenyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum in the House. The Minister and his Assistant Ministers are also not present to listen to this important debate on this Bill.

**Mr. Temporary Deputy Speaker** (Mr. Musila): Indeed, we do not have a quorum. Ring the Division Bell!

*(The Division Bell was rung)*

**Mr. Temporary Deputy Speaker** (Mr. Musila): Order, hon. Members! We now have a quorum and Mr. Muihia was on the Floor.

**Mr. Muihia:** Thank you, Mr. Temporary Deputy Speaker, Sir. I was saying that the Government seems not to be taking seriously water matters in this country. Water forms the basis of everything that the Kenyan economy requires.

First, if the Government is able to supply clean water, we will reduce the rate of infections in this country by more than 50 per cent. This is because most of the diseases that affect our people are water-related. Even where there is water, the Government has failed to put in place management policies that are sustainable. Water catchment areas are being depleted at an alarming rate. While the Ministry of Environment and Natural Resources has nothing to do with water, unless the operations of the two Ministries are harmonised so that water catchment areas are not depleted, we may end up with water institutions and water management institutions and systems, but without any water to manage.

Mr. Temporary Deputy Speaker, Sir, the amount of water we lose to the Indian Ocean and Lake Victoria is so enormous that with good management and good Government policies, we will supply water to homesteads and also for farming purposes, so that we can sustain food production. But all the Government is thinking about is privatising water provision. Water provision in all local authorities is being privatised. Since water is the main source of income for local authorities, when it is privatised, from where will they get resources to sustain their management?

I think there is no serious debate going on the Government side on this matter. If it was a Social Democratic Party Government, water would have formed the basis of any Government development plan because we would have taken it very seriously. Water projects must be managed and maintained well throughout the country.

Mr. Temporary Deputy Speaker, Sir, I have an example of Thiririka Water Project in my constituency, Gatundu South---

### QUORUM

**Capt. Ntwiga:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We have no quorum in the House. You can see there is virtually no hon. Members on the other side of the House. There is no quorum and the Standing Orders state that there must be at least 30 hon. Members of Parliament for debate to continue.

**The Temporary Deputy Speaker** (Mr. Musila): Order! Order, Capt. Ntwiga! There is no doubt about it. You just draw the attention of the Chair to that effect and sit down. Then the Chair can make an observation. My

observation is that, yes, there is no quorum. Could the Division Bell be rung?

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Musila): Order! Order, hon. Members! A quorum has now been realised.

Proceed, Mr. Muihia!

**Mr. Muihia:** Thank you, Mr. Deputy Speaker, Sir. I hope there will be no more calls for lack of quorum.

Before the issue of quorum was raised, I was talking about Thiririka Water Project in my constituency which was initiated way back in the late 1960s. Since water is not enough, the Ministry of Water Development should put in a second water pipe so that we can have enough water. We have water pipes under the ground, but for over 10 years now, the Ministry has failed to place in key pipes running across the road and river beds so that water can be supplied to homesteads. My constituency goes without water for more than half of the year and the only permanent line of water that passes through my constituency is one that originates from the Ndakaine Water Project, managed by the Nairobi City Council. We have a big problem because that water is very expensive. I do not know why the Nairobi City Council cannot pay Thika, Murang'a and Kiambu County Councils for the water that passes through their land. I hope the Minister is going to look into this matter when he sets up this institute so that there is better management of water.

Mr. Temporary Deputy Speaker, Sir, there is another water pipeline - from Ng'ethu Water Project that passes through my constituency, from Chania River, but our people have struggled for two years for water connections to be made.

Mr. Temporary Deputy Speaker, Sir, the treatment of water is the major problem in this country. Thiririka Water Project has not been---

**Mr. Kanyauchi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I have been in this House for four years and, certainly, I am seeing somebody I have never seen in this House before! There appears to be a stranger in this House.

**The Temporary Deputy Speaker** (Mr. Musila): Order! Order! Mr. Kanyauchi, if you are referring to the new hon. Member for Kilome Constituency, you are wrong. He is in the House by his own right. He was sworn in this afternoon.

**Mr. Muihia:** Mr. Temporary Deputy Speaker, Sir, as I continue, I would like to say that water treatment has become very expensive and the Ministry appears not to be taking water treatment seriously. The dams are full of snakes and snails, and all sorts of dirt. This also applies to Thiririka Water Project because water there is not being treated, yet we are talking about management of our water.

Mr. Temporary Deputy Speaker, Sir, we cannot only talk about the management of water that is going to flow to the houses, farms and industries. There must be a system of managing the storm water because it is responsible for destroying roads in this country. There is no correlation between the Ministry of Water Development and the Ministry of Roads and Public Works, whereby storm water is drained into adjacent dams and there is no way we can save money if the Ministry will not take the issue of water management seriously. I hope, after the enactment of this Bill, it is not going to be put in the archives like many Bills that have been debated here and we have given the Government the green light of running this country. But since the Government does not appear to have the capability of running this country, I would only urge that, come next year, when the KANU Government will be thrown out, possibly, we shall put in the Social Democratic Party Government in office---

**An hon. Member:** Your time is over!

**Dr. Anangwe:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Kenya Water Institute Bill, which is important. I support this particular Bill because its objects are very important; it aims at enhancing the corporate capacity of the Kenya Water Institute (KEWI) in order to offer training and carry out research in the water sector.

The water sector is very important in this country, and if its status is improved, I am sure that the lives of Kenyans would be improved and poverty would be reduced. The major problem that we have in this country is that we have scarcity of water. I would like to point out that 80 per cent of the landmass is arid and semi-arid, largely because water is scarce in these particular areas. Therefore, if the intention of this Bill is to enhance the performance of the KEWI, so that the water sector can perform better, it is a welcome development. I know the main focus of the KEWI, of course, is to generate adequate manpower. But may I request the Ministry to be a bit thorough in its design and planning strategies.

I listened very carefully when the Minister moved the Bill. He provided the rationale why the KEWI

needs to be enhanced, but he was not very explicit on the role, the gap and need this particular institute will perform in terms of generating the requisite manpower in the water sector. Ideally, what one would have expected is to see the water human resource development plan which would give us some insight on what the projections, the plans on the water sector and the supply of the available skills are in order to assess either the surplus or shortfalls in human resources in the water sector. That has not been made explicit. I would like to request that, as the Ministry goes about institutionalising the KEWI, we should be made aware that it will play an important role. It is very imperative that we have specific information on the kind of human resources required for the economy in respect of the water sector, and the number of personnel who should be trained on a yearly basis, so that we can know the role it will play to fulfil that particular need. Without this kind of information, this institute may be established and its capacity enhanced, but its contribution in terms of economic development may never be realised, unless we know what the training gap and needs are. I know that this is the predicament that faces many Government training institutes; they train for the sake of training without relating whatever their output or products are in relation to the demands of the economy.

Mr. Temporary Deputy Speaker, Sir, it costs a lot of money to train people. If the Kenyan taxpayer will bear that particular cost, it should be rationalised in terms of the economic contribution of that human resource. What I am trying to say is very imperative; that the Minister for Water Development makes an attempt, at least, to develop a Water Human Resources Development Plan so that we can know how the training activities of the KEWI will fill that void, which is still unknown. We do not know whether we have surplus or shortfall of personnel in the water sector. We are engaging in guesswork, but all I am trying to say is that if we will enhance the role of the KEWI, on one hand, we must also reveal the demand of the personnel in the water sector, so that it fulfils that particular need.

I know this particular Bill relates to this institution which is an integral part of institutional arrangements and efforts to enhance the performance of the water sector in this country. Therefore, issues which are general to the water sector are still pertinent and they can provide an environment and context in which the KEWI becomes relevant or not. There are many problems facing the water sector, which the Ministry of Environment and Natural Resources should address very seriously. As we all know, it is probably 75 per cent of the population in urban areas who have access to safe water, while in the rural areas, it is 50 per cent or even less. That shows that there is still a significant portion of the population that is in dire need of safe water, and that particular gap needs to be filled and eradicated by the Minister for Water Development, who should come up with programmes to fill that particular void. We know that access to piped water in this country is, of course, at a very low level. I am aware that the percentage of the people who have access to piped water has not increased since 1989. In my district, only 15 per cent of the population has access to piped water. So, that is still a problem. The bulk of our people rely on water springs which are unprotected, and as a consequence, many of them end up drinking contaminated water. All we are trying to ask the Ministry is that if this particular situation will be redressed, we need concerted efforts; we need to be focused and plan properly so that this situation is rectified.

I know efforts have been made by this Ministry to come up with master plans and Sessional Paper No.1 of 1999 on National Policy on Water Resources Management and Development. I am aware that a set of ideas have been put forth in the interim Poverty Reduction Strategy Paper, which addresses what the Government or the Ministry is planning to do in relation to the water sector. The unfortunate thing is that these are very beautiful ideas. If they were implemented, the situation would have been a lot better. One shortcoming of this particular Ministry is that whereas it makes an effort in coming up with very good ideas, for one reason or another, some of these ideas do not see the light of day. Indeed, the implementation is very poor. One example that I can readily cite is in relation to the Sessional Paper No.1 of 1999 on National Policy on Water Resources Management and Development. In this particular Paper, the Ministry had earmarked certain activities and it had given itself a time frame. If you look at this Sessional Paper, you will find that the time frame is already time-barred. Many of the activities it had earmarked - some were supposed to be implemented in June, 2000, while others were supposed to be implemented in July, 2001 - many of those time frames and deadlines have passed. That gives the impression that the intentions were very good indeed. I understand the reason why this implementation may not have taken place. The reason is that the resources which were required were colossal. The financiers of these projects were supposed to be the donors, and these resources have not been forthcoming. So, many of the ideas have not been implemented. I have had an opportunity to say that since the donors are unwilling to give us the money, let us change our strategies towards the development of the water sector.

Mr. Temporary Deputy Speaker, Sir, if, in the previous strategies that targeted donors we came up with very expensive water schemes which required colossal sums of money, we may have to begin to think small. Investing in a water scheme costing Kshs.40 million, of course, is an expensive undertaking and we would require support from elsewhere. But I am sure, even with Kshs.3 million, if the strategy changed and we targeted

protection of water springs, particularly in some of the constituencies and districts, where the bulk of the population relies on natural water springs, that would make a fundamental difference. This is because we would be able to protect that particular water spring and it is not very expensive. It may cost, probably, about Kshs.10,000 to protect the water spring. You can protect several of them in a constituency or a district, and water would be far much safer for the communities that rely on water springs.

Mr. Temporary Deputy Speaker, Sir, all I am trying to say is that the Ministry is still living in the good old days when resources used to flow from the donors, and design and strategies within this particular sector are still influenced by that kind of perception. If you used to do very well and you bought big suits, probably sizes 42, 46, or whatever, once you are not able to do well and you become smaller; next time you go to a tailor, you are supposed to cut a size smaller than what you used to put on because you have become thinner. But this Ministry, I think, is still living in the good old days and it is not cutting its cloth according to its size. May I plead that it would probably make a fundamental impact and differences for many people in the rural areas, if we invested in small projects that would help our people and target communities.

I know, for instance, in my constituency, because I have taken a survey, there are about 600 springs, the four years I have been in Parliament, rural communities, particularly women groups, have been turning up every now and then, wanting assistance to protect their water springs. If the Government came in handy, I am sure these communities and women groups would be happy. Of course, the desirable approach would be piped water, but if we do not have the resources, I think we can invest in such small projects like protection of water springs, and people would be quite happy for the time being. I am saying this from the point of view of my own constituency and several others where people rely on water springs. If the Government cannot afford to provide for piped water schemes all over, let it think small and invest in small projects that would have far-reaching impact. We would make a lot of difference for our people, and our people would really appreciate on that score.

Mr. Temporary Deputy Speaker, Sir, coming back to KEWI, I think it is important also to understand the context in which we are establishing the institute. In some of the documents, the Ministry has said that the current policy is to withdraw from direct involvement in the implementation and management of water schemes and, instead, it would hand them over to communities, local authorities and other service providers. That is what has been made explicit in the Sessional Paper No.1 of 1999. That is what has been made explicit in the Interim Poverty Reduction Strategy Paper (IPRSP). That is the thrust. That is what the Government says is going to be the main thrust. My argument, and which the Minister may need to reflect upon very seriously is: If the responsibility is now shifting to non-state sectors; communities, local authorities and NGOs, why do you still have to withhold training in this particular institution within Government hands?

Usually, when the Government trains in its institutes, the graduates are supposed to go and serve in Government or within the public sector. That is the usual tendency. I know hon. Members have argued and said with liberalisation now, Government institutions are training for the economy. But the reality is that the bulk of the trainees and graduates from Government institutions are meant to go and serve in the public sector. With liberalisation and Government hiving off functions and privatising, continuation of training within the public sector, is creating a lot of crisis because it has trained graduates who cannot find employment in the private sector because that particular sector cannot afford to absorb all this manpower.

I know it is good to argue that you have, at least, given these particular individuals some skills, but what is the purpose of skills that we cannot turn into an income generation or some ways of earning a living? It is just as useless as if you never even did train in that particular field.

So, Mr. Temporary Deputy Speaker, Sir, what I am trying to say is that it is important that the Ministry harmonises its larger policy of privatising, of withdrawing from implementation and management of water schemes and handing them over to communities, local authorities and NGOs, on one hand, and also retaining training of personnel. It may not be necessary. All I am trying to say is that if the two have to go in harmony, because we are bestowing the responsibility of managing water sector in private hands, we should also leave it to them to determine the level of manpower required, type of skills required and also let them also generate and finance the training opportunities. Otherwise, if it continues, where we are privatising the water sector and, on the other hand, we are retaining the training of personnel, there will be a mismatch. We will end up generating excess manpower which the privatised water services will not be able to absorb. I am not saying that there is no need to train, but it may also be a question of trying to harmonise the demand in manpower required by the privatised services.

In other words, Mr. Temporary Deputy Speaker, Sir, there is always the tendency, if we leave it to civil servants, to continue training, while on the other hand, we have privatised. The civil servants in the training institutions seem to continue to train as if nothing has changed. It is as if they are training for the public sector and yet, the public sector is no longer absorbing the graduates. So, it is a request I would make to the Minister as

he contemplates on what he will say in his reply as to why KEWI needs to stay in Government hands and why KEWI should not be privatised, so that it does not have to resort to public resources or from Government so that KEWI becomes more relevant to services that will have been privatised.

Mr. Temporary Deputy Speaker, Sir, coming specifically to what this particular Bill contains; I have read it, I would like to raise a few issues in respect of representation on the Governing Council which is in Clause 5. This clause has provided for representation of various institutions. The bulk of them, of course, by a Government agency; whether it is the Permanent Secretary, Treasury, or Permanent Secretary, Ministry of Local Government, Director of Kenya Water Institute and so forth. We need also to harmonise this representation with the remarks I did make earlier; that with privatisation, we also need to enhance the representation of the non-state sector. I know that it has provided for the private sector managers to be represented; I know that they have provided for one representative of the registered local NGO; I know that they have also provided for one representative of professional bodies with activities relating to the water sector. But I think there is one category of stakeholders we have missed out and the Minister may wish to reflect on this. When we are talking about water supply or fetching water, this is a burden that falls largely on women. I know most men may talk about water, but it is the women who feel the pinch. If it is going to fetch water from the water springs or to walk distances to the rivers, it is the women who suffer. It is very imperative that their insights, perception and needs are directly addressed to in terms of training. Therefore, I venture to say that we must include, at least, one representative from women NGOs, specifically Maendeleo ya Wanawake. This is so that we can provide a forum where women in Kenya can have an opportunity to say what their training needs are in terms of this particular institute. We tend to forget that it is the women who bear most of the burden. Even where we have piped water in the home and it is not in the bathroom or the bathroom is outside, it is the women who will go and fetch it. All that a man does when he comes home is to demand for bathing water, and yet he does not know the hustle these particular women went through riding donkeys or carrying water on their backs. Sometimes, while fetching water from the springs, they fall down and hurt themselves. It is very imperative that we provide a forum where women can also express their interests. I am not saying that this is the only organization that should be represented, but it is very imperative that we provide for representation of women of this country in this particular institute.

Mr. Temporary Deputy Speaker, Sir, Clause 7 relates to the Academic Board and what the Board is supposed to be doing in terms of ensuring, amongst other issues, that the quality of training for the award of diploma certificates is very good. But may I also say that whereas that is true, sometimes these institutions, particularly Government institutions, fall into a trap of always remaining behind in terms of technological needs. One obvious explanation is that, many of the trainers or the personnel within these institutions suffer from one handicap. Once somebody walks into a training institution and he is a hydrologist or an engineer of a particular field, he does not become easily adaptable because that is all he knows. When he was being trained, he was being trained in respect of that particular matter; a need that is within the economy. But with the changing circumstances, where, of course, institutions must be more responsive, flexible and come up with interesting and innovative programmes, sometimes these institutions tend to fall back in terms of responding to the training needs. I would like to appeal that this particular Board needs to have in-built mechanism where it has to be flexible to ensure that whatever it is offering in terms of diploma certificates, they remain relevant to the changes within the water sector. Many of them get trained on how to manage, implement or repair pipes. Probably, there may not be any graduate on how to protect water springs or on roof catchment projects in the rural areas. They may be trained on large scale expensive schemes, but they may not be well equipped to deal with small-scale activities that cost, probably, Kshs10,000. So, this Academic Board has to be very alert, innovative and responsive to the Kenyan demands of communities, local authorities and NGOs that are going to assume responsibility when the water services are privatised.

Mr. Temporary Deputy Speaker, Sir, Clause 10 relates to the financing of this institution. It states that, amongst other sources of money, Parliament will appropriate. That is fine for the time being, but if we are going to privatise the services of water, it may have to think through how it can raise its own resources. When the Minister was making his presentation, I listened to him very carefully. He said that as of now, about 64 per cent of the budgets of this particular institute come from Government, and it is hoping that from 2004, it would have reduced this to about 29 per cent. That is a welcome development. But we are saying that it should even go further, so that in the long run, there may be no need for appropriations from Government. It may have to rely on the private sector, NGOs or local authorities. It is possible to have lucrative training if you have appropriate strategy. That is what most institutions of training are doing elsewhere. It is only that sometimes we underdevelop our institutions by spoon-feeding them with money so that they stop being innovative.

I beg to support.

**Mr. O.K. Mwangi:** Thank you Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to

contribute to this important Bill.

Mr. Temporary Deputy Speaker, Sir, there is none of us who does not know the importance of water. It is a pity that we are contributing to this Motion whereas the Minister for Water Development or the Assistant Ministers for Environment and Natural Resources are not here. That is the reason why hon. Members are walking out because this Government is fond of bringing Bills to the House which it does not support. We should not render this House a talking shop. The Ministers must not bring Bills here and then move out of the Chamber and leave only Government officers here. We should have committed Ministers, who are not only concerned with politics.

Mr. Temporary Deputy Speaker, Sir, cutting of trees should be stopped. Certain laws should be harmonised. At the moment, there is a conflict between the Land Act, the Water Act and the Environmental Act. All these Acts should be harmonised. At the moment, when the Minister for Environment is destroying forests, the Minister for Water Development cannot speak, whereas we know very well that we cannot have water without forests. If we want to have water, we should first protect our forests. It is a pity that we are now discussing this Bill when the Minister for Environment wants to give out 170,000 acres to land grabbers in order to finance next year's General Elections. It is a pity and shame.

Mr. Temporary Deputy Speaker, Sir, with regard to environmental issues, the Minister for Lands and Settlement can issue a title deed for an area reserved as a water catchment area, resulting into suffering of many people. For example, when Summer Farm was sold out and bought by Murang'a County Council, later on, all those water catchment areas were sold out and then the Ministry of Lands and Settlement issued title deeds. Today, the people who were allocated that land do not have any place to fetch water. The water shortage has been caused by individuals, whereas title deeds have been issued. We should harmonise all these issues.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about arid and semi-arid areas. These areas do not have good sources of water. There are no rivers, and they have to depend on boreholes. To drill a borehole is quite expensive. The machines are costly and for you to drill one borehole within Maragwa, you need to have more than Kshs1.5 million. We need to have supper machines, and tax on the same should be reduced.

**Mr. Koskei:** On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that hon. Members seem to be repeating themselves, could the Minister be called upon to reply?

### QUORUM

**Mr. Kathangu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum in the House.

**The Temporary Deputy Speaker** (Mr. Musila): Well, Mr. Koskei had stood on a point of order, and before I consider that point of order, I will accede to Mr. Kathangu's concern that there is no quorum in the House. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Musila): Order, hon. Members! We have a quorum now.

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

**The Minister for Mineral Exploration** (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, I beg to reply to this Bill.

The Ministry will take into consideration, all the facts alluded to by hon. Members in this House. The institute will train personnel in water management. When we have trained manpower, there will be gradual change. The institute is already there before the Act, so we are harmonising it to become an institute under the Act. The purposes of this Act will all be taken into consideration.

Mr. Temporary Deputy Speaker, Sir, there are other issues that hon. Members have raised. For example, the Ministry of Lands and Settlement demarcated plots up to the middle of the river. That now empowers the owners to cultivate right into the river beds thereby leading to siltation, soil erosion and so on. The issue of water has become very common and difficult in this country because, naturally, we do not have many rivers.

At the same time, the forests are limited. Therefore, the Ministry is taking into consideration, carrying out afforestation exercises. There is an outcry that people are hiving off forests all over the country. As I said here the other day, the hiving off of forests is just a formality, but we will not continue allowing people to invade our

forests any longer. These issues are very pertinent.

**Mr. Gatabaki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I hate to interrupt the hon. Minister who is responding very well, indeed, but facts are facts. The Government, is responsible for destruction of forests. It is not that we do not have many rivers, but the Government has deliberately destroyed the forests and, therefore, reduced the flow of water.

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Gatabaki! You know very well that, that is not a point of order.

**The Minister for Mineral Exploration** (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, we know very well that the Government did not "eat" those forests. It is mostly people from the hon. Member's community who got those *shambas*. So, we must learn how to use and conserve forests. It is upon all Kenyans and not just the Government, to do so. Who is in the Government, if you are not in it? Being a Minister does not mean that you are the only Kenyan in the Government. All Kenyans must be responsible for their country.

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

**The Minister for Mineral Exploration** (Mr. Kalweo): I do not want to be drawn into other issues.

**Mr. Kathangu:** Mr. Temporary Deputy Speaker, Sir, I agree with the Minister that there is nobody "eating" the forests because we cannot eat forests. I would like to give an example of Marmanet forest---

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Kathangu. You are a very experienced legislator. You stood on a point of order and now you are saying that you are giving an example. You are out of order!

**Mr. Kathangu:** Mr. Temporary Deputy Speaker, Sir, is it in order for the Minister to tell us that the Government is not "eating" the forests when we know that Marmanet forest has been cleared for Baringo residents?

**The Minister for Mineral Exploration** (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, I will continue by saying that qualified and experienced persons with high integrity will be appointed to the institute. The institute will hire qualified, high-calibre and motivated staff to ensure quality provision of training and related services, such as consultancy. The current staff at the institute will be deemed to be on secondment.

The selection criteria for trainees to KEWI will continue to have a national outlook. In this case, therefore, gender issues will be addressed as has been raised by hon. Members here. The curriculum will lay emphasis on appropriate technology for sustainability of our water system. This will incorporate the systems of rain water harvesting, sinking of boreholes and desilting of dams. The dams all over the country are not enough and we want to continue building more dams and pans. Those which already have silt will be desilted.

Mr. Temporary Deputy Speaker, Sir, better training of water personnel will enhance quality. We have had complaints from Members of Parliament and wananchi at large that some of these running waters have not been treated. So, the quality of water is something which is important and it will be looked into.

Mr. Temporary Deputy Speaker, Sir, well-trained personnel will improve the performance of our water supplies, thereby minimising water shortages that occur through leakages and illegal connections. The matter has been raised here that, for example, you find dry water taps in Nairobi. It has been found that sometimes they occur because of illegal connections or high population. So, the Ministry is taking those matters into consideration and all the necessary actions will be taken. We will then emphasise on work ethics to ensure that water sector services are rendered professionally. Some of the water projects all over the country, for example, those which are carried out through Harambees and women groups, *et cetera*, were put up without professional know-how. So, they will be revisited and these personnel will advise the affected groups accordingly.

Mr. Temporary Deputy Speaker, Sir, the curriculum of the institute includes entrepreneurship education, which prepares the needs for formal and informal employment. In Kenya, we have this concept where somebody goes to school so that he can be employed. If we keep to that concept, we will get nowhere. Members and leaders should know very well that this problem of unemployment goes way back to when we attained our own Independence. People like hon. Kibaki and those Members who were there at that time know that when we were fighting the enemies of our country, lack of education was one of the problems that faced us then. It was addressed and then the country started offering free education and free medical treatment programmes and, therefore, the population grew.

*(A mobile phone rung)*

**The Temporary Deputy Speaker** (Mr. Musila): Order! Is that hon. Dr. Anangwe?

**Hon. Members:** Yes!

**The Temporary Deputy Speaker** (Mr. Musila): Thank God he has run away. Continue!

*(Laughter)*

**The Minister for Mineral Exploration** (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, as time moves, we have got very many trained and well-educated personnel, but the economy still deteriorates. So, this concept should be re-addressed so that we train people who can be self-employed.

Mr. Temporary Deputy Speaker, Sir, the institute will incorporate refresher courses for skills improvement for water sector personnel, particularly on improving the drilling and binding system. The institute will also have to position itself to meet the challenges of the emerging water sector, which is geared towards commercialisation of water services. The Ministry, in consultation with other Ministries and the leadership in this country, is addressing the question of water very seriously. Therefore, most of the matters raised by Members of Parliament have been taken care of and most of them will be addressed.

I beg to move.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Musila): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 15th November, at 2.30 p.m.

The House rose at 6.30 p.m.