

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 11th November, 1998

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.714*

### COMPULSORY ACQUISITION OF LAND IN NYADENDA

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

(a) if he is aware that land belonging to 231 villagers of Nyadenda Village, Kaksingiri Location, Suba District, was compulsorily acquired in 1983 for purposes of the construction of a National Youth Service Camp; and,

(b) if the answer to "a" above is in the affirmative, if he could give the details of the compensations given to the 231 villagers as required by the laws governing compulsory acquisition of land.

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

(a) I am not aware that land belonging to 231 villagers of Nyadenda Village, Kaksingiri Location, Suba District, was compulsorily acquired in 1983 for the purpose of the construction of the National Youth Service Camp. However, it should be noted that in 1978, the Government instructed the National Youth Service to occupy Trust Land LR.No.South Nyanza/Rangwe West/287, measuring 255.5 hectares and use it as a demonstration farm.

(b) In view of my answer to "a" above, part "b" does not arise.

**Mr. Kanyauchi:** Mr. Speaker, Sir, in view of what the Minister has said that some 200 hectares were, indeed, taken over by the National Youth Service (NYS), would he tell us, if he is aware that the said 200 hectares were farmland? He is saying that it was Trust Land? Could he tell us who was occupying that piece of land at the time of acquisition?

**Mr. Ndambuki:** Mr. Speaker, Sir, at the time of acquisition, the land belonged to the Government. In 1981, the DC and the Adjudication Board gave a 60 days notice to the public to register their claims for the land and after the 60 days, nobody showed up. There were only about 32 people who came forward, but they were told to vacate the land. But three people went ahead and sued the NYS and the case was filed in Kisii law courts in 1982. The verdict was given in April, 1992 in favour of the NYS.

**Dr. Oburu:** Mr. Speaker, Sir, the Minister is contradicting himself because he has said that the land was a Trust Land and Trust Land, from what we understand, is land held in trust by the county councils on behalf of the people of that area. It is not Government land. Could he tell us whether the county council surrendered this land to the Government and evicted those people because definitely, there were people living there at that time when the land was given to the NYS? You cannot exploit people's ignorance and come to defend yourself here!

**Mr. Ndambuki:** Mr. Speaker, Sir, nobody was evicted from the land. Again, the Government has powers to give a Trust Land whether it belongs to a county council or---

**Mr. Anyona:** On a point of order, Mr. Speaker, Sir. The Minister is mixing up the facts. There are two laws in this country; the Trust Lands Act and the Government Lands Act. It is either under Trust Lands Act or under the other Act. Could he explain clearly to the House which one he is talking about because the Government has no power to acquire Trust Land without following the laid down procedures in the law?

**Mr. Ndambuki:** This land was given to the NYS for public use. According to the Lands Consolidation and Adjudication Act, Cap.281, Laws of Kenya, that land was put under land adjudication process in 1982. That is why it was given to the NYS.

**Mr. Kanyauchi:** In view of what the Minister has said, he has conceded that, indeed, there [Mr.

**Kanyauchi]**

were people who were living there. He has also conceded that it was Trust Land which means that it was land being held in trust by the county council on behalf of the people who were living there at that time. What is the fate of those people who were living there when the NYS acquired that land compulsorily?

**Mr. Ndambuki:** Mr. Speaker, Sir, the people who were there and came forward were given 60 days. Only three people took the National Youth Service to court.

**Mr. Speaker:** Next Question, Mr. Ndubai!

*Question No.640*

## WITHHOLDING OF FUNDS BY TRUST BANK

**Mr. Ndubai** asked the Minister for Finance:-

(a) whether he is aware that Trust Bank (under statutory management) is holding over Kshs4 billion which was loaned to Kenyan farmers through the International Finance Corporation, an arm of the World Bank; and,

(b) if the answer to "a" is in the affirmative, when the bank will release the said money to farmers.

**The Assistant Minister for Finance** (Mr. arap-Kirui): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that Trust Bank, under statutory management, is holding over Kshs4 billion which was loaned to the Kenyan farmers through the International Finance Corporation, an arm of the World Bank.

(b) In view of the above answer, part (b) of the Question does not arise.

**Mr. Ndubai:** Mr. Speaker, Sir, I did bring this Question forward before this Bank was taken over by the Central Bank. Nevertheless, I have evidence that this money was given to the Kenyan farmers---

**Mr. Speaker:** Mr. Ndubai, what is your question?

**Mr. Ndubai:** Yes, I have the evidence that this money was transferred by the World Bank; the International Monetary Fund which is an arm of the World Bank, and was to be given to the Kenyan farmers, and that part of that money was to be used to buy the NCPB. But, because the Government---

**Mr. Speaker:** Mr. Ndubai, you are now debating. Why do you not put the question to the Assistant Minister?

**Mr. Ndubai:** Now, could the Assistant Minister tell us whether there is any money which was approved for the farmers, equivalent to that amount, and which was paid through that Bank? If it was not paid through that bank, which bank was clearing that money?

**Mr. Arap-Kirui:** Mr. Speaker, Sir, with due respect to the hon. Member, I think he is asking me to do the ground work for him. As I said, we are not aware that there was any arrangement between Trust Bank and the International Finance Corporation to lend any monies to farmers. We do not have any evidence on this, and if the hon. Member has it, then, obviously, he should be able to assist. I think we are all aware that Trust Bank is under statutory management and, under this condition, it is unable to operate normally. So, even if there was any money held for anybody in Trust Bank, it will not be available at the moment. But, as I said earlier, we are not aware that the arrangement referred to by the hon. Member exists.

**Mr. Ndubai:** Mr. Speaker, Sir, there is serious protection of these Asians in this House. I believe that the Ministry knows very well that this money was paid through this Bank. Although the Kenya Commercial Bank and National Bank of Kenya are supposed to be the clearing houses for the Government, somewhere and somehow, this money was to be paid through Trust Bank---

**Mr. Speaker:** Mr. Ndubai, are you giving evidence or you are asking a question?

**Mr. Ndubai:** Mr. Speaker, Sir, I am asking a question because the Assistant Minister is saying that this money was not paid through this Bank---

**Mr. Speaker:** Then, show him why he is wrong!

**Mr. Ndubai:** Mr. Speaker, Sir, he is wrong because I have the evidence to prove that this money was paid, and not only---

**Mr. Speaker:** Mr. Ndubai, show him the document! Actually, it is Question Time, and I am not going to allow hon. Members to make speeches.

**An hon. Member:** Table the document!

**Mr. Ndubai:** Mr. Speaker, Sir, I have a detailed document here and I am prepared to table it, not only about the Kenyan farmers, but also about the KTDA. The money had been put in that bank to the tune of Ksh13

billion. Kenyans have lost a colossal sum of money through these Asians, and the Government has continued to protect them. I am prepared to put all the details from Central bank---

**Mr. Speaker:** Mr. Ndubai, do I need to remind you about the Standing Orders? "Questions shall not be made a pretext for debate," and that is exactly what you are doing. You are using this Question singly as a pretext to make a speech. You are not asking any question! Ask your question!

**Mr. Ndubai:** Mr. Speaker, Sir, my question was very clear. If we claim that this money was not paid through the Trust Bank, we also know that there are two banks which are normally the Clearing Houses for the Government. Could the Assistant Minister tell us whether that money was paid through any of these two banks; the Kenya Commercial Bank and the National Bank of Kenya?

**Mr. Arap-Kirui:** Mr. Speaker, Sir, I believe that is a question I have just answered. As far as we know, there was no arrangement between the Trust Bank and the International Finance Corporation. If the hon. Member is looking for specific amounts of money, I think he had better give us more information so that we can investigate. Otherwise, as far as we know, there were no deals between the International Finance Corporation and this Bank. I can even go further and say, that, from the information I have, the total deposit held by the Trust Bank when it was put under statutory management was Ksh9.3 billion. It cannot be the figure that the hon. Member quotes.

**Mr. Anyona:** On a point of order, Mr. Speaker, Sir. Clearly, this is a very important matter, and our rules and traditions require that when an hon. Member makes reference to a document, he or she is mainly under obligation to table that document. I was wondering whether hon. Ndubai should not be required to table the document he was referring to.

**Mr. Ndubai:** Mr. Speaker, Sir, I am prepared to table the document, but I wanted to photocopy it because it is the original. I will give it to the Clerk within the next few minutes.

**Mr. Speaker:** Mr. Ndubai, what is the source of your document?

**Mr. Ndubai:** Mr. Speaker, Sir, these are documents from the Central Bank of Kenya.

**An hon. Member:** Let him table it!

**Mr. Speaker:** But, he is going to table it! By the way, hon. Ndubai, you are not obligated to do so if you do not feel like. You have the freedom either to table it or refuse.

**Mr. Ndubai:** Mr. Speaker, Sir, I would like to table it but I would like to have a copy of it.

**Hon. Members:** That is not possible!

**Mr. Speaker:** Order, hon. Members! Mr. Ndubai, you cannot have it both ways.

**Mr. Ndubai:** Mr. Speaker, Sir, I will table it tomorrow.

**Mr. Speaker:** Order, Members! Very well, as far as the House is concerned, there is no such paper. Next Question! Mr. Ita!

*Question No.687*

ESTABLISHMENT OF EDUCATION ZONES IN SIAKAGO

**Mr. Speaker:** Is Mr. Ita not here? We will leave this Question until the end. Let us move onto the next Question. Mr. Anyona!

*Question No.423*

NON-REGISTRATION OF KCSE CANDIDATE

**Mr. Anyona** asked the Minister for Education and Human Resource Development:-

(a) whether he is aware that Mr. Eric Ongori Momanyi, joined Form One at Nyambaria Secondary School in Kitutu Masaba in 1995, vide Admission No.1968;

(b) whether he is further aware that Momanyi was not registered for the 1998 Kenya Certificate of Secondary Education examinations in March, 1998 despite the fact that he was given Index No.706402\044 by the Kenya National Examinations Council (KNEC);

(c) if the answer to "a" and "b" are in affirmative, whether he could urgently investigate this case and ensure that the prospective candidate is duly registered for the examinations.

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

(a) Yes, I am aware. The student, Eric Ongori Momanyi was, however, given admission No.9868 at Nyambaria Secondary School and not 1968,

(b) Eric Momanyi was not registered for the 1998 Kenya Certificate of Secondary Education (KCSE) examination. The Kenya National Examination Council did not assign him Index No. 706402044 as stated,

(c) The student, Eric Momanyi, did not pay the examination registration fee and his whereabouts have been unknown to the school administration since 23rd March, 1998.

**Mr. Anyona:** Mr. Speaker, Sir, I do not think that this Government is helpful, and serious with this Parliament. This Question was deferred precisely because that answer he has just read was found to be incorrect and unsatisfactory. I did table a document; a letter from the parent of this child which the Minister denied that they had received. I spoke to the Minister yesterday, and he told me that they have now found the letter in the file, and they were coming to explain to the House.

**Mr. Speaker:** Now, ask him those questions!

**Mr. Anyona:** Mr. Speaker, Sir, could the Assistant Minister deny or confirm that the father wrote the letter to say that his child had been sent away, and as of now, the Ministry has actually discovered that the letter was in the file? The Assistant Minister did not make reference to it when he was explaining the answer. Could that be what your Minister told you yesterday?

**Mr. Awori:** Mr. Speaker, Sir, when the Minister told the hon. Member about that, I was not there. But, let me make something clear: Hon. Anyona knows that at the time we were with the Minister, we talked about Alliance High School, and not about this youngster. Nevertheless, indeed, the student's father wrote a letter, and we have a copy of the letter here. He wrote the letter to the Director of Education asking him why his son had not been registered for examination. The Director of Education called for an investigation to be made, and the findings are very simple: In March, this young man was asked to go and collect registration fee, and he never returned. As a result, he missed the opportunity. Indeed, if the father had gone back to the school and explained what had happened and paid the registration fees, this youngster would have been registered even with the late registration. The father did not do this, and several months later he wrote to the Director of Education in Nairobi, not even referring to the school; not even referring to the district education office and the provincial education office. That is the situation.

**Mr. Speaker:** Mr. Obwocha!

**Mr. Obwocha:** If it is true that the father did not go back, could the Assistant Minister tell this House what is the current policy of the Ministry of Education and Human Resource Development with regard to registration for examinations? Even a student who has not paid school fees can go on until his school fees is obtained later. Is it not the same that the headmaster registers students and if examination fees are lacking, the parent is requested to pay later?

**Mr. Awori:** Mr. Speaker, Sir, the Member is entirely correct, but that student never returned to the school from 20th March. I have confirmation here that several months later, this youngster was registered in a different school in Form Three and right now, that boy is in Form Three in a different school. I have got confirmation here.

**Mr. Anyona:** Mr. Speaker, Sir, before I ask my next supplementary question, I would like to declare my interest as required by Standing Order No.75. There is a mystery about this issue. When I last asked this Question and had consultations with the Assistant Minister, he did show me a name which apparently was given this particular number referred to in this Question. When I quickly glanced at that name, it appeared like the name of my nephew and I did tell him that, that looked like my nephew's name. Could he go and find out how---

**Mr. Speaker:** Mr. Momanyi is your nephew?

**Mr. Anyona:** No. In his supplementary reply, he has given information which indicates that, that number belongs to a candidate in that school who is my nephew. I discovered that from his supplementary information. I am now asking him to explain how this number was given both to my nephew and Mr. Momanyi? What political scheme is that?

**Mr. Awori:** The number was given to Eric Momanyi for practicals before registration. When he did not come back, that number was still available. The number was, indeed, given to a young man whom I do not know whether he is my colleague's nephew, but it was given to a student called Evans Mageto.

**Mr. Anyona:** Mr. Speaker, Sir, when I saw that name it looked like my nephew's name. I later discovered that my nephew did indeed, obtain admission in that school when I checked with my brother. That is my elder brother's son. This is a very serious matter. Both of them are from my constituency and one of them is my relative and I am their Member of Parliament. We are totally against corruption. Could the Assistant Minister go back and explain exactly how this tangle came about?

**Mr. Speaker:** Mr. Anyona, even if this man is your nephew, I do not think there is any way Mr. Anyona could be connected with corruption because he is not the Director of Education or the headmaster of that school. So, you are totally blameless. Next Question, Mr. Kihara!

*Question No.483*

AUGMENTATION OF WATER SUPPLY TO GILGIL

**Mr. Kihara** asked the Minister for Water Resources whether he could urgently consider providing a "T" in the Konoike Water Project Pipeline to augment the water supply for Gilgil and Naivasha Towns and their environs which are presently faced with an acute water shortage.

**The Assistant Minister for Water Resources** (Mr. Mokku): Mr. Speaker, Sir, I beg to reply.

My Ministry does not operate any water project pipeline by the name of Konoike in Nakuru District. I suppose that the hon. Member could have been referring to the Greater, Nakuru Eastern Division Water Project. If this is the case, Phase One of this project was designed to cater for water supply to Gilgil Township and Nakuru Municipality. Phase Two of the project will be implemented when the proposed Malewa Dam is constructed in the near future. The project will be extended to Naivasha to serve the people of Naivasha and its environs.

**Mr. Kihara:** Mr. Speaker, Sir, I think the first part of the answer by the Assistant Minister, is mere semantics. He knows that we popularly refer to this line as Konoike after the name of the contractor. He should know that. Be that as it may, although I do not begrudge the people of Baringo from enjoying this water, is it fair for this water to be taken all the way to Baringo without the people at the source, and the route through which it passes enjoying it? We are suffering from acute shortage of water. Is it fair?

**Mr. Speaker:** Mr. Kihara, you do not ask a question based on an opinion. It is not allowed. Ask him a question based on facts.

**Mr. Kihara:** Could the Assistant Minister ensure that steps are taken to ensure that the people from whose area this water is extracted, and the area through which it passes, also benefit?

**Mr. Mokku:** Mr. Speaker, Sir, to begin with, we do not call a project by the name of the contractor. The project has a name which is known at the Ministry headquarters and by the water officers at the district level. So, to begin with, that is not the correct name and secondly, it is not true that the people at the source do not get water while water is taken to other districts far away from there. The truth is that Phase One of the water is catering for Gilgil and Nakuru Towns. Neither Nakuru nor Gilgil is in Baringo District. Phase Two of that project will cater for the town the hon. Member is referring to. The town he is referring to has been planned for and as soon as the plan is over, the town will benefit from that designed plan.

**Mr. Waithaka:** Mr. Speaker, Sir, it is also in order that Mr. Speaker should know all his Members!

**Mr. Speaker:** Order!

**Mr. Waithaka:** Is the Assistant Minister aware that in Kipipiri, Miharati Trading Centre, Wanjohi and Ndemi Water Projects have stalled simply because the catchment area of Malewa Dam is the Wanjohi Valley and Aberdares and people cannot be allowed to source water from there? If that is so, why can the Ministry not supply this water to Miharati, Wanjohi and Malewa because people there are suffering? Their projects have stalled because of this bigger project.

**Mr. Mokku:** Mr. Speaker, Sir, I am answering what hon. Kihara asked me. If hon. Waithaka wants to ask a different question on Kipipiri, Miharati and the rest, he can kindly put it so that I can answer him separately.

**Mr. Kihara:** Mr. Speaker, Sir, Naivasha Municipality is suffering a very serious water shortage. There are three boreholes which were sunk by the National Pipeline and Water Conservation Corporation and then sealed. We are wondering for which generation this water is being kept underground. Could the Assistant Minister allow the Naivasha Municipality to install pumps and extract this water so that the people of Naivasha can have adequate water supply? The situation is very serious.

**Mr. Mokku:** Mr. Speaker, Sir, it is true that the water supply to Naivasha Town is not adequate. But, currently, there are six boreholes in Naivasha serving the people of Naivasha Municipality. But as soon as that project is implemented, this shortage will no longer be there.

*Question No.693*

REHABILITATION OF NGULINI WATER PROJECT

**Mr. Kitonga** asked the Minister for Water Resources:-

- (a) when the Ngulini water project will be rehabilitated; and,
- (b) who won the tender for the rehabilitation and when the work will begin.

**The Assistant Minister for Water Resources** (Mr. Mokku): Mr. Speaker, Sir, I beg to reply.

(a) Mtitu-Ngulini Water project is gradually being rehabilitated on annual basis together with other public water supplies in Kitui District with funds voted under rehabilitation of water supply item.

(b) My Ministry has not issued any tender towards the rehabilitation of this project.

**Mr. Kitonga:** Mr. Speaker, Sir, the answer given by the Assistant Minister is quite misleading, irrelevant, vague and cantankerous. Further to that, it is humiliating.

**Mr. Speaker:** What does all that mean, Mr. Kitonga?

**Mr. Kitonga:** Mr. Speaker, Sir, I am coming to the point. "Cantankerous" means worthless. Further to that, I would like to know from the Assistant Minister what action the Ministry is taking to expand Ngulini Water Project which has stalled for the last 20 years, and up to date, the people of Mutitu cannot get clean water. It is not only Mutitu location, but the whole of Mutitu Constituency does not get clean water.

**Mr. Mokku:** Mr. Speaker, Sir, the Mutitu-Ngulini Water Project supplies water to Mutitu market. However, it is true that there are frequent breakages and leakages along the water pipeline. As a result of that, the Ministry, under the rehabilitation item has voted K£30,000 to be spent on the repair of those breakages and leakages along the pipeline during this financial year.

**Mr. Wambua:** Mr. Speaker, Sir, the Assistant Minister has said that this project is annually rehabilitated. Why does he still admit that there are breakages and leakages along the pipeline if the rehabilitation is done annually?

**Mr. Mokku:** Mr. Speaker, Sir, it is true that this project is rehabilitated annually as I had said earlier on. That is why during this financial year, the Ministry will spend K£30,000 on the rehabilitation of that project. I would like to agree with the hon. Member that this money is not enough to complete the rehabilitation work. The rehabilitation work requires more money than this.

**Mr. Magara:** Mr. Speaker, Sir, could the Assistant Minister tell this House how much money was set aside for the rehabilitation of that particular project as he has indicated?

**Mr. Mokku:** Mr. Speaker, Sir, if he was listening very carefully he would have heard what I said. I said the Ministry is going to spend K£30,000 on the rehabilitation of that project during this financial year.

**Mr. Kitonga:** Mr. Speaker, Sir, the Assistant Minister has admitted that this amount is not enough for the rehabilitation of that project. What action is the Ministry going to take so that rehabilitation work on that project is completed? If this amount of money is not enough, then why allocate such a small amount of money for the rehabilitation of this project? What action is the Ministry going to take in order to fully rehabilitate this project?

**Mr. Mokku:** Mr. Speaker, Sir, the Ministry has allocated what is available to it from the Treasury because it does not have its own money. Along with what the Ministry has voted for this project, the Ministry is also liaising with other donor agents, like DANIDA, in order for them to chip in so that this project is fully rehabilitated.

*Question No.671*

BLOOD SCREENING IN GOVERNMENT HOSPITALS

**Dr. Kulundu** asked the Minister for Health if he is satisfied with the accuracy of the laboratory tests performed to screen blood for HIV before transfusion in Government hospitals.

**The Assistant Minister for Health** (Dr. Wako): Mr. Speaker, Sir, I beg to reply. My Ministry is satisfied with the quality and accuracy of the laboratory tests performed to screen blood for HIV and other blood transmitted diseases.

**Dr. Kulundu:** Mr. Speaker, Sir, I must express my shock at that answer. Could the Assistant Minister confirm or deny that the tests currently in use in most Government hospitals cannot detect this HIV in the first three months of the infection? Could you confirm or deny?

**Dr. Wako:** Mr. Speaker, Sir, the test which we use in the hospitals can pick up the HIV immediately. We actually use three different types of kits for HIV screening. If there are any complicated cases, they are referred to Kenyatta National Hospital for further tests.

**Dr. Ochuodho:** Mr. Speaker, Sir, from what the Assistant Minister has said, you can now realise the

problem of appointing non-professionals to run a professional Ministry. However, my Question relates to the accidents that normally happen due to humanitarian concern, when passers-by try to help accident victims, especially during the bomb blast in Nairobi. Can the Assistant Minister tell us what the Government intends to do to ensure that we minimize cases that could be caused as a result of erroneous blood transfusion during humanitarian support?

**Dr. Wako:** Mr. Temporary Deputy Speaker, Sir, the Ministry actually has laboratory technologists who normally undergo very vigorous training. During the transfusion, we actually do the screening of blood using a combination of different tests. We have recommended that the transmission of blood will only be done when it is quite necessary.

**Dr. Kulundu:** Mr. Speaker, Sir, is it in order for the Assistant Minister to mislead this House when he fully knows that most Government hospitals, especially at the district level, do not have those confirmatory reagents. I visited Kakamega Provincial General Hospital and Naivasha District Hospital and the only reagent they have for screening blood is ELiza Test. Eliza Test can give a misleading result in the initial stages and there is a big possibility that patients can end up being transfused with the HIV-positive blood. Is it in order for him to mislead this House when the situation on the ground suggests otherwise?

**Dr. Wako:** Mr. Speaker, Sir, the fact is that the screening of HIV is very important to us. That is why the Ministry has 78 different places in the country where blood screening is done. We have more than 50 different types of equipment which have been brought by World Bank to ensure that all the blood is screened before it is transmitted.

**Mr. Achola:** Mr. Speaker, Sir, could the Assistant Minister explain to the House the incubation period of the HIV because doctors will tell you that it depends on its incubation period before it can be noticed. So, could you tell the House what is the incubation period of HIV virus?

**Dr. Wako:** Mr. Speaker, Sir, normally the HIV can actually be detected within even one month, if the test is done accurately.

**Mr. Maitha:** On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading this House by using the word "transmitted" instead of "transfused". Could he use the word "transfusion" and not "transmission" of blood?

**Mr. Speaker:** Order, Mr. Maitha! That is not a point of order. It is a question of semantics. Dr. Wako, will you answer the question by Mr. Achola on the incubation period?

**Dr. Wako:** Mr. Speaker, Sir, as I have said, the incubation period, most of the time, can be detected within one or two months. But in the normal conditions, most of the tests can pick it up after three months.

**Mr. Achola:** Mr. Speaker, Sir, I am sure that the Assistant Minister has not answered that important question well. One sentence is enough!

**Mr. Speaker:** Mr. Achola, I cannot do the impossible. Let us move on to the next Question!

*Question No.595*

PROVISION OF ELECTRICITY IN SOUTH WANGA

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

(a) whether he is aware that a transformer was removed from Uhuru Market in South Wanga 10 years ago and relocated elsewhere thus denying the local residents the social and economic benefits accruing from electric power; and,

(b) if the answer to "a" above is in the affirmative, whether he could consider re-installing the transformer at the market and extending power to serve the nearby Bukaya Health Centre and Bukaya Secondary School.

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

(a) I am not aware

(b) The question of reinstalling a transformer at Uhuru Market does not arise since none existed there. However, there are arrangements to supply electricity to that market.

**Mr. Osundwa:** Mr. Speaker, Sir, I appreciate the answer given by the Assistant Minister. Could he tell this House when electricity will be supplied to this market? This is because he has said that there are arrangements to supply electricity to the market.

**Mr. Manga:** Mr. Speaker, Sir, a survey was carried out and the cost of supplying electricity has been established. When the funds are available, the Ministry will supply electricity to that market.

*Question No.440*

## MAINTENANCE OF ROADS IN WAJIR DISTRICT

**Mr. Mahamud** asked the Minister for Public Works and Housing:-

(a) the amount of money allocated for grading and maintenance of roads in Wajir District in the 1997/98 Financial Year; and,

(b) how the money was utilised.

**The Assistant Minister for Public Works and Housing** (Mr. Khaniri): Mr. Speaker, Sir, I beg to reply.

(a) During the 1997/98 Financial Year a total of Kshs39,746,700 was allocated for grading and maintenance of roads in Wajir District.

(b) The money was utilised to grade, gravel and improve roads in the District as follows:-

<u>Works</u>	<u>Cost in Kshs</u>
Grading	2,226,000
Gravelling	27,000,000
Improvements	10,500,000
Repair of Equipment	<u>20,700</u>
Total	<u>39,746,700</u>

**Mr. Mahamud:** Mr. Speaker, Sir, Wajir District has only one grader and one tipper. Could the Assistant Minister confirm, or deny that one grader and one tipper were used to grade, gravel and improve roads in Wajir District at a cost of Kshs39,746,700? I know that this work was not done by a private company. The work he is talking about was done by the Government.

**Mr. Khaniri:** Mr. Speaker, Sir, the information the hon. Member has given is not true. The gravelling, particularly of Wajir-Wagalla Road, which is 16 kilometres long, was done by Scanta Construction Company at a total cost of Kshs27 million.

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

**Mr. Speaker:** What is your point of order, Mr. Wehliye?

**Mr. Wehliye:** Mr. Speaker, Sir, is the Assistant Minister in order to tell us that Wajir-Wagalla Road is 16 kilometres long when I know it is only eight kilometres long? I have been there and I know the road!

*(Laughter)*

**Mr. Khaniri:** Mr. Speaker, Sir, in my record, Wajir-Wagalla Road which is C80, is shown to be 16.1 kilometres long.

**Mr. Shaaban:** Mr. Speaker, Sir, arising from the Assistant Minister's answer, could he tell us how many kilometres, out of the 16.1 kilometres, have been gravelled using the Kshs27 million which was allocated to it?

**Mr. Khaniri:** Mr. Speaker, Sir, this was the entire road, which is 16.1 kilometres long.

**Mr. Mahamud:** Mr. Speaker, Sir, the Assistant Minister has told us about Wajir-Wagalla Road. Could he tell us how much money was used on the rest of the roads in district? Could he also tell us the number of graders and tippers the Ministry had? As far as we are concerned, this money must have been squandered. We would like to be told the truth!

**Mr. Khaniri:** Mr. Speaker, Sir, the other roads were done are as follows:

RoadDistance Cost (Kshs)

Gravelled/grading

(Kms)

Road B9, Wajir-

Darbach35 million

Road E822-

Wajir-Hadado45 million

Road E822, Wajir-Hadado, was also graded at a cost of Kshs480,000. The distance graded was 102 kilometres.

**Mr. Wehliye:** Mr. Speaker, Sir, the information the Assistant Minister is giving us is not true because the roads he is mentioning are in my constituency. As far as I am concerned, they have not been gravelled since their inception. What the Assistant Minister is telling us is Greek! The Question should be deferred so that the Assistant Minister can come back and later give us proper answers. The information he is giving to this House is



not true. Wajir-Hadado Road is in my constituency and I know that it has not been repaired for the last 35 years.

**Mr. Khaniri:** Mr. Speaker, Sir, I am giving information about the roads that were done in the 1997/98 Financial Year.

**Mr. Leshore:** Mr. Speaker, Sir, the Assistant Minister is misleading this House. We know that since January upto June, 1998 there were no passable roads in North Eastern Province, particularly in Wajir District. Could he tell us when the grading and gravelling was done? He is misleading this House!

**Mr. Speaker:** Mr. Assistant Minister that was the *El-Nino* time!

**Mr. Khaniri:** Mr. Speaker, Sir, let the hon. Member come up again.

**Mr. Speaker:** Hon. Assistant Minister, the hon. Member is saying that during the time when you said that the roads were graded, the *El-Nino* rains were on. Was the Ministry grading the roads during the *El-Nino* rains?

**Mr. Khaniri:** Certainly, not, Mr. Speaker, Sir. The roads were graded as follows in 1998: Wajir-Hadado - July; Wajir-Burna - August; Edunuba-Ngoroba - September; Belole-Burna - October and Gurlale-Garade - August.

*Question No.669*

RATIFICATION OF PREVENTION AND PUNISHMENT  
OF CRIME OF GENOCIDE CONVENTION

**Mr. Speaker:** Mr. Kihoro, the Attorney-General (AG) is out of town and he had asked me to postpone this Question until he returns. Can I defer it until Tuesday next week? Is that okay, Mr. Kihoro?

**Mr. Kihoro:** Mr. Speaker, Sir, I have just received a telephone call from the AG from Mombasa. In my usual suspicious way I thought that the Question was to be deferred for some funny reasons. I am now satisfied also after being informed by the Clerk of the National Assembly that there is a good reason for postponing it. So, I agree that the Question should be asked and answered next week.

**Mr. Speaker:** Mr. Kihoro, I hope that you will not suspect the Chair!

**Mr. Kihoro:** No, Mr. Speaker, Sir.

**Mr. Speaker:** Very well! The Question is deferred to Tuesday next week.

*(Question deferred)*

**Mr. Speaker:** Mr. Ita's Question for the second time.

*Question No.687*

ESTABLISHMENT OF EDUCATION ZONES IN SIAKAGO

**Mr. Speaker:** Mr. Ita still not here? The Question is dropped.

*(Question dropped)*

QUESTIONS BY PRIVATE NOTICE

DISAPPEARANCE OF KAA FUNDS

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

(a) Is the Minister aware that Kshs130 million payable and due to Kenya Airports Authority (KAA) was banked in a personal account with Prudential Bank Ltd, which is now under statutory management?

(b) Is he further aware that the funds were meant to pay the employees proceeding on voluntary retirement and that the disappearance of the funds is partly the reason why KAA is unable to pay the staff?

(c) If the answers to "a" and "b" above are in the affirmative and given the urgency to help the retiring employees, would the Minister ensure that the funds are transferred from the personal account to that of KAA?

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

- (a) I am not aware.
- (b) I not aware either.
- (c) Therefore, "c" does not arise.

**Mr. N. Nyagah:** Mr. Speaker, Sir, you can see the arrogance which the Assistant Minister has portrayed to this House, despite the fact that this man, Mr. Peter Langat, has already been suspended from duty pending deployment as a DC. Is the Assistant Minister aware that the decision to get rid of 632 workers was not approved by the Board of KAA? That is why it is unable to raise this money to pay the remaining 232 workers, who have not been paid, despite the fact that KAA was able to hire the services of a consultant from South Africa at a cost of Kshs5 million.

**Mr. Sunkuli:** Mr. Speaker, Sir, I do not want to portray to the hon. Member any sort of ignorance or arrogance. No such thing is intended. The information I have is that most of the 632 employees of the KAA, who went on voluntary early retirement, have been paid a total of Kshs278 million. I am informed that only ten will be paid as soon as their clearance certificates have been produced. I understand their cheques are ready.

**Mr. Munyao:** Mr. Speaker, Sir, I think the Chair sometimes will have to help us particularly, when the issue involves a respectable Minister. This is because when somebody stands and says, "I am not aware", and when you prove to him, he comes and bows--- This is not fair to this House. We are talking about---

**Mr. Speaker:** Can you put your question?

**Mr. Munyao:** Mr. Speaker, Sir, Kshs130 million banked in a personal account is a serious matter. He has not even replied to anything. Does he now admit that this money was banked and, therefore, the employees were denied their payments?

**Mr. Sunkuli:** Mr. Speaker, Sir, the only thing I can admit is that arising from the questions here, I need to look into this matter more.

**Mr. N. Nyagah:** Mr. Speaker, Sir, we are getting closer to the answer. On the 27th, and I have the HANSARD here, out of 632 members, 232 were not paid their dues. Now, I am told that there are ten. My challenge to the Assistant Minister is for him to produce the authority from the Board before this House, to show that Peter Langat has no authority whatsoever, to retire these members who have already been retired and are already suffering. Under the circumstances, could he ensure that this matter is treated as null and void, and those people are allowed to go back to work?

**Mr. Speaker:** Let us just get it before the Assistant Minister answers. Mr. Sunkuli, are you suggesting that because of what you have heard from Members here, you want to further investigate this issue? Is that your position?

**Mr. Sunkuli:** That, indeed, is the position, Mr. Speaker, Sir.

**Mr. Speaker:** If that is, therefore, the position, there is no point of us belabouring this issue. Maybe, I can give you two weeks, Mr. Sunkuli?

**Mr. Sunkuli:** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Very well.

*(Question deferred)*

#### VARIATION OF BASE LENDING RATES

**Mr. Donde:** Mr. Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

Since the variation of base lending rates between the various banks is as wide as six per cent instead of the usual maximum of two per cent, could the Minister explain to the House what measures the Government is taking to ensure that this anomaly is immediately rectified?

**The Assistant Minister for Finance (Mr. Arap-Kirui):** Mr. Speaker, Sir, I beg to reply.

The Government has fully liberalised the interest rates. This is with effect from July, 1991 as part of the economic reforms. The Government does not, therefore, exercise any control on the base lending rates. The rates are determined by the cost of funds together with other operational costs of credit administration. The Government is not taking any measures to determine variations of the base lending rates between the various banks. Indeed, as to the difference between the lending and the deposits rates, members of the public are, therefore, advised to look for banks with the lowest lending rates, as we are now in a liberalised economy.

**Mr. Donde:** Mr. Speaker, Sir, one of the main functions of the Central Bank, apart from keeping the public funds, is to harmonise the activities of commercial banks. At the moment, you can find one bank charging

32 per cent interest rate like what we are paying now for our car loans in the National Bank of Kenya, or another bank charging 22 or 23 per cent, which is a variation by nearly 10 per cent; while in the same country, most of the people doing business with these banks are supposed to be competing with each other.

Mr. Speaker, Sir, changing or shopping for interest rates in the banking sector is not the same thing as shopping for sweets or unga. It is not as easy as that. Could the Assistant Minister direct the Central Bank to harmonise the variation on interest rates? This is because most central banks even in Europe and America, cannot charge more than two per cent of the base lending rates among the banks. In this country---

**Mr. Speaker:** Order! If you continue making a long speech, I will call for the next Question after you finish! Put precise questions to the Assistant Minister so that other Members can participate. I am not willing to go for two hours on Question Time.

**Mr. Donde:** I was just trying to build the question for the Assistant Minister so that he can know what to answer. Could the Assistant Minister harmonise the variation of interest rates to certain levels so that the business community can be able to compete fairly?

**Mr. Arap-Kirui:** Mr. Speaker, Sir, as I said, we are now in a liberalised economy. Unless the hon. Member would like to see us go back to a controlled economy, I think we had quite a big hue and cry about the need to go liberal. These are the effects of liberalisation, and the only answer is for members of the public to go to those banks with the lowest base lending rates, and the other banks will follow suit. It is a question of market operations and if the market responds to the rates that are being charged, I am sure we will get to the harmonisation that the hon. Member is talking about. Otherwise, it is not the work of the Central Bank to harmonise, but to regulate the operations of the banks.

**Dr. Ochuodho:** Mr. Speaker, Sir, in as much as I agree with my good friend, that the sector has been liberalised, but I think at the same time, the responsibility of the Government is to protect the consumers. I do not agree with the Assistant Minister when he advises wananchi to go for those banks with attractive rates, while we know very well that those are the first ones to go under. Could the Assistant Minister tell this House, in terms of the various rates in which the banks over-exploit the consumers, why the banks, even those which are networked, insist on taking four days to clear cheques, which we know because of the network, they can clear in a matter of seconds? Could he tell this House why this is the case?

**Mr. Arap-Kirui:** Mr. Speaker Sir, I believe we were talking earlier on about base lending rates. If the hon. Member would like to know the reason for the lengthy delays to clear cheques I am sure we will come up with a suitable answer, if he will place a suitable Question. As regards interest rates, I think it is a matter of fact that the strongest banks have the lowest the base lending rates. I think members of the public would, in fact, stand the least risk of suffering any loss if they went those banks that have the lowest lending rates.

**Mr. Sambu:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister not misleading the House when knows quite well that the base lending rates which are published are not executive rates? How would the members of the public whom he is supposed to protect, know the truth when the base lending rate is 26 per cent and the actual lending rate is 35 per cent?

#### DISCRIMINATION BY HIGHER EDUCATION LOANS BOARD

**Mr. Otula:** Mr. Speaker, Sir, I beg to ask the Minister for Education and Human Resource Development the following Question by Private Notice.

(a) Is the Minister aware that the Higher Educations Loans Board (HELB) gives loans on discriminative basis?

(b) Is he further aware that most university students from Nyanza Province do not benefit from the said loans?

(c) If the answers to "a" and "b" are in the affirmative, could the Minister give details of students from each District in the Province who applied for the loans in the years 1996/97 and who benefited from the same?

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

(a) It is, indeed, not true that there is any discrimination in the giving of loans to students as our statistics indicate that nearly 90 per cent of all students who apply for loans get money between Kshs20,000 and the maximum of Kshs42,000.

(b) Students from Nyanza Province are treated equally like all the other students from anywhere else. The statistics that we have got here indicate that more than 90 per cent of the applicants from Nyanza Province did

indeed, receive the loan.

(c) From the figures I have got, apart from JKUAT, a total of 4,667 applicants from Nyanza in the academic year 1996/97 in the four public universities and Maseno university College, out of that number 4,579 benefited from the HELB loan. That means that out of the 4,600 only 78 students did not get the loans. To save time I will table the figures here which look really good.

*(Mr. Awori laid the documents on the Table)*

**Mr. Otula:** Mr. Speaker, Sir, could the Assistant Minister tell this House the rate at which each and every student was getting this particular loan?

**Mr. Speaker:** How do you do that from 4,000 students?

**Mr. Otula:** Mr. Speaker, Sir, he knows very well that each and every student--

**Mr. Speaker:** Mr. Otula, let us be practical. If we are going to talk about 4,000 students it will take us three days here. He has tabled a record there. Would you like to look at it?

**Mr. Otula:** I will look at it.

**Mr. Speaker:** Please do so. It is not humanly possible for him to tell you how much each student got.

**Mr. Otula:** Mr. Speaker, Sir, what steps is the Ministry taking to make sure that each District Education Board gets a record of those students who get loans because they normally sign the forms and after that they never see the records again?

**Mr. Awori:** I do not understand the reasoning behind the Question. As far as I am concerned, more than 95 percent of the students who have applied for loans have received loans between Kshs20,000 and the maximum of Kshs42,000. So, I do not know which records--

**Mr. Ojode:** Mr. Speaker, students from Ndhiwa Constituency are being discriminated against. First Year students are given loans. When these students go for their second and third years they do not get these loans. Could the Minister explain why these students are not being given loans during second and third years?

**Mr. Awori:** The information the hon. Member has is erroneous. As far as I am concerned, every year as I have indicated, particularly that period, more than 90 per cent of students who apply do get the loans.

**Mr. Ojode:** On a point of order, Mr. Speaker, Sir. It is quite true that students from my constituency are not being given loans after second and third year.

**Mr. Speaker:** To the best of my knowledge there is no point of giving an explanation. Since you rose on a point of order, what was the point of order?

**Mr. Ojode:** Is it in order for the Assistant Minister to mislead this House by saying that what I am saying is erroneous and yet I know very well that I am an affected person. We are going to organise a Harambee for these students who have not qualified for the loans. Could the Assistant Minister explain to the House why students cannot be given loans while in the second or third year?

**Mr. Awori:** As far as I am concerned, and to the best of my knowledge, students continue to get loans. It may be possible that a student could get in the first year the maximum Kshs42,000 then in the second year it may drop to Kshs30,000 or even as low as Kshs20,000. Statistics indicate that they continue to get the loans.

**Mr. Kimeto:** On a point of order, Mr. Speaker, Sir. The Assistant Minister has said that 90 percent of the students are given loans. What is the criteria used for these 90 percent to get loans and what is the remaining ten percent receiving?

**Mr. Speaker:** That is not a point of order. I think I will give the last chance to Mr. Wamae.

**Mr. Wamae:** Mr. Speaker, Sir, it is quite obvious that there are quite a number of complaints in the country about the giving of these loans. Could the Assistant Minister explain the method of appeal so that we can advise the students who did not get any loans and are from poor families, how they can appeal against the non-award of these loans?

**Mr. Awori:** Mr. Speaker, Sir, the form of application has got various compartments that are used by people who know the financial circumstances of the students. If a student has made an application and he is genuinely in need and has not received the loan, he can still make his appeal if, indeed, his district officer has ignored him. Let him write directly to Jogoo House and we will follow up the matter with Anniversary Towers.

**Mr. Speaker:** That is the end of Question Time.

## MINISTERIAL STATEMENTS

### REGISTRATION OF VIAGRA

**The Assistant Minister for Health** (Mr. Criticos): Mr. Speaker, Sir, the Member for Kisauni asked for a Ministerial Statement concerning Viagra. Viagra is the trade name and the generic name is Sildenafil Ciltrate. They come in 25mg, 50mg and 100mg tablets. Viagra, being marketed by Pfizer Laboratories, is the original drug. Pfizer is the research and development company as well as the manufacturer of this drug product. The drug Viagra has been evaluated and approved for registration in accordance with Rule No.3 which is the Registration of Drug Rules Cap.244 of the laws of Kenya. Having taken into consideration the pharmaceutical data, pharmacological data, clinical data, chemistry and toxicology, it is only used by men who have been confirmed to be suffering from erectile dysfunction by a duly qualified medical practitioner. It is a "prescription only" medicine.

**Mr. Speaker:** Mr. Maitha, do you really want a clarification?

**Mr. Maitha:** Mr. Speaker, Sir, if you read the HANSARD, you will notice that I had requested the Assistant Minister to tell this House whether the drug Viagra has been registered by the Ministry of Health. This is because somebody outside went and had---

**Mr. Speaker:** Order! What clarification are you seeking?

**Mr. Maitha:** Mr. Speaker, Sir, I wanted the Assistant Minister to say whether the Ministry has registered Viagra. Two, we asked him to give us samples. They are being sold here and we do not even know the colour of that drug and maybe, the ones which are being sold here are not genuine. If he has some of them, could he lay them on the Table so that we see them?

**Mr. Speaker:** Order! Order! Mr. Criticos, I think you had better respond only to whether it is---

**An hon. Member:** Lay them on the Table!

**Mr. Speaker:** Order! I think, Mr. Criticos, you can respond as to whether or not the drug has been registered in Kenya, but if you attempt to give any hon. Member here any of that drug without the prescription from a doctor, you will really see fire!

*(Applause)*

*(Mr. Maitha stood up in his place)*

Order! Mr. Maitha, one thing you have to learn is that, when a Member is responding to a point of order, you cannot rise on another point of order. Mr. Maitha, you must learn the rules of the House! Proceed.

**The Assistant Minister for Health** (Mr. Criticos): Mr. Speaker, Sir, the hon. Member did not understand what I was saying. I was saying that, we have evaluated and approved the drug for registration. The drug has not been registered yet. Obviously, I do not have any samples of an unregistered drug to lay on the Table.

#### ALLOCATION OF RICE FIELDS

**The Minister for Agriculture** (Mr. Mudavadi) Thank you, Mr. Speaker, Sir. I would like to make a statement on an issue raised by hon. Nderitu, the Member of Parliament for Mwea, on the question of the rice paddy fields allocation. The Mwea Irrigation Settlement Scheme started in Mwea and Tebere sections which were constructed and plots allocated to farmers in the colonial era. After Independence, three additional sections namely:- Thiba, Wamumu, and Karaba were constructed by the Board and farmers allocated plots by an allocation committee comprising of the District Commissioner as chairman, the scheme manager as secretary and the farmers' elected representatives and local officers of the Provincial Administration.

Mr. Speaker, Sir, increasing pressure for more land to grow rice by the population in the last 15 years or so, has resulted in the informal expansion of rice paddy growing areas, now commonly referred to as *Jua Kali*. This development posed agricultural hazards to the existing scheme in the form of pests and disease build up arising from poor quality seeds being used and poor crop husbandry by the informal paddy farmers. This prompted the Board to adopt, as a policy, incorporation of many of the informal fields into the existing schemes by re-designing water flow and levelling of the fields in order to assist the farmers to realise better crop yields and increased crop production of paddy. This has continued with farmers that have taken the initiative to develop paddies and who are on the Board's waiting list for plot allocation. This was done through the recommendations of the Provincial Administration and the Board officials on the ground to the District Commissioners Allocating Committee.

Mr. Speaker, Sir, in 1997/98, 22 such farmers were allocated plots and the list of their names is available for perusal. It should be noted that the 22 farmers were taken from the current list of 351 applicants dating from

1998. In the 1970s, the list used to be of around 650 applicants, but had been reduced to 351, by 1998 through loss of interest by the applicants, either because they found alternative ways of earning a living. Presently, major expansion of rice paddy fields is planned in the Mtithi area where feasibility studies and detailed engineering designs were completed in early 1997 with the assistance of grants and loans from the Japanese Government. The planned extension has, however, been delayed by land tenure problems since the planned dam sites where water will be harnessed to irrigate the additional area is privately owned and the owners insist on being compensated with alternative land to settle. In view of the fact that there are donors willing to avail funds to implement the expansion programme, the Government will appreciate if such land was to be made available so as to make the expansion possible. It is the appeal of the Ministry of Agriculture that the Kirinyaga District Development Committee gives high priority to resolving this issue.

Mr. Speaker, Sir, the Government wishes to assure this House that whenever the required land is made available and the project becomes a reality, allocation of all the expanded irrigation area will be done in a clear, transparent and open manner through a committee in which the local community will fully participate in decision making. This will ensure that there is fairness and justice in the exercise. Applicants presently on the waiting list, held in the Scheme Manager's office, will certainly be given priority.

**Mr. Speaker:** Very well. Mr. Nderitu, do you want any clarification, very briefly?

**Mr. Nderitu:** Mr. Speaker, Sir, very briefly. Thank you very much. That is a very nice report from the Minister, but the problem here is, that the people who have been allocated that land actually made their applications just a few weeks ago, when I asked the Question. The issue here was, we have people who have been working on that land for so many years ago. When the NAP moves in and makes paddy field allocation, will it go to the people who have been tilling that soil for so many years rather than getting an application from a new applicant who has not even been living in that village?

**Mr. Speaker:** Mr. Minister, do you have any response?

**The Minister for Agriculture** (Mr. Mudavadi): Mr. Speaker, Sir, that is a legitimate request and, indeed, I have said in the statement that those applicants who have been on the waiting list shall be given top priority and I believe they are local people.

**Mr. Speaker:** Very well, Mr. Keynan, the very last one this afternoon.

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

##### THE BAGALLA MASSACRE

**Mr. Wehliye:** Mr. Speaker, Sir, I rise to seek leave to move a Motion of Adjournment of the House to discuss an urgent and important issue under the provisions of Standing Order No. 20.

**Mr. Speaker:** What is that?

**Mr. Wehliye:** This concerns the massacre of over 190 people on 25th October, this year, in Wajir.

*(Applause)*

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

**Mr. Speaker:** What are you standing up for?

**Hon. Members:** For that!

**Mr. Speaker:** For what? Order! Order! You hon. Members must peruse the rules of the House. Once he has made the application to Mr. Speaker, you must wait for the Speaker to make a finding of fact, whether or not that is a matter of national importance. Once the Chair has made a finding that, it is, indeed, a matter of national importance, then the Chair will ask whether there is support in the House. And until then, it is premature to do so. So, since you have made a requisition, which in my view qualifies under Standing Order No.20, but not for today, I will find out if you have the requisite number of hon. Members in support, then I will give you one hour tomorrow. So, do you have Members to support you?

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

Very well, on the face of it, the number is more than adequate. So, you will move your Motion, tomorrow,

at 5.30 p.m.

Next Order!

*(Mr. Munyao stood up in his place)*

What is it, Mr. Munyao?

## POINT OF ORDER

### ORDERS OF THE DAY

**Mr. Munyao:** Mr. Speaker, Sir, I am aware. I should have seen you in advance over my point of order, but because my point of order is to the Chair and I know Mr. Speaker is intelligent he will pick from me and be able to respond. This is based on the Order Papers we receive here. Daily, we are able to manage only 13 Questions, maximum. We are more than 200 Members of Parliament. If we observe the rules and if the Chair helps us today, we will be able to handle, perhaps, more Questions than the 13 normal ones handled. You have severally warned the Backbenchers whenever they have got to ask a question, to be brief so that we handle all the Questions. Backbenchers have listened to you and they obey you. But we are getting a lot of problems from the Frontbenchers who have got to reply to these Questions. Somebody comes here and says, "I am not aware" and insists on that until the Chair intervenes and then the Minister, now, starts replying the same Question which the same Minister had said he was not aware.

**Mr. Speaker:** Now, what do you want from me?

**Mr. Munyao:** Mr. Speaker, Sir, I am asking the Chair to assist us so that when the Frontbenchers are replying to Questions, for the first time, when the hon. Questioner puts a Question to the Minister, he should give the right answer. In any case, he should anticipate questions, or speculate what the Member is asking.

**Mr. Speaker:** Order! You are now making a speech.

**Mr. Munyao:** I am not making a speech. I am asking the Chair to help us so that the Front Bench will be able to handle more Questions. This is because if a Minister stands up and reads the right answer, we will no longer dispute it, or speculate that the hon. Member had a lot of ulterior motives. Perhaps, we will handle more Questions because there will not be so many supplementary Questions if the right answer is given the first time. I think it is important for the Front Bench to be told by the Chair not to anticipate other questions. When they stand up for the first time, they should give a detailed answer so that we move to the other Questions. We are getting a lot of delays from the Frontbenchers.

**Mr. Speaker:** Order, Mr. Munyao! Honestly, that is not really a legitimate request by you. How many times have I asked hon. Members, on both the Front Bench and the Backbench to take the House seriously? How many times am I on record saying that? I have asked all hon. Members of this House to take the business of the House seriously. As for your request, that we should have many Questions on the Order Paper, it is not permissible under the Standing Orders. Under Standing Order No.35(5) we cannot have more than 15 Questions on the Order Paper in any given sitting. Under the Standing Orders the way they are, we can only have 15 Questions. May I also take this opportunity to ask the Front Bench to listen to the sentiments of hon. Munyao. May I also ask hon. Members who ask Questions, what I have insisted today, that you have to be precise when asking Questions. Fifteen Questions should take one hour. May I remind the House that Question Time is not part of the business of the House, and by tradition we have had it for 60 minutes. If you divide 60 minutes by 15 minutes, each Question should be allocated a maximum of four minutes by the Chair. Therefore, every hon. Member putting a Question should know that the Question has four minutes. Now, if you take three of those four minutes with a winding question, then you have a Minister to answer for one minute. If he goes beyond that, I will stop the Minister. So, may everybody be on notice that from now, henceforth, Question Time shall not exceed 3.30 p.m. So, Question Time will always end at 3.30 p.m. so that we can transact other business of the House. We have a lot of Bills to transact and I am sure hon. Members want to contribute to the Bills. So, can everybody take note: Be precise as a Questioner, and as a Minister, be ready with a proper answer and let us all transact this business in a business-like manner. But under no circumstances will Question Time exceed 3.30 p.m. Next Order!

## BILLS

*Second Reading*

## THE APPROPRIATION BILL

(The Minister for Finance on 10.11.98)

(Resumption of Debate interrupted on 10.11.98)

**The Assistant Minister for Finance** (Mr. Keah): Mr. Speaker, Sir, I was on the Floor at the rise of the House yesterday. I was on the point of calling upon Kenyans to have a concerted effort and evolve a new sense of nationalism and patriotism so that we do away with this donor dependence and also foreign aid. For this, we need this concerted effort.

Mr. Speaker, Sir, I will proceed to say, we need to enhance revenue collection. On this score, I would want to say that it is a call to the collectors to collect what is due, and upon the taxpayers to make sure that they accept tax paying as a national obligation. There is need for financial discipline. This country is really suffering from an acute sense of financial indiscipline; a syndrome as such, in all aspects of life. What I am calling for through this Appropriations Bill is the need to spend what we have on what we have budgeted for, and indeed, to spend what we have and what we have budgeted for well. That is, obtain value for money.

Mr. Speaker, Sir, I would also like to observe certain things through this Appropriations Bill, namely; some of the expenditure areas like DOs and chiefs, do not have a direct budgetary provision. This leads to a temptation to levy charges that really, are not legal; that have not been passed by this Parliament. Maybe at some future stage, the Appropriations Bill in its contents could have within those amounts appropriated by this House, an element to provide for the DOs, chiefs and the rest. I would like to see some measure of decentralization in the spending, so that the district heads are accountable to the local leadership, rather than the present scenario where we have no reports or returns at the district levels, so that governance and accountability becomes difficult.

Mr. Speaker, Sir, I would also like to talk about the Civil Service Reform Programme which is important. We would like to have an efficient and professional Civil Service where jobs have spelt out authority and responsibility. And that, there is accountability in all these aspects. We need to do this so that we can be more and more efficient in utilising the funds that have been or will be appropriated through this Bill. Mr. Speaker, Sir, the final point I would like to make on this Bill is that, we are appropriating money for spending on implementation of projects. I would like to call upon Kenyan professionals to make sure that we exercise professionalism and confidence to produce high quality work. This applies to roads, water and every project that is carried out. We want to see those roads long lasting. We do not want to appropriate funds here, then they go on to a road which after three months is neither here nor there.

Mr. Speaker, Sir, finally, as a representative of the people of Kaloleni, I am sure they will be happy to hear that these *El-Nino* damages will be rectified as soon as this Appropriation Bill is passed. We have roads like the C107 on which three or four bridges have not yet been done, and I want the Kaloleni people who are listening with intensity, to know that after the Appropriation Bill, some of these roads will be done.

With those remarks, I beg to support.

**Mr. Munyao:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to make a few remarks on The Appropriation Bill. One thing we are going to support is that the Minister for Finance gets the balance of the money he is requesting. But my observation would be directed particularly to the Office of the President, and I am happy that the Minister is here. The Office of the President is asking us, under Vote R101 for K£1.2 billion, and we are ready to give them. But I would like the Minister to assure this House and the country that at least, the business of paying KANU officials from public funds is not going to be entertained. I am saying so because the Minister for Finance, who was one time the Head of the Civil Service and he was a PC somewhere--- At that time, he had to hang a KANU certificate behind his chair because it was mandatory that you become a KANU member to serve in the Civil Service. Indeed, we have got money to pay KANU officials---

**The Minister for Finance** (Mr. Nyachae): On a point of order, Mr. Speaker, Sir. The hon. Member is misleading the House. There was no such thing and I have never heard of it---

**Mr. Speaker:** What?

**The Minister for Finance** (Mr. Nyachae): That PCs were required to be KANU life members and that, that certificate had to be hanged behind the chair. That has never been the case; I am not aware of it. Therefore, the hon. Member is misleading the House.

**Mr. Speaker:** May I just say this, Mr. Munyao, I think it does help the House--- I do not think any of that is in the Bill and I think that is history now. So, can we look forward?

**Mr. Munyao:** Mr. Speaker, Sir, if I was given a bit of time, I know what I was saying. I know at that



time, it was a requirement that everybody, for him to be a civil servant, the PC, DC, DO, Chiefs and even Assistant Chiefs, all of them had to be life members of KANU. If you were a life member then---

**Mr. Speaker:** What is the relevance of this to the Bill?

**Mr. Munyao:** What I am saying is that, in this Appropriation Bill, the money we are now approving most of it is to pay salaries to civil servants. If I am going to pay salary to a civil servant who is a KANU member and I am the Secretary-General of DP, surely, am I going to give out money to pay KANU officials? That is all I am saying. The truth is that at that time, civil servants were required to be life members of KANU, and even now, those who were members have not withdrawn. Although I am now in DP, but I was required to carry one. However, let me go ahead---

**Mr. Speaker:** Okay, okay. Order! Mr. Munyao, I think that is enough. Come to the Bill now.

**Mr. Munyao:** Having said that, in the Development Vote under the Office of the President, there is that allocation for supporting buildings and maintenance. As we are here now, we would like to get some assurance from the Minister for Finance that, when he gets this money out of this allocation, Makueni District Headquarters which has not been complete since that time---

**An hon. Member:** Since 1989?

**Mr. Munyao:** Yes, since 1989! The contractor is here, an hon. Member. We want to get some assurance that at least, these buildings are going to be complete. It is true that any building which is built and is not occupied, deteriorates; cracks down. I want to assure the Minister--- I know he understands Makueni very well because that was his first posting as a DO and we were very happy that he came there and we gave him some *Kamuti* to enable him advance all along and he continued---

*(Mr. Speaker left the Chair)*

*(The Temporary Deputy Speaker  
(Mr. Musila) took the Chair)*

**Mr. Katuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sure you have heard what hon. Munyao has said; that when the Minister for Finance was working in Makueni as a DO, they gave him some *kamuti*. *Kamuti* can cause a serious harm and you know it, Mr. Temporary Deputy Speaker, Sir. Is he in order to suggest that the hon. Minister has *kamuti*? That is witchcraft!

**Mr. Munyao:** Mr. Temporary Deputy Speaker, Sir, you know very well that there is nothing called *kamuti*. I am sure you did not hear it. Let me continue.

*(Laughter)*

**The Temporary Deputy Speaker (Mr. Musila):** Mr. Munyao, can we now be serious and relevant to the Bill?

**Mr. Munyao:** Yes, I will be serious and relevant. I was saying that Makueni Town, which is the headquarters of Makueni District, which is about 15 years---

**Mr. Maitha:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We know *kamuti* is witchcraft and in Kisii, witches are being killed all the time. Can he prove that hon. Nyachae is a witch?

**Mr. Munyao:** But you know I did not say that, Mr. Temporary Deputy Speaker, Sir. There is nothing even in the HANSARD that I said about hon. Nyachae--- By the way, he is not Mr. Nyachae; he is hon. Nyachae. He does not have that and the HANSARD is there to quote me.

Mr. Temporary Deputy Speaker, Sir. I was saying that in the science of building, if you start buildings and you do not complete and they stay for so long, they deteriorate and the cost of rehabilitating them becomes totally impossible. These buildings in Makueni are about 15 years old. Since that time, they were started but the philosophy changed. If the Government would like to continue creating new districts, divisions and more locations and sub-locations, what is the philosophy of giving somebody a district and leave the building part of it, yet that is the most expensive task? Makueni people would like to get an assurance from the hon. Minister for Finance that, when he gets this money, he will be able to complete the buildings already started.

Mr. Temporary Deputy Speaker, Sir, on Vote R10; Ministry of Agriculture, we are now going to give them the balance of the money, and out of the Kshs326 million, we would like some assurance, particularly those of us from the dry areas of this country, namely Ukambani, North Eastern, Pokot area and other areas--- These are famine prone areas. We would like to stock our food in our areas and not to transport it to other areas. The reason

is that, soon after harvest in those areas, business people go there, buy all the food, transport it to Nairobi or other towns, is because of lack of storage. If the Ministry of Agriculture could provide some storage facilities in the local areas, it would, therefore, mean that soon after a season, all the food will be bought, stored in those areas and would be readily used when required, instead of people travelling long distances to collect food. I am also calling upon the Minister for Agriculture to make sure that food preservatives are available to farmers in those areas. As I speak, I understand that one time, there was a collusion that some parts of Ukambani were given low quality chemicals to preserve maize to an extent that within two weeks, weevils would start eating it up and, therefore, the farmers were forced to sell it at throw away prices. When a farmer went to the millers, because they were working in cahoots, they would be told: "We are not buying this stuff." They need it yes, but they would tell them: "We are not buying this time." At that time, if you have got a lorry or two and you know you are in a danger of losing the whole commodity, you would sell at whatever price. It would be good if the Ministry of Agriculture would make sure that chemicals to preserve these food items are available.

Mr. Temporary Deputy Speaker, Sir, at this point, I would like to request the Ministry of Agriculture to get the NCPB who have not been interested in buying crops from my area to take some interest and buy and help farmers from these areas. It is true there is no way we can keep on telling our people: "Please do not sell food," when we know that this is the only cash crop we have and immediately we get it, we will have to exchange it to pay for school fees or buy other commodities. We need the money. That is why I am saying the NCPB has to buy the cereals and store them nearer to the people, so that any time the food is required, because we are used to this perennial famine which you know of very well, the food will be readily available.

Mr. Temporary Deputy Speaker, Sir, at this point, I will not fail to mention something about the Kenya Meat Commission. The KMC which the Minister for Finance and the Minister for Agriculture know very well, stands on a big plot in Athi River. The KMC had a lot of land from Mlolongo area to the junction to Machakos Town. That big ground has been sold to unscrupulous people. It has all been allocated completely and the basic formula of slaughtering cattle and keeping them properly-- One of the reasons why the KMC was viable was because it had that big grazing ground, for all the animals which come from Maasailand, Ukambani and elsewhere while tired and they were fattened, waiting to be slaughtered. I do not know which Minister came but I know it is this Government because since Independence, we have never got any Government other than the KANU Government. It must be a Minister in that Government. He came up and because he had to compensate the voters and so on, all the land was allocated to some other people. Now KMC is left like an island. I am going to appeal to the Government to consider this, because this is a major investment in the area and it is a big project which not only serves Ukambani but all the Livestock farmers because even those farmers in Kisii, Central Province and other areas want their cattle, once fattened, to come and get value for them and we can only slaughter them there.

Mr. Temporary Deputy Speaker, Sir, I am requesting the Government to intervene. This means that, the illegal allocation of land which has been carried out in that area must be nullified, so that KMC will be what it used to be, with all its land. Incidentally, it was only two years back, that the Kenya Government and the Japanese Government through the Mitsubishi Corporation, injected close to Kshs700 million. Since they installed those machines there and other investments which were in excess of about Kshs3 to Kshs4 billion, I understand that KMC is being put under receivership because of a debt amounting to Kshs1 billion. The KMC has got a lot of assets which it can sell to do something viable and given time to do it, KMC is a very viable project. I want now to say that, as we sit here and although it has been put under receivership, some of the officials there are now carrying all the machines at night. You find that all the machines are being transferred. Now, at the end of the day, it will be an empty shell. For heavens sake, can we get the Government to stamp out this kind of thing even if it is under receivership, so that at the time that it will be bought, at least it will be a complete project with everything? Otherwise, if we are not very careful, by the time it is sold, it will be an empty shell.

Mr. Temporary Deputy Speaker, Sir, turning to the Ministry of Health, I would like to say that we Kenyans are very much worried because we heard in June the Minister for Finance talking so eloquently here and we came out and supported him when he was presenting his Budget Speech. He gave the requirements of all the Ministries. Even the Minister for Health came here and requested for some money for his Ministry. As I speak now, the Ministry of Health has got about Kshs828 million in its allocation and Kenyans are aware that the Ministry of Health is going to be allocated Kshs828 million which will pay salaries and also provide drugs to Kenyans. This is crucial. Kenyans have heard this through the Members of Parliament discussing here. They have also heard the Minister for Finance talking and they have also heard the Minister of Health actually telling Kenyans "I want money because I want to provide services". The same Kenyans will, for example today, know that we will pass this Appropriation Bill and it is going to go through but tomorrow, somebody will go to Machakos, Kisii, Nyamira and Kitui hospitals and he will find that there is no medicine. What are we telling Kenyans? This is because we are voting Kshs828 million in the budget for the Ministry of Health between July 1998 to June 1999

and among its use is the provision of drugs for all hospitals and yet, there is nothing. Initially, we mean that every Kenyan is optimistic that when he or she walks to the hospital, the following day they will be provided with drugs.

Mr. Temporary Deputy Speaker, Sir, at least, when we approved the 50 per cent allocation for this Motion, I was surprised because at that time I knew that even some health centres all over the country, including those in Nairobi and other places, were to get what they were assured of but it is the other way round whereby, there is no provision of drugs and other essential services. What are we telling Kenyans? This is a serious question and I am sure the Minister of Finance who is highly respected in Kenya and he knows that his words mean a lot because if he wants to buy my land at home, I will not even want him to sign that he will pay me next year. I will give him that land free because I know his word is enough; that is, when he says that he is going to pay me, that will be done. Now, he says that we are going to give Kenyans this amount of money and it is going to be voted on so that, in turn Kenyans get drugs but they do not get any drugs at all. What are we then telling the world? What are we telling Kenyans? Kenyans will never believe us because even now, the Budget Day is no longer as enthusiastic as it used to be at that time. During the earlier years, that is 15 years back, the Budget Day used to be almost like a holiday because everybody had to sit down to listen to what the Parliament was going to implement; that is, what is going to go up and what is going to be waived because they knew once the Minister of Finance said, it was going to be done. Today, that is no longer the story. You talk about it and people heckle you because they know that you will never implement whatever you say. We must give confidence to Kenyans as the taxpayers and to do this, when we say that we are going to provide this service, at least that service must be given and that is why somebody ought to be called a Minister, so that what he or she says is done. I wish the Constitution allows that during the five years, people can be exchanging power and today the KANU Government can give power to the DP Government and within six months, we will bring such a big change in this country that, Kenyans will settle and relax.

Mr. Temporary Deputy Speaker, Sir, having said that, I am turning to the Ministry of Public Works and Housing for which, after this Bill, we are going to vote close to Kshs140 billion. The Ministry of Public Works and Housing has been taken as a public relations office because everytime the Minister whom we respect and we know very well - comes here and says that such and such a road is going to be done and everyday, he appears on television inspecting the road to Nanyuki, Mombasa and other areas but somehow, there is something amiss because whatever he says has never been done. He is also like the Minister of Finance because he has talked of so many roads which I do not want to enumerate but generally, there have been questions in this House and everytime, there has been an assurance that my Ministry is going to take care of this and do abc. We would like the Minister for Public Works and Housing to at least, be determined and know why his officers are not following his orders. This is because particularly, now when we are going for the Christmas recess, you will find that in Ukambani, we have got no tarmac roads at all and most of the time people go to major towns. In December, people will be going to Machakos Town or Kitui Town. During Christmas time, in the interior areas, nobody will ever see their families, unless they have got to trek from Machakos Town and that is miles away or from Kitui Town which is also miles away. Or if you want, what you will do is that, you will leave your car at Emali along Mombasa Road and then you will walk. In fact the other day, the Ministers who attended Professor Sumbi's funeral can bear me witness that, going into that area is difficult. Even owning a bicycle is difficult in that area and we must be told by the Minister because I do not know whether the Minister for Public Works and Housing is here, because we people in Ukambani do not know the meaning of a road licence because if according to the dictionary, a road licence is a permit to use a road; then, people in that area should not pay any taxes at all because we have no roads in that area. We use cattle trucks and all the other crude methods of transportation and after 35 years of Independence, it is a shame.

Mr. Temporary Deputy Speaker, Sir, recently, we flew from Wajir to Garissa. The area was flooded, and we could not see anything. One could not even walk to any place. Therefore, it is very important that the Minister for Public Works and Housing comes up with a comprehensive programme of rehabilitating roads in the country. In fact, if that is done, we might stop tarmacking them. In any case, we in Ukambani would not lose anything. Let the money that is available be used to standardise all the roads in the country and make them all-weather. All the roads in Kwale, Wajir and elsewhere, should be gravelled.

**Mr. Kamolleh:** On a point of order, Mr. Temporary Deputy Speaker. In view of the fact that we have been debating this Bill since yesterday, I believe that it is high time that the Mover was called upon to reply.

**An hon. Member:** No!

**Mr. Munyao:** Mr. Temporary Deputy Speaker, Sir, that is not fair. Let me finish.

Mr. Temporary Deputy Speaker, Sir, I feel that it is crucial for the Minister for Public Works and Housing to come up and---

**The Temporary Deputy Speaker (Mr. Musila):** Order, Mr. Munyao! The hon. Member has moved

closure to this debate.

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

**Mr. Munyao:** Thank you very much, Mr. Temporary Deputy Speaker. I was not through---

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Munyao! You have to respect the Chair. The "yes" have it! Mr. Minister, could you proceed, please?

**The Minister for Finance** (Mr. Nyachae): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to take this opportunity to thank hon. Members for their very, very useful contributions to this particular Bill.

Mr. Temporary Deputy Speaker, Sir, I would like to start with the remarks made by the last speaker, which I very strongly support. That is, that money that is voted by this House should be seen to render services to wananchi. I think this is an important message, and any Kenyan who wants the economy of this country to grow must accept that wananchi are very concerned that services are not reaching them the way we promised. It is high time that we managed the limited resources effectively, and be seen to be serving the purposes for which it is intended.

I will respond very briefly to some of the issues raised by hon. Members. Yesterday, hon. Mwiraria, quite rightly, raised the question of differential emoluments to people serving under the Kenya Revenue Authority (KRA). I want to assure the House that, that problem is being addressed. It is inequitable to have some people in the same setup earning more money than others, and yet they are doing the same job. This problem arose during the setting up of the KRA. Initially, the Departments of the KRA were within the umbrella of the Civil Service. The employees who were in the Civil Service at that time moved over to the KRA with their salary scales. However, the new KRA decided to have its own salary structure in order to attract professionals into the Authority. That is how different salary structures came about, but we are now rectifying the situation.

Mr. Temporary Deputy Speaker, Sir, there was a serious concern relating to the performance of the economy. I am sure that this is not only the concern of the hon. Member who raised it. It is the concern of all Kenyans that the economy is in problems, and that it must be supported by all of us, so that it can take off again. That is the policy of the Government. The Financial Statement that I made to this House, and the discussions that took place at the various fora, including the decision taken at the Mbagathi Economic Conferences, are all geared towards improving the economy. What we need is team spirit. This country's economy cannot take off if we are not united in supporting it. This is not a problem that is facing a particular party or community. It is a problem for Kenya, and all of us should see it as such. I think we need to be more analytical as to what is really bogging us down.

I think there are many factors which have contributed to the current economic hardships. Leaders must accept that unless we address the problem from the grassroot level, the economy will not pick up as fast as we would wish it to. What I mean here is that we must start looking at ourselves from the angle of supporting the ordinary person. If the small-scale farmer starts feeling better in terms of economic performance, things will start flowing towards those who are now in better positions. So long as we have very many poor people and very few rich people in this country, the rich people will continue to be "pulled down" by the poor majority, and the economy will never pick up. So, I think our approach in tackling this problem must be seen from that angle.

Also, we must know how to approach potential investors. Here, I am not referring to outsiders alone. We have our own investors in this country. A farmer, a kiosk person, traders in Maragwa, Kisii and Mombasa are investors. All these people need support, and we must know how to treat them. When they go to Government or local authority offices, they must be treated with dignity because they are investors. They must not be told: "We cannot trace your file today. So, wait until we trace it." When one goes to the offices of the Ministry of Lands and Settlement to register his land, so that he can apply for a loan, his file disappears. Where we have weaknesses or bad habits, it is not that we are blaming somebody in a Government office; we must accept that. Whether it is your brother or your uncle or whoever, if he is doing wrong things, you are helping him by telling him so.

Mr. Temporary Deputy Speaker, Sir, hon. Mwiraria raised the issue on what needs to be done to clear the air about those officers of the Treasury and the KRA who were arrested. The person who withdrew that case by entering a *nolle prosequi* was the Attorney-General. He is the one who should tell the House why he did that. But our protest in the Treasury came after the *nolle prosequi* had been entered. We protested after that because the truth is and I still maintain that, if there was anything illegal that had been done regarding that matter, the people who should have been taken to court were the Cabinet and hon. Mudavadi, who was the Minister for Finance when the problem started. I came in and took over from where he had left and took action. I directed those officers to act. Why should a person who has taken instructions suffer when the decision was taken by the

Minister? It is the Ministers who should be taken to court including myself. Why arrest innocent people?

But let me say this, because we do not want games again in that Treasury, if you do not want an officer in the Treasury or the KRA and you want to replace him with a person of your choice, please, do it according to the Code of Regulations; serve him with a notice and let him go home. But this game of wanting to arrest Mr. Kinyua, Mr. Kirira, Mr. Msafari and others, and taking them to court, the case will not be heard. The following day, those officers will be interdicted and they will go home. The case will not be heard for six months. The people who are the chosen ones and who are meant to act in their positions will go on because by the time the case will be thrown out, because there will be no case, their jobs will have gone. That is not the way to remove officers from office. I have been in charge of officers and I believe that, if you do not like an officer, just serve him with a notice and tell him his weaknesses. All of us have weaknesses; you can look for weaknesses and remove an officer, but we should not tarnish names of officers on the basis of--

**Mr. Maitha:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Now that those officers who were arrested went further and collected more money---

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

**Mr. Maitha:** Could the Minister now pressurise the Government to apologise?

**The Temporary Deputy Speaker** (Mr. Musila): That is a question not a point of order. Proceed, Mr. Minister.

**The Minister for Finance** (Mr. Nyachae): Mr. Temporary Deputy Speaker, Sir, I have made my point on this issue. That is the position. But the issue raised by hon. Mwiraria can only be answered by the Attorney-General as to why he took that decision. But I believe that he must have realised that there were games, it was not procedural.

There is also another issue which was raised yesterday on oil companies not paying taxes. All that I can say about this is that, any Kenyan, including hon. Members when you come to this House and allege that taxes are not being paid by oil companies, the best thing you can do for this country and assist us to get more revenue is to give us that information in a specific manner so that we can follow up those people evading paying taxes. We should not just make allegations in here and when we ask the KRA officials to seek information from the hon. Member who said that, to assist us to follow up the tax, he says: "yale yalikuwa mambo ya Bunge." This is not a fair way of making allegations.

Mr. Temporary Deputy Speaker, Sir, there was the issue on the banking institutions and their performance. The problem of banking institutions is really a problem of management and bad lending. Those institutions which have not performed well and some which are going under have not had a straightforward lending system. That is expected. When money is lent without proper security, it is not correct. When money is lent out through companies which are not trading and eventually that money disappears and when it is due to be recovered, there is no money anywhere, that is bad management. It is not intended to use funds of the Central Bank to salvage any bank. If they cannot manage them properly, they will have to go except that we will intervene immediately to protect the interests of the depositors.

Mr. Temporary Deputy Speaker, Sir, the hon. Raila talked about debate on the Budget, that it should take three months before it is approved. That is not a problem for the Minister for Finance to reply or to comment on, because we are operating in accordance with the Constitution of this country. We are operating under the laws of this country and the system we are following right now is what is laid down in the laws.

There have been many comments about the *El Nino* Programme. I want to assure this House that the *El Nino* Programme is starting now. I am sorry, it has taken a little longer to set up the machinery, procedures and so on. The lenders, particularly the World Bank had to agree with us on how to set up an independent management body. We had to advertise that post for a non-civil servant to be the manager of the *El Nino* Programme; that has all been done and Mr. Kisa who used to work for the World Bank, is now the new manager of the *El Nino* Programme. The list of the programmes in various districts pertaining to roads, health centres and water is being circulated to the districts.

Mr. Temporary Deputy Speaker, Sir, with regard to the Road Maintenance Levy, questions were raised about its use and so on. This House itself endorsed that the Ministry of Public Works and Housing would take 80 per cent, and the Ministry of Local Authorities would take 20 per cent for its urban centres. We are acting on that basis. Now, again, the issue arising from that is: Why should the Permanent Secretary be linked to this money? The truth of the matter is that, all revenue of the Kenya Government, which Parliament approves, has to come through the

Treasury. The Accounting Officer for all the Government's money, not that of the Ministry, is the Permanent

Secretary, Ministry of Finance. Therefore, the money must pass through that Permanent Secretary before it goes to the Ministries of Public Works and Housing and Local Authorities.

Mr. Temporary Deputy Speaker, Sir, there was the issue about the Electoral Commission; that they have been allocated more money and vehicles. That is not for me to talk about. It is for this Parliament to decide; How do you want the Electoral Commission to work? How should it function? We are only controlling the finances of the taxpayers. We do not deal with how the Electoral Commission should be working.

Mr. Temporary Deputy Speaker, Sir, there was a comment by hon. Raila about Members' allowances. I think hon. Sambu also talked about it, and said: What hon. Members have said must be complied with! I do agree that, we must comply with what hon. Members have said, but what is being asked for is not in the Estimates. It is not there! So, you are giving me an order to go and look for money from the blues, and give it to you. The truth is that hon. Members must accept that as leaders once you have accepted leadership, then you must be prepared to sacrifice on behalf of your children. So, if you accept, that, our people whom you represent are poor, then you must accept this: Let us look after those people before we look after ourselves. But facilitating you to look after those people, is no problem. You have already been facilitated: However, when you want more, and your people are having nothing, then you are not being fair. So, let us be seen by the people we represent that we are traditionally behaving like--- If you keep chickens--- I do not know whether you watch when your chickens are walking out from the cage in the morning. The cock walks out, the mother is next and then the little ones follow. Then you see the cock saying, "kuk kuk kuk", and it digs everywhere to get maggots. It continues to dig for the little ones and does not eat any until when the mother comes with the little ones. When the mother comes, it tells the little ones, "Kwe Kwe"; that is; "eat". Now, we must also behave like that.

*(Laughter)*

**Mr. Kamolleh:** On a point of order, Mr. Temporary Deputy Speaker. I am still puzzled over the kind of language the Minister is using. I would like to understand the meaning of this: "Kwe, Kwe."

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Musila): He is speaking the chickens' language.

**The Minister for Finance** (Mr. Nyachae): Mr. Temporary Deputy Speaker, Sir, the hon. Member knows that I eat chicken, and so I love them. But, this friend of mine seems to enjoy eating chickens and yet he does not want to look at their behaviour. They behave very well when it comes to looking after their poor and their young ones. Let us also think about the young ones before we eat too much. That is what I am saying.

Mr. Temporary Deputy Speaker, Sir, with regard to the maize prices, as you all know, we do have a liberalised market. But, we would like to help our farmers, and I know the Minister for Agriculture is doing his best to lower the cost of production. We are also doing our best through taxation methods to protect the farmers so that maize does not come in from outside. We cannot stop it, in terms of banning, but we can prevent it through taxation measures which we are applying. On the Nyayo Tea Zones, I think it is all agreed, that, it is being re-organised, and there should be no problem.

Mr. Temporary Deputy Speaker, Sir, about the completion of the district quarters, which hon. Munyao talked about, we are also concerned about it. I want to assure him that we are looking for various ways of completing those building.

Mr. Temporary Deputy Speaker, Sir, on the theft of machinery from the Kenya Meat Commission (KMC), if only hon. Munyao could give us some information about who is stealing--- We expect the Receiver to have people there to protect the machinery. If the Receiver is failing to do his work, then action will be taken against him.

Mr. Temporary Deputy Speaker, Sir, on the question of roads, I think we have all debated on this issue, but I want to assure you that the Government is very much alert about this problem of roads and, in fact, as far as I know, there is a policy of creating a Roads Authority which will be autonomous. It can do a more effective job in consultation with the private sector.

Mr. Temporary Deputy Speaker, Sir, once again, I would like to thank the hon. Members for their contributions and I beg to move.

*(Mr. Munyao stood up in his place)*

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Munyao!

*(Question put and agreed to)*

**COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

*(The Temporary Deputy Speaker  
(Mr. Musila) left the Chair)*

IN THE COMMITTEE

*[The Temporary Deputy Chairman  
(Mr. Musila) took the Chair]*

THE APPROPRIATION BILL

*(Clauses 2 and 3 agreed to)*

*(Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Minister for Finance** (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Appropriation Bill and its approval thereof without amendment.

*(Question proposed)*

*(Question put and agreed to)*

*(The House Resumed)*

*[Mr. Deputy Speaker in the Chair]*

**REPORT AND THIRD READING**

THE APPROPRIATION BILL

**Mr. Musila:** Mr. Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered the Appropriation Bill and approved the same without amendment.

**The Minister for Finance** (Mr. Nyachae): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said report.

**The Minister for Agriculture** (Mr. Mudavadi) seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Minister for Finance** (Mr. Nyachae): Mr. Speaker, Sir, I beg to move that The Appropriation Bill be now read the Third Time.

**The Minister for Agriculture** (Mr. Mudavadi) seconded.

*(Question proposed)*

**Mr. Munyao:** Mr. Deputy Speaker, Sir, it is true that we have already contributed to this Bill very extensively. We have covered a lot and we are happy that we have got a very effective Minister for Finance who is now going to be the prefect of all other Ministries to make sure that services are provided. There is nothing else we want in this world. Kenyans know that today, we have approved billions of shillings and we want to see services and water in all areas and we want to see medicine in hospitals. There is nothing much we can say on this because the Minister is efficient and he has got very good officers in the Ministry of Finance. There is nothing else this country wants apart from good services. We can only wish him luck and hope to see him in June, 1999, when he will tell us what he will have done with this money. He should remember that, that will be the first question to be put to him. If you perform very well, we will even double whatever we have given you this year.

With those remarks, I wish the Minister good luck.

*(Question put and agreed to)*

*(The Bill was accordingly read  
the Third Time and passed)*

*Second Reading*

THE LOCAL AUTHORITIES TRANSFER FUND BILL

*(The Minister for Finance on 27.10.98 )*

*(Resumption of debate interrupted on 5.11.98)*

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, while appreciating and supporting this Bill, I would like to make the following observations. I would like to refer to the services which are supposed to be rendered by the Nairobi City Council. The monies which are collected through the Services Charge and other taxes have not even gone towards serving the citizens of Nairobi. Some of these colossal sums of money get lost somewhere. If we think of the water delivery, I am happy that the Minister assured the people of Dagoretti that we shall now have water by 15th of this month which is not very far. It will be on Sunday this week. The people of Dagoretti are eagerly waiting to see whether this will happen. I would like to put the record of this House straight; that in Dagoretti, especially around Ngando and Dagoretti Corner, we have not had water for more than eight months. Since last year, there have been trickling drops in the night and then they disappear whereas the citizens continue to receive water bills from City Hall, which we do not know what they are for. We have no water in Dagoretti.

In April this year, I took the trouble of travelling around the constituency with the General Manager of City Hall. We toured all the points where the water in Dagoretti is supposed to be supplied from, including Uthiru Water Supply Tank, and throughout the line and the General Manager assured us of water within three weeks. He said that there were some repairs which were being done. That was in April and this is November and nothing ever happened. Now that the Minister assured this House, through a Ministerial Statement, I hope that things will be back to normal by this Sunday. Otherwise, we fail to understand where the money for the Services Charge goes.

Now that this money will be transferred from the Treasury to the local authorities, will the same story continue as far as services are concerned or what mechanism will the Minister for Finance use to ensure that services are delivered? We are not sure of how this committee will operate and whether it will deliver to make sure that Kenyans will definitely get services from these monies which are supposed to be moved to the local authorities. We also know that all these plots which have been grabbed are supposed to have been sold since we are sure that they were not given. Unless somebody put the money under lock and key; that is a lot of money together with the Service Charge. We should have seen something happening in the City Hall by now. But because of rampant corruption, we have not been able to receive any services from City Hall. It is not only the services, but even the employees of City Hall have not been paid for more than two months now. That prompts me to ask the Minister for Finance how he will ensure that the people will get services for their money. This is money that has come from the taxpayers of this country. In Dagoretti, and I think it is the same case in other areas, there are heaps of garbage. The place is dirty and it is dangerous health-wise. Epidemics do break out from time to



time. Sometimes there is cholera and other epidemics. We hope that this money will be seen to be used for clearing this garbage which is all over the place. I know for sure that in an area like Kawangware, there are some workers who surface in the morning pretend that they are sweeping around, but they are not doing anything and within one or two hours, they disappear for the whole day.

Mr. Deputy Speaker, Sir, I would like to know what the Ministry of Local Authorities will do to ensure that the staff who are employed are doing their work because Kenyans are getting tired of paying taxes and yet they are not getting services worth those taxes. The services are not delivered by this Government. The operations at the City Council of Nairobi are not supervised because the staff are not paid their salaries. Maybe, they have decided not to work. There is a lot of inefficiency and corruption in the City Council. I was rather saddened earlier on when I heard the Minister for Finance saying that he would like Kenyans to be more serious and contribute generously towards our economy so that we shall be self-sufficient and not look up to the donors for assistance. Kenyans have already been doing that. They are even ready to sacrifice more because they are hard-working people, but the problem remains with the Government. It is the Government officers who are supposed to deliver who are not delivering at all because of corruption. That is why services are not being rendered to wananchi. The ordinary people have sacrificed more than enough of their goodwill. I am surprised at the patience of Kenyans. They are getting a raw deal from this Government. Their children are at home because they cannot go to school, since their parents cannot afford school fees. A lot of Kenyans are dying because they cannot afford medicines even for the treatable diseases. This has nothing to do with the AIDS. But there are no medicines in the hospitals and they have no money to pay. For example, in my constituency office in Kawangware, most of my constituents who come to see me have personal problems. Some want assistance to buy medicines for high blood pressure and others come for assistance to get medical tests, which are not available, sometimes, in our hospitals. Who can provide those services to Kenyans? It is the Government to whom Kenyans pay taxes because an individual leader cannot do it alone. For example, you cannot pay school fees, conduct harambees for medicine, build churches and so on. It is impossible.

Mr. Deputy Speaker, Sir, Kenyans are highly taxed and I do not think there is anybody who will refute that. So, it is utter nonsense to see Kenyans, who are among the most highly taxed people in the world, paying taxes and yet the Government cannot build schools, clinics or pay teachers or provide medicines for its citizens. It is a pity that Kenyans pay taxes, but the Government is not able to deliver. It is about time that the Minister for Finance told Kenyans where taxes that they pay go to. Why should Kenyans continue paying and yet there are no services? It is double taxation to expect Kenyans to pay tax and, in addition to that, conduct Harambees to build schools. That is infrastructure development, which is the responsibility of Governments all over the world. We expect our Government to deliver. Any government worth its salt, does not expect its citizens to pay taxes and, at the same time, conduct harambees to build schools and churches. If we do Harambees, they should be to subsidize the Government and not to do the infrastructure development. Maybe, to help some poor families to subsidize their cost-sharing in order to buy books and so on. We can only do simpler things like buying books and not that the children cannot go to school because there are no classrooms. It is the responsibility of the Government to build schools.

So, I hope by the time this Bill is passed we will see some changes in our schools. I know that City Council schools have a lot of problems. I would like to hear from the Minister how much money will be allocated for building schools. For example, I was at Gichagi Primary School in Riruta three weeks ago. The sewerage is flowing on the surface. When it rains and it mixes up with water, it becomes filthy and our children dive into it. It is a miracle that we still have some children in Nairobi. The filth is too terrible to bear.

As has been said by hon. Members, we hope to see the delivery of services that are equivalent to the taxes paid by Kenyans. We expect to see some changes in the lives of Kenyans. About six or seven months ago, the Government made commitment to this nation. They said that they were ready to fight corruption in this country, build our economy in order to have a new Kenya. Kenyans were advised to tighten their belts. Kenyans tightened their belts, but the Government did not do its part. I would like to hear from the Minister for Finance, when replying, what practical changes have occurred in the lives of ordinary Kenyans in the last two or six months. Kenyans are getting poorer, more hungry and desperate.

Mr. Deputy Speaker, Sir, turning to local authorities, especially in Nairobi, I was very happy to hear the Minister for Finance recognizing that kiosk owners are small investors and partners in development with the bigger investors. We know that the City Councils askaris, their full time occupation is to demolish kiosks just because someone has not given them kitu kidogo. We know that is what is happening. Orders to demolish kiosks are sometimes issued by very junior officers because they are unhappy with some certain kiosks or that land on which those kiosks stand has been grabbed. That is denying the small investors, their livelihood. They depend on those kiosks to send their children to school, to feed their families and to participate in the cost-sharing for

medicines. If the local Authority of Nairobi continues with this brutal activity, regardless of Kenyans who are trying to better themselves, and if they cannot be supported by the same Government, then who is the City Council staff working for if not for the betterment of Nairobians? So, I hope they will take the cue from the Minister for Finance and start treating small investors with some decency and let the kiosk owners earn their living. We know that in this country we have very few rich people and the majority are poor. The rich people are now grabbing all the land so that the poor Kenyans cannot erect kiosks. They are also grabbing forests so that those poor Kenyans cannot even build houses for their families. Poor Kenyans are not even able to build their houses with stones because they cannot afford. We must fully preserve the forests for energy, building materials, water catchment and many other reasons for the good of our environment.

Mr. Deputy Speaker, Sir, while supporting this Bill, I hope that there will be a change in the Government and in the Ministers because they direct their Ministries and officials. The culture of lip-service must cease.

Mr. Deputy Speaker, Sir, we want Kenyans to respect the Ministers. Kenyans cannot do that as long as the Ministers pronounce different things in this House from what is out there. We want to see the Government caring for its people. Ministers should not come to this House and answer Questions as if they just want to support one another. Even where there is a mistake they should point it out, and rectify it.

I was very shocked to hear that the roads in Dagoretti Constituency are not included in the plan for tarmacking. We have a few roads which were tarmacked some years ago. I do not know when they were tarmacked because all the roads are in a bad state. I hope that the Ministry of Local Authorities will gravel the dusty roads as the Minister had promised. I hope that roads in Dagoretti Constituency will be recarpeted with the money which was donated by the World Bank to repair the roads damaged by the *El Nino* rains. This has happened in Westlands and Lang'ata Constituencies. The residents of Dagoretti are also taxpayers, Nairobians and Kenyan citizens, even if they are the "small" citizens. We do not want all the development to be concentrated in areas where the big people, who own big cars, live. We want those roads which matatus use to be repaired. I would like the Minister for Local Authorities to assure this House that his Ministry will allocate some money, which is meant for the repair of roads which were damaged by *El Nino* rains in the City of Nairobi and other municipalities, to Dagoretti Constituency. I have seen what has been done in some areas. There should be no discrimination in development. The residents of Dagoretti are also Kenyans.

Mr. Deputy Speaker, Sir, I would like to bring to the attention of the Minister the fact that Dagoretti is a very important constituency, and the Ministry should have tarmacked its roads. The constituency has the slaughterhouse which supplies Nairobians and people who live in the suburbs of Nairobi with meat. Which criteria are applied by the Ministry of Local Authorities to tarmac some roads in the City, which Dagoretti Constituency does not meet? What makes a constituency or a division's roads be tarmacked? Dagoretti residents will not pay more taxes! Dagoretti is a rural-urban constituency. Some of its land was transferred from Kiambu District and the residents living there became Nairobians. They are freehold and not leasehold land owners. Despite this fact, there is no water, electricity and good roads in Dagoretti although its residents pay taxes like other residents of other constituencies of Nairobi City. All the hon. Members who represented Dagoretti Constituency before me were promised that land rates would be terminated.

**The Assistant Minister for Finance** (Mr. Keah): Thank you, Mr. Deputy Speaker, Sir. I have four points which I want to make on this Bill. First of all, I would not like local authorities to be complacent because we will be transferring this money to them. I would like them to enhance their revenue bases.

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

**The Assistant Minister for Finance** (Mr. Keah): Ngoja nimalize kutoa maoni yangu!. My other points relate to planning, financial discipline and preparation of accounts.

**Mr. Musila:** On a point of order, Mr. Speaker, Sir. I am sorry to interrupt my good friend, but in view of the fact that this Bill has been debated for a very long time, may I now move that the Mover be now called upon to reply.

**Mr. Deputy Speaker:** Hon. Members, you are the people who are discussing this Bill. If it is your wish that the Mover be now called upon to reply to the Bill, I will call upon him to reply. But I can only do so after putting the question.

**The Minister for Foreign Affairs** (Dr. Godana): Much obliged, my Lord.

**Mr. Deputy Speaker:** Order, Dr. Godana!

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

**The Minister for Finance** (Mr. Nyachae): Mr. Deputy Speaker, Sir, may I, through you thank the hon.

Members for their contribution to this particular Bill. It has taken us four days to discuss this Bill. The debate has concentrated more on the performance of local authorities as opposed to the content of the Bill; the "Local Authorities Transfer Bill". I appreciate the fact that my colleague in the Ministry of Local Authorities has also been taking notes, so that he can go and take the necessary action on those matters that are of serious concern to the hon. Members and the country.

I have a lot of respect for hon. Mugo for various reasons. I would like to tell her that the money which the House votes here goes to each individual Ministry as directed by the National Assembly. As the Minister for Finance, I request for the total sum of money that could be available. But I act in accordance with the instructions of this House. After I have acted in accordance with the directive of this House I should not be the one to again explain what becomes of the money after it has been allocated to various Ministries. That is a matter for the individual Ministries and, of course, if the money is not utilised as directed by this House the Controller and Auditor-General will bring the matter to this House again through the Public Accounts Committee (PAC).

Mr. Deputy Speaker, Sir, during the deliberations, a number of hon. Members queried the criteria which are going to be used to allocate the money to various local authorities. I would like to inform this House that the criteria will include the population of a local authority area to provide the base level funding, incremental revenue collection effort to improve local finances, expenditures on specified services such as water and sewerage, health care facilities and regional income disparities to alleviate poverty levels in poorer areas. These criteria will not be administered by the Ministry of Finance or the Ministry of Local Authorities. Instead, it will be administered and evaluated by a committee which will be in charge of this money. The majority of the committee members will actually come from the private sector in order to avoid political influence.

There was a proposal that this Committee, which will be allocating the funds, should have representation from the local authorities. I think if there is going to be any problem, just open the door for the local authorities. Which Local Authority will be represented and which one will not? I think here, we should accept that the local authorities with their serious problem of finances, you cannot help but imagine and confirm that if you sent a representative of the local authorities to sit on that Committee, and he is coming from a Local Authority which is also suffering, a possibility of him being greedy and saying: "Let me consider my area this time, and I will consider another area another time", will be there. That will create a lot of problems. So, let us have an autonomous body which will administer these funds impartially.

Mr. Deputy Speaker, Sir, there has been a debate here about the administration---

*(Mr. Nassir and Mr. Samoei consulted loudly)*

**Mr. Deputy Speaker:** Order! Order, Mr. Nassir and your group!

**The Minister for Finance** (Mr. Nyachae): Thank you, Mr. Deputy Speaker, Sir. I think this is a very important matter and everybody in the House should be attentive as the Deputy Speaker has said.

I think it is important for the hon. Members to know that the funds are coming from the taxpayers. The taxpayer remits the tax through the Kenya Revenue Authority (KRA) to the Ministry of Finance. When it is administered to the Ministry of Finance, the Permanent Secretary in the Ministry of Finance is the one who receives the money and arranges for that money to be transferred to the Ministry of local authorities. It is important that those who are thinking that perhaps the Permanent Secretary, Ministry of Finance should be excluded from this matter, then you have to bring to this House an amendment to the Exchequer and Audit Act. This is because this Act places the Permanent Secretary, Ministry of Finance, to be the recipient of all the money on behalf of this House, and then, releases the money with the appointment of Accounting Officers. It is the law that the Permanent Secretary, Ministry of Finance is the one to appoint the person who is going to be the Accounting Officer for this money. Therefore, when the money is being transferred from the Treasury, it will be transferred together with a letter from the Permanent Secretary, Ministry of Finance, appointing the Permanent Secretary, Ministry of local authorities, to be the Accounting Officer. But the Permanent Secretary, Ministry of local authorities will not be responsible for the allocation of the Fund. He will only hold it in custody, but the money will be distributed or re-allocated to recipient local authorities, through that Committee. That is the Committee which will be the final decision-maker. Therefore, when we come to the Committee Stage, we will be bringing an amendment to this effect, in order to clarify the position.

Mr. Deputy Speaker, Sir, there was a talk that this money should also be used for allowances for the councillors. This means that we have got to give up rendering services. This is because all the revenue being collected at present by the local authorities is all going to pay allowances, and no services are being rendered. So, we are saying that if they are "eating" all that they are collecting in form of allowances, let this money be used to improve roads, medical services and other services that can help wananchi. We are definitely, in this Bill,

excluding the usage of this money for payment of allowances. Otherwise, it will all be "eaten" up and the intended services will never be rendered.

It was also suggested by some hon. Members that out of this money, which is intended to support the local authorities, the cost for administering should also come from the same money. Now, if we do that, then we reduce the allocation to the local authorities. So, the Ministry of local authorities in presenting their Estimates, should include the cost of administration, as opposed to taking away the money intended for the local authorities.

Mr. Deputy Speaker, Sir, I would like to touch on a very important point, which is going to be one of the strongest qualifications. For that Committee to consider a Local Authority for these funds, it must produce up to date audited accounts because financial discipline has disappeared. It may sound amusing, but it is true that when we calculate the years that have not been audited in terms of accounts, and say every Local Authority has so many years, and you add up, the unaudited accounts of the local authorities for all those years add up to 1,339 years. That shows quite clearly that the majority of local authorities since Independence, have not been auditing their accounts. Money is spent left and right and nobody worries about it. So, we are going to insist, and we are discussing with the Ministry of local authorities, that we have a cut-line. This is because we cannot go back to all those years. We have to come to a level and agree that from such and such year, audited accounts must be produced. When they are produced, they will now get to an up to date position, where they can be considered for this kind of money.

Mr. Deputy Speaker, Sir, there was a suggestion that Value Added Tax (VAT) should also contribute towards this. All that I would say is that we are starting with Income Tax, and it is five per cent. But this is the base that has given us a start. As we move on, year after year, seeing how it is performing, it may turn out that local authorities at some stage, deserve more than this. That is the time that we can look at these areas, including the VAT. But for now, the Bill is very clear. We are talking about five per cent of the Income Tax.

Mr. Deputy Speaker, Sir, the intention of supporting the local authorities in this kind of arrangement is to encourage them to stop bothering wananchi on service charge, and all sorts of funny things which they never account for. In fact, we know of some local authorities now, where, actually councillors themselves, go to the market place and collect money from the mamas who sell bananas and vegetables, and pocket the money! When you go to the market place you find that they collect money from women who are selling bananas and all sort of things. Each councillor who in present pockets the money. It is a terrible thing. Once you are a councillor you will go there and join the collector and maybe you will count the little money that you have collected from the market women and you will share it out there. The money never goes to the county council treasurer. That is the situation that we want to avoid because it is of no use to anybody except to those two or three people who have gone to the market as I have heard hon. Musila saying that it is happening in Mwingi. It is not only happening in Mwingi, it is all over the country. Councillors are doing this and their market officers have also been encouraged to "eat" what they collect. That is not right.

I would like to once again thank the hon. Members for their contributions. Each one of them has given his or her view and they have ended up saying that they support the Motion.

Therefore, I now wish to move. Thank you.

*(Question put and agreed to)*

*Second Reading*

THE NATIONAL HOSPITAL INSURANCE FUND BILL

*(The Minister for Health on 8.10.98)*

*(Resumption of Debate interrupted on 8.10.98)*

**Mr. Deputy Speaker:** Before we adjourned hon. N. Nyagah was on the Floor, but he is not here right now.

**The Minister for Co-operative Development (Dr. Anangwe):** Thank you, Mr. Deputy Speaker, Sir, for giving me time to contribute on this particular Bill. I have read it and by and large it is a good Bill and subject to the amendments which the Minister may bring at a later stage, it can stand. What I have to say is by way of offering a set of suggestions which the Minister may wish to consider in order to improve on the quality of this particular Bill. As usual when Bills of this nature are formulated, they are never comprehensive enough given lack of adequate data to be fed into the decision making process.

*[Mr. Deputy Speaker left the Chair]*

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

One assurance I would like to hear from the Minister is that this Bill will take care of polygamous marriages. In the past, and as is conventional in Government processes, whereas on one hand we have the institution of polygamous marriages, on the other hand the procedures and practices which govern say, the administration of allowances or payment of claims often insist on one wife and four children. However, the reality on the ground is that Africans by their very nature tend to be polygamous. I would like to underline this point with specific reference to the data from the 1989 Population Census. The census did show that 15.6 percent of married women were in polygamous marriage institutions. If this is not taken cognisance of most likely such kind of women will be disadvantaged particularly when it comes to claiming their dues. Therefore, I am simply suggesting that if it limits to the consideration of the Minister that when he is designing the procedures and requirements for claiming the dues, he should bear in mind the very fact that there are also women and men who are married in a polygamous marriage institution. The other issue which I also wish to raise which is provoked by the provision on page 27 is that it does seem that the Bill seems to take care of only, say, a nuclear family. The reality in Africa is that we tend to operate in an extended family situations. Sometimes, officers and wage earners are caught up in a situation where they are expected to make a contribution towards the cost of meeting health expenses incurred by members of their extended family. This may be mother-in-laws, their own mothers, brothers and sisters, but because the provisions are so constraining there is a tendency of claimants to falsify that the people on whose behalf they are claiming are their wives or their children, when in reality those people do not really belong to the nuclear family which in the previous Act it tended to confine to.

Therefore, so long as the contributor is willing to pay, and he has the means to meet the contributions for his extended family, I would plead with the Minister to allow for an option where a contributor can also take care of his in-laws, members of his extended family, his brothers, mother and, probably, his father. This will enable him to avoid an embarrassing situation where he has to falsify claims. For example, he enters in the claim that the person on whose behalf he is trying to claim is his wife when actually, she is his mother. But once you have filled in a name of one spouse, I am sure it becomes very difficult for the National Hospital Insurance Fund to take care of other expenses which some people may be quite willing to provide. I am sure that this kind of option should be welcome to some of us, particularly, Members of Parliament who are often encumbered by demands to meet expenses for hospitalisation from members of the extended family and even those from their constituencies.

Mr. Temporary Deputy Speaker, Sir, page 28, the Bill provides for representation in these boards. I know that, by and large, this section seems to have taken care of those in wage employment and yet those employed in informal productive activities have not been catered for. They have not been represented in this particular section. If the intention is to widen the net so that those who can be able to contribute towards this particular Fund are taken care of, I think we need to restructure representation in order to take care of those in productive employment but are not engaged in wage employment.

In 1997, it is estimated that there were 4.7 million people in employment, either through self-employment or wage employment. Nearly 70 per cent of them were in the informal sector. But when you look at the structure of representation, according to clause 4, you do not see representation of those people who constitute the bulk of the people engaged in productive employment. Nearly 79 per cent of those employed in productive activities within this country, the bulk of them are in the informal sector and yet this particular section does not cater for their representation. When they are not catered for in this particular Board, the policies and decisions and even implementation strategies which may emanate from this particular Board may not be relevant. It may not be very possible for those who are outside the formal wage employment sector to influence the design of programmes to benefit them. Therefore, if it meets the consideration of the Minister, he should probably increase the representation of those in productive employment but who are not in the formal wage employment sector. Here, I would like to see, at least, representation of farmers through the Kenya National Farmers Union. I would like to see representation of the Kenya Federation of Co-operatives and the Kenya Federation of Jua Kali Associations. This way, the intentions and objects of this particular Bill, will have really met the interests of those whom it has targeted.

Mr. Temporary Deputy Speaker, Sir, with regard to the question of employers failing to pay, I think it is a major problem and this is covered on page 36. It is common knowledge that sometimes employers deduct money from their employees with the intention of remitting the same to the National Hospital Insurance Fund. But then,

they do not do so and the amount involved is very colossal. This particular failure is a disadvantage to those who may have made their contribution. Apparently, there has been laxity or lack of capacity on the part of the NHIF to enforce the law against those who fail to remit contributions of their employees to this particular Fund. It is high time, through this particular Bill that, that inadequacy was redressed so that the employers who have failed to remit the deductions from the employees are punished.

Mr. Temporary Deputy Speaker, Sir, Section 25 of this particular Bill is worrisome. This is because it does provide that, the institution which offends the requirements of the Fund may be excluded from the benefits. That is, if a hospital falsifies claims, it is stated in here that the Board may consider de-gazetting that particular institution and even suspending it from any entitlement from the NHIF. I have reservations with that kind of provision. This is because in that particular case, we are punishing a whole institution and the clientele which does patronise the services. Some of those who may suffer as a consequence of this particular provision, are innocent. There can be another way in which we can approach this; let the Fund take keen interest and isolate the culprits who may have been behind a decision to defraud or fail to meet the requirements of the Fund. If it is an accountant or an administrator of that hospital, let him be punished. But let us spare the hospital from wholesale suspension. Some of these institutions which are suspended may be the only institutions in that particular locality. When you suspend, for instance, a hospital in Kakamega, Butere, Mumias or even Makueni from benefiting from this Fund, for acts of commission or omission by an officer; not every one who benefits from that institution may have contributed adversely to that particular decision. Why should they be made to suffer? I think we should modify this particular provision so that it is the officers who are responsible for that bad decision, the officers who have caused that particular institution to participate in the malpractice--- These are the officers who should be identified, isolated and punished. But let us spare the institution from suffering the consequences of malpractice or false claims by a particular individual. That way, we shall be able to spare the clientele, the patients in the rural areas who may end up suffering for reasons that have nothing to do with them.

Mr. Temporary Deputy Speaker, Sir, Section 30 seems to provide a discretion on how institutions get registered. It also provides a discretion on declaration of hospitals for the purpose of this Act. I think that is a major loophole which may be exploited by those who may be up to some corrupt activities. I would rather that the criteria is established and stated in this particular Act; that in order to qualify for registration and to be declared a hospital for the purposes of this Act, you need to fulfil the following requirements. Then once you fulfil those requirements, your qualification should be automatic. It should not be left to the Board, or an officer of the Board to decide whether or not you qualify. Qualification should be automatic. In order to realise that, we need to be very explicit on the criteria used. Of course, the criteria may change from time to time, that is understandable, as circumstances change, but giving so much discretion on the Board to decide which hospital it should declare for the purpose of this Act, may create room which may be exploited by those who are prone to corrupt practices.

Mr. Temporary Deputy Speaker, Sir, Section 31 of this Act states:-

"In the event of disputes arising and the internal arrangements are exhausted, then reference may be made to the High Court".

From the experience of such arrangements in other Ministries, this particular arrangement where decisions that ought to have been made expeditiously take too long to get justice from the High Court, it can take three to five years. In any case, it is always known that the High Court is an institution with unlimited jurisdiction. Whether or not we provide for it, when an individual feels that he needs redress, he will still go to the High Court. So, we need not provide for it. Because, when we provide for it, we create an avenue where people unnecessarily resort to the High Court, when in fact, decisions could be made quickly. So, all I am trying to say is that, let us create within this particular Board, mechanisms for redress in such a manner that people do not have to find a good reason to go to the High Court. Going to the High Court is a very expensive business and not many people can afford to seek redress from there. We need to create an avenue in this particular Board, within the framework of this particular Bill, so that there is expeditious redress of disputes without recourse to the High Court.

Mr. Temporary Deputy Speaker, Sir, Section 34 is a very good provision, because it is encouraging the National Hospital Insurance Fund to invest surplus resources in the development of facilities. The reason why I am saying so is because, this will offer an alternative avenue through which public resources can be channelled towards the development of health facilities. I hope that when this particular provision becomes effective, priority will be given to rural health facilities. Because, as we know, given the orientation of NHIF, there is a tendency or a bias towards institutions in the urban areas. Probably, the priority in this particular area, and we could make that kind of provision, so that surplus funds for investment are also channelled to the rural areas--- It is in the rural areas where we have most Kenyans. Over 75 per cent of the Kenyan population is in the rural areas. That is where people are in dire need of health services and yet, the health facilities are not in a good state. Public resources from the Ministry of Health itself, as we all know, are constrained by limited resources from the Exchequer. All I am

asking is that, priority in Section 34(b), in terms of how surplus resources are going to be invested, these resources should be channelled to the rural areas.

Mr. Temporary Deputy Speaker, Sir, Section 37(b) is an interesting one, because it is providing that the audited accounts and so forth, should be placed before the Minister, before a certain date. I have no problem with that, but Ministers are not accountants. They may not even have the opportunity or time to digest what is provided in these accounts. The fact that there is still a provision for the role of the Auditor-General (Corporations), is adequate. That is the expert who knows whether or not those accounts are genuine and whether the expenditure has been within the requirements. But if you table it before a Minister, what is the Minister expected to do? I would rather that we settle down with Section 37(1) which States:-

"The Board shall, within three months after the end of its financial year, prepare and submit to the Auditor-General (Corporations) whatever they may be having".

It is, therefore, not necessary under that particular Section 38, for these particular accounts to be placed before the Minister. Let them be placed before a competent authority who can be able to digest and know whether or not, what has been provided is good enough. Ministers are not auditors to know what it is.

With those remarks, I beg to support.

**Mr. Mwenje:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Bill. I have decided to contribute to this Bill because, first, we know of other funds in this country which are not operating properly. I would like to cite the example of the National Social Security Fund. This has been, and is still, a big Fund. It has had massive contributions from people for many years, almost all of us here at one time or another have been contributors to this Fund, but at the end of the day, that Fund has been totally misused. The amount of money held in this Fund has been misused by those in authority. The Government has watched this Fund being misused by the trustees, in terms of misinvestment, corruption and many other vices. We know that if that Fund was properly maintained, the interest alone, would have catered for almost everybody in this country, in terms of their benefits in old age.

Mr. Temporary Deputy Speaker, Sir, that Fund has been used to buy land for speculation. Those who have bought land for, say Kshs1 million, and want to make profit, simply look for NSSF to buy the same land for Kshs100 million. At the end of the day, that is misappropriating and displacing the funds.

The same funds were deposited in particular banks which eventually collapsed, just because there is a deal between the bankers and the Board managing this Fund. Equally, we are now being told to start a Fund for insurance purposes. We have had the NHIF. But one problem NHIF has had is that it discriminates against the hospitals that it refunds hospital expenditure for individuals. You find that if you are treated in a particular hospital and you take the receipt to make a claim, you will never get the refund just because you went to that particular hospital. If such a Fund is established, then there should be no discrimination because it is not for you to tell me which hospital I should go to. Even if I go to my Mganga and he treats me properly and I get healed, I am entitled to claim, so long as he gives me an official receipt to claim from the NHIF. Why should we discriminate? Why should we say: "If you go to such and such a hospital, you will not get a refund?" Who is determining this criteria? It is this House; it is this Bill that states clearly that anybody who has been treated and makes a claim from the Fund shall be refunded, so long as it is established by receipt that he is supposed to make a claim. But what has been happening is that only particular hospitals which were started by Wazungu are supposed to qualify. Most of the hospitals started by our own people, particularly in the local areas where people reside, in Eastlands and the rest, are not considered. We cannot afford to work in this country while we are discriminating against our own people. This is another form of apartheid, where we say that "this hospital is for the poor". It is just like those people who say that beer in the bottles from Kenya Breweries and maybe South African Brewing Ltd. is good for Christians. But if you take *Karibu*, you are not a Christian. What is the difference, yet at the end of the day, both of you will be drunk? There is no beer for Christians just like there should be no hospital for those who should get a refund and those who do not. They should all be entitled to a refund. After all, who decides whether you will be healed where you go? It is the response to the medicine that you are given. It does not have to be Kenyatta National Hospital, Nairobi Hospital or Aga Khan Hospital.

There is a hue and cry. Many hospital owners have been making an appeal that they should also be included in the NHIF claims; that, when they give receipts, their claims should be honoured. But I do not know why it has taken the Ministry of Health that long to allow those claims to be paid. Even now, you can go to a private hospital, for instance one in Eastlands called Prime Care Hospital and many more, but you do not get a refund. I have emphasised on this one because it has taken too long for the Ministry to recognise that they need to make refunds to those who go to this hospital. We cannot afford to continue discriminating and I hope when the Minister replies, he will tell us whether this has now been taken into consideration in the new Bill.

Mr. Temporary Deputy Speaker, Sir, the other issue I would like to talk about is the question of misuse of

this Fund. I am no longer sure, whenever I am contributing my money to any Fund, that it is safe. This is because we have had some unscrupulous people whose job is to look at which section has money, and they run there to get that money. If they hear the money is now at the railways, importation section, Mitumba, Sugar, *et cetera*, they are always there. There is a clique of people in this country. They are not many, although we have been blaming corruption on very many people. They are not many. They are not even more than 100. Their job is just to look at where the money is. If they hear money has been given for the construction of roads, you will find them there in the Ministry of Public Works and Housing; to see how much they can get out that money. They always know where the money is coming. This is one area which will be targeted from now on. This Fund will be targeted just like they have targeted NSSF. It is time we stood firm and said: "Enough is enough. We are not going to allow money which is voted for a particular purpose to be diverted. It must be used for that purpose." Unless we are strong enough, it is going to be very difficult. Today, I was surprised. I was reading one newspaper. I read that the Government panicked and bought machines which are just lying idle now in Karen; worth Kshs1.5 billion. If it is true, how long shall we continue singing this song; that public funds are being misused or targeted, and it has ended up in the wrong pockets? That is why nobody is going to trust us, as of now. Unfortunately, I am now almost realising that those who have been used to milking a cow, it will be very difficult to tell them to stop milking, because they are so used to it that it has become a chronic disease to them. All they will be doing is that, every time they will come with a new project which will bring them money, which they will wind up again and the circle is quite big. It is a syndicate! But what are we going to do? It is time we told the Government that we are prepared to allow this kind of Fund because the intention is good. But when the real operation comes, it will be very dangerous. They will not be able to control those corrupt officers who are targeting this kind of Fund. They have proved that they are not able because we have been saying this year-in-year-out; for the last five years, that has been the language. We are now coming to the end of 1998 and that is still the language. But what are we seeing? Every time we have a Bill here showing new Funds which would help our people--- But at the end of the day, do they help our people? Are we strict enough? Maybe we need to take these people to the churches, so that they can be baptised and stop corruption. This is the only thing we can do. We will not solve this problem by having one Fund after another. No! That is not the solution. We will not reach anywhere. In fact, I should be opposing this Bill because we are not sure that this Fund is going to help our people. Maybe the authorities should take them to the mosque, so that they can read the Koran and be told stealing is very bad---

**The Minister for Home Affairs, National Heritage, Culture and Social Services** (Mr. Nassir): On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to urge the hon. Member to be very kind and not to touch on religion here. It is very painful and it can cause a lot of trouble.

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, that is not a point of order. However, what I am telling hon. Nassir, and the Christians is that, our people need to be converted in their hearts to stop stealing. If Islam does not tell people that stealing is bad, then I tend to disagree with hon. Nassir, because that is what is written in the Koran; that, stealing is bad. That is also what is in the Bible. Stealing is bad and I want to urge hon. Nassir to go and read the Koran properly and he will see that is exactly what it says, if he has never read that section of the Koran.

Mr. Temporary Deputy Speaker, Sir, what I am saying is that, the solution to this problem is not the creation of more funds. No! Even if you read the Bill, it says that when this Bill is passed, it will be mandatory for everybody to contribute to this Fund. That is what it says. Unfortunately, sometimes it escapes our reading and it just passes and we only see it when it comes into real operation. We need to be careful not to miss this kind of thing and, before we allow this Bill to go through, from now on, we need to be very careful because we have a very short time before we go into recess. If we have to go through all these Bills, maybe they will come and we will not read them. Maybe, hon. Members will be out not knowing the seriousness of allowing these Bills to pass like that. I do not want to anticipate another Bill but I am just giving an example; that today, I was again reading another one which talks of things that you cannot believe. That if you cause an accident, you go to jail for 15 years. I do not want to anticipate it but all that I am saying is that---

**The Minister for Co-operative Development** (Mr. Anangwe): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member of Parliament to anticipate debate on the next Bill?

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Mwenje, you are very aware and you know the rules of this House. You are now anticipating debate on a Bill that has not been brought to this House. So, please keep away from that.

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, that is why I only said it is an example. I never referred to it and I am out of that.

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Mwenje! You are out of order.

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, getting back to order, what I am, therefore, saying is



that, we need to be reading these Bills from now on. If they are sneaked in here and we do not read them and consequently allow them to pass, then we shall feel the effects later. I remember when we passed the VAT Bill, I did not really read it effectively. I did not read it properly but eventually when we passed it and I went to the shops down there and when I was buying a spare part, I was told this is the cost of VAT. I asked them what this VAT business is. I was then told: "You passed it yesterday in Parliament and you are now asking what it is here?" I looked like a fool in front of the Asian who was selling me the spare part and that is why I am now appealing to hon. Members to be careful when debating this bill. This is because we are going to allow some of these Bills to pass and then, at the end of the day, we and the people we represent here will regret why we allowed this kind of thing to pass.

Mr. Temporary Deputy Speaker, Sir, when you read the details of this Bill, you will find that it is a bit scary. Unless it is strictly managed and unless the Minister can stand here and tell us and this should be included in the Bill, where will these funds be kept? In which bank will they be kept? This is because it is very likely that, such a Fund is contributed to by all Kenyans and when it is kept in one of these collapsing banks like Trust Bank and the rest, and then we sit here crying that all our money has gone with a particular Asian or person, it is dangerous. We need to be careful and that is why I am proposing that the Minister must now tell us where this fund will be maintained? Who will be the signatories? We need to know because when we are being told that, it will be managed by a board and the chairman is appointed by the President and all the other members are appointed by the Minister from COTU and wherever--- Yes, we have the same example with NSSF which is not working properly and which has been raped. It is not there. It has bought houses and today, they are putting up houses in Embakasi which is my area. There are thousands of houses there but nobody can buy those houses. Even if they were let, we cannot live in them because the project was not evaluated properly. It is only because a particular individual wanted to get his percentage, whatever the percentage is and unfortunately, it is no longer 10; it has now moved to about 90 per cent and we are left with 10 per cent which is seen to be operating.

Mr. Temporary Deputy Speaker, Sir, this is exactly my major fear in this Bill. If this is the kind of fund, that what we are going to contribute to is no longer going to help our people and that is discriminative in terms of which hospitals will be referred to, then it is not worth it. This will need to be explained a little bit more. We need more details. We are not going to give blank cheques anymore to particular Ministries under this Bill, because that is exactly what is happening today. If the details that we require are the actual operations of these funds; we need to know them and if we do not get them, I want to say that we are not likely to pass this kind of Bill, because it will be dangerous and contemptuous and it will not help our people.

Mr. Temporary Deputy Speaker, Sir, some of these descriptions are sometimes outrageous because when you look at the Bill, it says this will include a child to this level. Sometimes we need to look at these issues. This is because you may be a child and if you are still in school and even if you are over 18, as far as I am concerned, you are still a child. We have children who are 20 but they will still be in school. For that purpose and for the purpose of the Bill, they should remain children because although the Kenyan laws say that after one has attained 18 years of age you are treated as a grown up and you may be given an identity card, that does not make you anymore than a child if you are still a dependant of your parents. You will still remain a child. That is why I would want the Minister to look into that again and possibly look at that kind of amendment. That is how we can include children, even if they are over 18 and they are still in school.

Mr. Temporary Deputy Speaker, Sir, registers of members are kept and sometimes, I get worried because when one goes to NSSF, one finds that the register is in a total mess. On radio there is a programme that explains to wananchi about NSSF but it is not exactly what they tell us on the radio because when you go there, practically the situation is different. I have personally gone there three to four times to check what is the position of my contribution. They tell us that, you are able to get it there on the spot but you do not get it. There are some wazees who have been sitting there for years and they have not been getting their refunds after 55 years. Others are sick and they still remain there. You just need to walk to the NSSF building there and see what is happening. Some people are being punished by being kept there forever. We do not want that kind of a register in this fund. You should be able to get the register in the reference immediately and get your money back. That is, you should get your payments immediately. Today, we are living in the world of computers and this kind of Fund should have computers. However, what happens? They talk of those computers and you never get them and the references properly. We are now in the computer world and let us also get computerised. We have voted money for this kind of thing. The Fund is able to buy its computers. We should be able to be told on the spot that you can be paid your money today or tomorrow. I do not know why it has to take six to seven months before you can get your money.

Mr. Temporary Deputy Speaker, Sir, this Fund should be managed with a computer so that you know and you can be able to make a reference on the spot. We do not want these funny registers which disappear with some people and it only disappears because somebody somewhere wants a "KK" that is "Kiinua Mgongo Kidogo", so

that he is able to tell you that you can get your refund here, or you can be paid here; this hospital is included or it is not included. What has spoilt this country today is what we call deliberate official corruption. This is because we have now allowed corruption to be official in this country and that is what has messed us, because nobody fears today. As we have seen, when somebody messes you up in a Fund like this one and then the other one catches you and tells you that you have stolen, you are taken and you are told: "Check whether this man is of sound mind". That is not right. If we catch a thief in my place there in Dandora, we put a tyre around his neck and we burn him. Why should we continue condoning people who are mismanaging these funds? You will be surprised to see that the people who have mismanaged these Fund are the same ones who will be nominated to positions of members of the board. If somebody misappropriates funds once, why give him a second chance to misappropriate other funds? Why appoint him again? He has misappropriated those funds. Why? It is because corruption in Kenya is official. It is known that it is happening, yet nobody wants to stop it, because the whole system is a chain of that corruption. This is bad.

**Hon. Members:** You were also there!

**Mr. Mwenje:** when we come to power we will not allow the official corruption that is going on. Within a short while, the Democratic Party of Kenya (DP) will be taking over the Government, after which you will realise that the DP will never condone corruption. We will be joined by FORD (K), SDP, all the "small" DPs and the rest. When we get there, you can rest assured that this country's finances will be run properly.

**Mr. Kikuyu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You must have heard hon. Mwenje say that we have a small democratic party in this House. Is he in order? Surely, the Social Democratic Party (SDP) is a complete political party, and not a small DP.

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, I hope it is a big party, which will join the DP, so that we can rectify the situation in this country. We must be careful now. Our children are growing up. They now understand that corruption has become official in this country. That is why I am saying that we need to take over the Government. Because we have realised that those in the Government have no merits, we are praying that soon or later, the DP will come to power.

**An hon. Member:** Yes!

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, when we come to power, corruption will be condemned and buried for ever. It will never be seen again.

With those few remarks, I beg to support.

## QUORUM

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

**The Temporary Deputy Speaker** (Mr. Musila): What is it, Mr. Munyasia?

**Mr. Munyasia:** Mr. Temporary Deputy Speaker, Sir, there is no quorum.

**An hon. Member:** There is enough quorum.

**The Temporary Deputy Speaker** (Mr. Musila): Hon. Members, we do not have a quorum as hon. Munyasia says. Ring the Division Bell!

*(The Division Bell was rung)*

Order! Order, hon. Members! Now, we have a quorum. Hon. Nassir, proceed!

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

**The Temporary Deputy Speaker** (Mr. Musila): What is your point of order, now?

**Mr. Munyao:** It is a very genuine one, Mr. Temporary Deputy Speaker, Sir. Please, allow me to raise it. I am addressing my point of order to the Chair. I am not asking for a chance to speak.

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Munyao, please, let it be a point of order.

**Mr. Munyao:** Mr. Temporary Deputy Speaker, Sir, there are nine parties in this House. You have been calling one hon. Member from each side of the House alternately. But if you want to be seen to be fair, I think you should give chance to three or four hon. Members from the Opposition side and one from the Government side. Otherwise, the way you are doing it now is not fair.

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Munyao, I have taken your point of order. So, could you sit down, please? Meanwhile, I have given this chance to Mr. Nassir.

**Mr. Munyao:** When will you make a ruling?

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Munyao!

**The Minister for Home Affairs, National Heritage, Culture and Social Services** (Mr. Nassir): Bw. Naibu Spika wa Muda, ijapokuwa muda uliosalia ni mchache, ningependa kujibu maneno ya uongo ili kesho watu wajue ukweli.

**Mr. Mwenje:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Neno "uongo" halitumiki katika Bunge hili. Inafaa Nassir aliondolee mbali neno hilo kwa sababu Wabunge hawasemi uongo.

**The Temporary Deputy Speaker** (Mr. Musila): Nimekubaliana na maoni ya mhe. Mwenje. Mhe. Nassir, tafadhali tumia ile lugha ambayo inakubalika katika Bunge hili.

**The Minister for Home Affairs, National Heritage, Culture and Social Services** (Mr. Nassir): Basi tugeuze lugha.

**The Temporary Deputy Speaker** (Mr. Musila): Haya basi, geuza!

**The Minister for Home Affairs, National Heritage, Culture and Social Services** (Mr. Nassir): Haya basi, ni porojo, na si uongo.

*(Laughter)*

**An hon. Member:** That is even worse.

**The Temporary Deputy Speaker** (Mr. Musila): Bw. Nassir, hujaondoa neno "uongo". Ondoa hilo neno halafu utumie neno lingine.

**The Minister for Home Affairs, National Heritage, Culture and Social Services** (Mr. Nassir): Nimekubali, Bw. Naibu Spika wa Muda. Bw. Mwenje si mwongo lakini ana porojo nyingi.

**The Temporary Deputy Speaker** (Mr. Musila): Endelea!

**Mr. Mwenje:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is very defamatory. The hon. Member is totally out of order to say "Mhe. Mwenje ana porojo nyingi." I have no porojo. I contributed to the Bill.

Could he withdraw the words "porojo nyingi"? I will not allow that to happen.

**The Temporary Deputy Speaker** (Mr. Musila): Order! Order! Mhe. Mwenje, mimi sikumsikia mhe. Nassir akitamka maneno hayo. Kwa hivyo, endelea, mhe. Nassir. Keti chini, mhe. Mwenje!

**The Minister for Home Affairs, National Heritage, Culture and Social Services** (Mr. Nassir): Bw. Naibu Spika wa Muda, kwa vile kesho pia Mswada huu utaendele kujadiliwa, nitazungumza wakati huo, na ukweli utabainika hapo kesho.

Wizi na unyang'anyi ni mwingi. Ukweli ni kwamba ijapokuwa chama cha KANU ndicho kinachotawala, lakini wafanyikazi katika Serikali hii, hata neno "wezi" halitoshi kuwaelezea. Hilo ni neno dogo. Wafanyikazi katika Serikali hii ni wabaya. Mimi ni Waziri Serikalini. Wizara yangu iko na wafanyikazi wapatao 8,000 lakini hakuna hata mtu wa kabila langu.

**Mr. Ngure:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Minister in order to say that he does not belong to a tribe?

**The Temporary Deputy Speaker** (Mr. Musila): Bw. Ngure, Waziri hakusema hivyo. Mhe. Nassir, endelea!

**The Minister for Home Affairs, National Heritage, Culture and Social Services** (Mr. Nassir): Bw. Naibu Spika wa Muda, tuko na shida katika Bunge hili. Tumeambiwa tuzungumze kwa Kiswahili na Kingereza, lakini baadhi ya Wabunge hawafahamu Kiswahili. Walakini, kwa vile mhe. Ngure ni rafiki yangu, ninataka aeleele ninasema nini. Haijalishi iwapo watu wa vyombo vya habari watachapisha ninayoyasema au la. Ninasema kwamba chama cha KANU ndicho kinachoendesha Serikali, lakini wafanyikazi katika hii Serikali si wafuasi wa chama cha KANU. Wao wote ni watu wa akina mhe. Mwenje. Anapodai kwamba kuna wizi katika Serikali--- Lakini kwa sababu Katiba ya nchi hii itageuzwa hivi karibuni, mambo haya yatakoma. Mjinga akierevuka, mwerevu huwa mashakani.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Musila): Order! Hon. Nassir, you will continue with your contribution next time. Hon. Members, it is now time for us to interrupt today's Business. The House, therefore, stands adjourned until tomorrow, Thursday, 12th November, 1998, at 2.30 p.m.

The House rose at 6.30 p.m.