

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 16th April, 1998.

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

MINISTERIAL STATEMENT

NOMINATION OF SELECT AND DEPARTMENTAL COMMITTEES

The Minister for Lands and Settlement (Mr. Ngala): Mr. Speaker, Sir, I rise on a point of order to give a Ministerial Statement---

Mr. Anyona: On a point of order, Mr. Speaker, Sir. I thought the Clerk-at-the-Table was reading the orders of the day, and I thought that Ministerial Statements, if any, come at the end of Question Time.

Mr. Speaker: Yes, but there are no Questions.

Mr. Anyona: Well, Mr. Speaker, Sir, normally it is indicated whether there is---

Mr. Speaker: What you are saying is correct, but he is also correct because there are no Questions.

Mr. Anyona: Okay, Mr. Speaker, Sir.

The Minister for Lands and Settlement (Mr. Ngala): Mr. Speaker, Sir, with the indulgence of the House, I wish to make the following Ministerial Statement. Under the provisions of Standing Order No.145(2), the House Business Committee has nominated the following hon. Members to serve in the respective Select and Departmental Committees. Those nominated to serve in the Sessional Select Committees will be there for the rest of the current Session, whereas the Members in the Departmental Committees will serve the whole term of the Eighth Parliament. This is in accordance with Standing Order No.151(1).

PUBLIC ACCOUNTS COMMITTEE (PAC)

The hon. Suleiman Mwaronga Kamolleh, MP

The hon. Yusuf M. Haji, MP

The hon. David Musila, MP

The hon. R.K. arap Kitur, MP

The hon. D.L. Sankori, MP

The hon. H. Odongo, MP

The hon. David Mwiraria, MP

The hon. Maoka Maore, MP

The hon. Dr. Oburu Odinga, MP

The hon. Henry Obwocha, MP

The hon. Njehu Gatabaki, MP

PUBLIC INVESTMENTS COMMITTEE (PIC)

The hon. A.M. Badawy, MP

The hon. John Sambu, MP

The hon. Z.M. Nyang'wara, MP

The hon. Dr. A. Wako, MP

The hon. S.L. Poghio, MP

The hon. A.I. Shaaban, MP

The hon. Mwangi Githiomi, MP

The hon. Matere Keriri, MP
 The hon. Raila Odinga, MP
 The hon. Joe Donde, MP
 The hon. Kyalo Kaindi, MP

THE SPEAKER'S COMMITTEE

The hon. K.F.X. ole Kaparo, MP, - Chairman
 The hon. Simeon Nyachae, MP
 The hon. Gideon Ndambuki, MP
 The hon. Prof. G. Saitoti, MP
 The hon. Kipkalia Kones, MP
 The hon. Dr. A. Anangwe, MP
 The hon. Ms M.M. Mwachai, MP
 The hon. Dr. Abdullahi I. Ali MP
 The hon. Cecilio Mwenda, MP
 The hon. Silas Ita, MP
 The hon. Dr. Adhu Awiti, MP
 The hon. Gitobu Imanyara, MP
 The hon. Moses Muihia, MP

THE STANDING ORDERS COMMITTEE

The hon. K.F.X. ole Kaparo, MP - Chairman.
 The hon. Dr. B.A. Godana, MP
 The hon. W.M. Mudavadi, MP
 The hon. Kalonzo J. Musyoka, MP
 The hon. K.N.K. Biwott, MP

[Mr. Ngala]

The hon. J.L. Sunkuli, MP
 The hon. O.K. Kiangoi, MP
 The hon. Wanyiri Kihoro, MP
 The hon. Joab H.O. Omino, MP
 The hon. George M. Anyona, MP
 The hon. G. Kapten, MP
 The hon. Jimmy Gitonga, MP

THE CATERING COMMITTEE

The hon. Mrs. Grace Mwewa, MP
 The hon. Mrs. Z.J. Kittony, MP
 The hon. Isaac Ruto, MP
 The hon. D.N. Kombe, MP
 The hon. Njoka Mutani, MP
 The hon. Ms Manyaru M. Matano, MP
 The hon. Mohammed Galgallo, MP

THE PRIVILEGES COMMITTEE

The hon. F.K. ole Kaparo, MP, - Chairman
 The hon. Amos Wako, MP
 The hon. J.L. Sunkuli, MP
 The hon. Moody Awori, MP
 The hon. J.J. Kamotho, MP

The hon. Jembe Mwakalu, MP
The hon. Muhika Mutahi, MP
The hon. Felix Kanyauchi, MP
The hon. Musikari Kombo, MP
The hon. Prof. P.M. Sumbi, MP

THE LIBRARY COMMITTEE

The hon. Joab H.O. Omino, MP,- Chairman
The hon. Mrs. Grace M. Mwewa, MP
The hon. Mohamed A. Mahamud, MP
The hon. M.S. Kajembe, MP
The hon. S.M. Mkalla, MP
The hon. Kihara Mwangi, MP
The hon. Kamau P. Mugeke, MP
The hon. A. Wafula Wamunyinyi, MP
The hon. David Murathe, MP

COMMITTEE (A) ON AGRICULTURE, LANDS AND SETTLEMENT

The hon. W.W. Osundwa, MP
The hon. A.I Shabaan, MP
The hon. J.D. Lotodo, MP
The hon. A.M. Galgalo, MP
The hon. M.D. Shambaro, MP
The hon. J.K. Sambu, MP
The hon. P.N. Ndwiga, MP
The hon. J. Munyao, MP
The hon. Dr. O. Omamo, MP
The hon. D.L. Khamasi, MP
The hon. Dr. R. Leakey, MP

COMMITTEE (B) ON ENERGY, COMMUNICATIONS AND PUBLIC WORKS

The hon. S.L. Poghiso, MP
The hon. D.M. Mbela, MP
The hon. S.K. Rotich, MP
The hon. M.S. Kajembe, MP
The hon. Mrs. Z.J. Kittony, MP
The hon. M.M. Shidie, MP
The hon. B.M. Mwakiringo, MP
The hon. Eng. Karue Muriuki, MP
The hon. Dr. S. Ochuodho, MP
The hon. J.M. Kinyonga, MP
The hon. S. Ndicho, MP

COMMITTEE (C) ON EDUCATION, RESEARCH AND TECHNOLOGY

The hon. J.J. Mugalla, MP
The hon. M.M. Shidie, MP
The hon. C. Jirongo, MP
The hon. G.M. Mwewa, MP
The hon. G.K.M. Sang, MP
The hon. D.K. Esudi, MP
The hon. M. Wamae, MP
The hon. Mrs. T.J. Seii, MP

The hon. O. Achola, MP
The hon. J.B. Munyasia, MP
The hon. J.M. Kikuyu, MP

COMMITTEE (D) ON HEALTH, HOUSING, LABOUR AND SOCIAL WELFARE

The hon. Dr. A.I. Ali, MP
The hon. Mrs. Z.K. Kittony, MP
The hon. D.M. Kombe, MP
The hon. M.D. Wera, MP
The hon. Dr. A.H. Wako, MP
The hon. J.J. Mugalla, MP
The hon. N.G.K. Nyagah, MP
The hon. J. Toro, MP
The hon. G. Nyanja, MP
The hon. Dr. M.W. Kulundu, MP
The hon. Mrs. C.K.M. Ngilu, MP

COMMITTEE (E) ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITY.

The hon. S. Leshore, MP
The hon. Y.M. Haji, MP
The hon. A.K. Kimetto, MP
The hon. D.M. Mbela, MP
The hon. D.K. Esuri, MP

[The Ngala]

The hon. E. Achuka, MP
The hon. K. Maitha, MP
The hon. Ms M.W. Karua, MP
The hon. J. Ojode, MP
The hon. B.R.S. Wanjala, MP
The hon. F.P. Wambua, MP

COMMITTEE (F) ON FINANCE, PLANNING AND TRADE

The hon. S.M. Mkalla, MP
The hon. J.D. Lotodo, MP
The hon. R.M. Sajjad, MP
The hon. D. Musila, MP
The hon. S.M. Galgalo, MP
The hon. J.J. Mugalla, MP
The hon. D. Mwiraria, MP
The hon. P.O. Odoyo, MP
The hon. P.S. Shitanda, MP
The hon. J. Michuki, MP
The hon. O. Mboko, MP

COMMITTEE (G) ON ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS

The hon. I. Ruto, MP
The hon. M. Haji, MP
The hon. W. Ruto, MP
The hon. Dr. A.I. Ali, MP
The hon. D.M. Kombe, MP
The hon. D.L. Sankori, MP

The hon. C.J. Jirongo, MP
The hon. K. Murungi, MP
The hon. J. Kibicho, MP
The hon. O. Kajwang', MP
The hon. E.M. Mugara, MP
The hon. J.M. Katuku, MP

COMMITTEE (H) ON DEFENCE AND FOREIGN AFFAIRS

The hon. M.H. Hashim, MP
The hon. J.C. Kosgey, MP
The hon. E. Morogo, MP
The hon. M.A. Mahmud, MP
The hon. M. Too, MP
The hon. P. Kihara, MP
The hon. D. Mwenje, MP
The hon. O. Ngure, MP
The hon. Dr. Mukhisa Kituyi, MP
The hon. B.K. Muiruri, MP

Mr. Speaker, with your permission, I would like to urge the committee members to take their duties seriously. You are aware that these committees have been formed as a result of the new Standing Orders and to give meaning to the new Standing Orders, we would like the committee Members to take their duties very seriously. Otherwise, if the committee Members are not going to take their job or duties seriously, we will not be doing justice to what these Committees are supposed to do. It is a great challenge and I hope that members will certainly be eager to attend and make their contributions so that the House can be kept alive through the debates and contributions by the Hon. Members.

Thank you, Mr. Speaker, Sir.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. I would like to seek the indulgence of the Chair and the House. At the very beginning of this very important Session of this Eighth Parliament, to put some matters in their proper place---

Mr. Speaker: What is your point of order? Is it arising from what hon. Ngala has said?

Mr. Anyona: Yes sir.

Mr. Speaker: Then what is your point of order?

Mr. Anyona: Well, Mr. Speaker, Sir, I hope that the Chair will give me time to put my point across.

Mr. Speaker: Order, Mr. Anyona! The position is this: A point of order is used by a Member to bring to the attention of the Chair a breach of either a Standing Order, procedure or a practice of the House. Therefore, when you rise on a point of order, you must bring it to my attention about the point you intend to raise and if it will be necessary for you to elaborate, you must be fair. You cannot use a point of order to initiate debate.

Mr. Anyona: Mr. Speaker, Sir, I thought it would be more civil, to start by signalling the indulgence of the Chair and the House, but if I can start the other way round---

Mr. Speaker: What is the point?

Mr. Anyona: Mr. Speaker, Sir, the point is that the nomination or appointment of the Committees have been read to the House and they do not conform with the rules and procedures of this House and also with the issues that I wanted to elaborate on with your indulgence.

Mr. Speaker, Sir, in the first place, under Standing Order. 145, the House Business Committee has been given the responsibility of managing the business of this House in general terms as specified in the various Standing Orders. Now, as regards the formation of committees, this responsibility is stipulated in each of the Standing Orders dealing with the particular Committees and if you look at the Standing Orders, you will see for instance that under Standing Orders, 147, 148, 150, 151 and 154 they do state:-

"The House Business Committee shall nominate the Members who shall serve on any select committee appointed by the House and the member who shall be Chairman thereof, unless the House, at the time of the appointment of the select committee, shall itself have nominated such Members and Chairman".

Therefore I think in the case of those particular Standing Orders there is no which provision as it was

stated in this in the afternoon.

Mr. Speaker Sir, if you look at Standing Order 149, for instance, which covers the library you would notice that there is no provision as to who nominates or appoints that particular Committee as the Standing Orders stand now, Contrary to what I have read previously.

Mr. Speaker: What have you said?

Mr. Anyona: I have said, Mr. Speaker, that under the provision of the Standing Order 149 which covers the library, the provision that the House Business Committee does the nomination of Members of these Committees is not in fact provided for under that particular one. Now if you go to the Catering Committee which has also been read out here this afternoon, there, is, in fact no provision at all in our Standing Orders for the Catering Committee and yet that Committee has been presented before the House this Afternoon.

Mr. Speaker, Sir, the point I want to make on that particular aspect is this. Us regards to Standing Orders NO.151 which deals with Departmental Committees which we have been told are very important Committees, which is true, their life is five years, they will last the life of this Parliament and is my view that the manner of nomination of those particularly Committees given that they last the whole life of Parliament is not equatable. These are committees of the House, they are not committees of Political parties. The political Parties consult to be able to establish these particular Committees but they are Committees of the House. It is the House therefore must have the authority.

Mr. Speaker: You are now arguing, are you not!

Mr. Anyona: I am not arguing Mr. Speaker, I am pointing out the weakness. For instance if you look at Standing order 152, you will see that the provisions in those standing Orders are different from the others and in this particular case they say the Committee shall be appointed by the House Business Committee. Is it nomination; is it appointment or who does the appointment. That is why I was going---

Mr. Speaker: It is by done the House Business committee. That is how it is

Mr. Anyona: The wording is different because under the other Standing Orders Members are nominated but under this they are appointed. that is the point I am making. I was, therefore coming to the point that it is the House that appoints the Committees because these are committees of the House, they are not Committees of the Political Parties or Committees of the House Business Committee. Therefore the procedural issue I am raising is this; where is in our Standing Orders that this House exercise the authority of either nominating while in these particular case appointing after nomination by the House Business Committee. There is a lacuna there. Committees of this Houses of this Parliament are nothing first appointed by the parliament.

It is very important particularly now that they will be dealing with estimates and many matters of policy, have legal authority. If they do not have the legal authority of this House,. We will have a lot of problems in the Courts of this land. These matters will be taken to the court and the court will throw away the transactions that have been carried out by these Committees. What I am saying is this: A procedure should be found and I am going to suggest how. After the House Business Committee has done the nominations appointments, Is there any the purpose for reading the names here. The House would formally pass a resolution adopting the Committees giving them the authority of this Parliament. This is because the business of Parliament is transacted by parliament by directly or through its Committees. But the Committees must, therefore, be constituted by the parliament itself. These particular ones are not constituted by this Parliament, by merely reading a Ministerial statement here in the front House.

I wanted to suggest these and want to seek the guidance of the Chair: The House makes its decision in two ways: It approves either by passing an affirmative resolution or it declines to approve passing a negative resolution. There are only two ways; there are no three ways. There are document which are placed on the Table of the House which are never debated, but the Law does provide that after 21 days and there is no debate they acquire the legal force of the law. In this particular case, these one will not. I want, therefore to suggest two ways out, under Standing Order 145(j), we can seek the orders of this House to regularise this matter so that it debates is initiated so that the House can pass an affirmative resolutions of the House which will give the Committees legal authority and standing.

If that is not the case, then I would propose that the matter is kept in abeyance so that a proper Motion can be brought either by the Government or by anybody under Standing order NO. 41 where notice would be given to debate this the composition of these Committees so that the House can adopt a resolution to give the Committees the legal authority and stamp of authority of Parliament that they require to be able to transact the business that they will be charged with.

Mr. Speaker, Sir, I would like to submit that it would be a very serious omission at the beginning of this Eight Parliament to start on the wrong footing by doing things.

Mr. Speaker: Hon. Members, I, of course agree, with Mr. him and I sympathy with Mr. Anyona and Mr. Shakombo that in that list they have been put not put in any Committee. I do sympathy, but my sympathy amounts to nothing because I can not change the decision of the House Business Committee, but I do express sentiment that they should take note that in all these Committees; the House must at least have the minority included in one of the various Committees or if necessary in all of them. I do sympathise and I hope the House will bear with me taking into account my sentiments on this issue. I hope you did not rise to challenge the mode of nomination of those Committees because you are not in them. I hope not. There are, of course, certain Committees that are specifically mandated by the Standing Orders to be nominated by the House Business Committees which they had and you have referred to the various committees which are stated in the Standing Orders. They are also those Committees whose membership itself the Standing Orders are silent on the mode of their nomination appointment. The position is the position is these Standing Orders have not been changed when we last changed the others except to change the departmental committees, but as regards the other Committees the other Standing Orders are the way they have always been. Through the practice of this House, membership of Committees have been constituted in the mode in which Mr. Ngala has just done and because it has been the practice of this House it has, therefore, become a rule of this House, that the Minister through by a Ministerial Statement reads to the House the names of Members elected to various Committees and if the House is silent and does not object the House is taken to have approved. This is what has happened in this House long before I come to this House and long before I become Speaker. I do not no if the House wants to change that. if that is the case then you have to amend the Standing Orders to over rule that particular. So I find as a practise of the House, the mode in this Members name were tabled is in accordance with the practice of this House and I, therefore, not think it is nullity; it is valid. As, I said, I really do sympathise that the minority have not been taken into account.

Mr. Nyagah: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! I do not think we will argue now about it.

Mr. Obwocha: On point of order, Mr. Speaker, Sir.

Mr. Speaker: Mr. Obwocha, who has given you the Floor? Yes, Mr. Nyagah.

Mr. N. Nyagah: Mr. Speaker, Sir, my point of order relates once more to the selection of various Committees that has been done. The various party Whips met and discussed and, as provided for by the provisions of the Standing Orders, we should not be put to task as to the manner in which the nomination was done. I would also like to say that we did consider the minority parties. In that case, we nominated the hon. Member who represents the Kenya Social Congress (KSC) in one of the Committees. I did hear the Leader of Government Business reading out that name. I would like to probably get guidance from the Chair on one point. Looking at the National Assembly Powers and Privileges Act Cap 6 section 10 says:-

"There shall be established a Committee to be known as the Committee of the Privileges which is not necessarily in the Standing Orders Committee."

Mr. Speaker, Sir, I am not also taking into account the fact that the Catering Committee has been considered from 1967, through a resolution of this House that has never been changed to-date. But on this particular Committee the Act says:-

"There shall be established a Committee to be known as the Committee of Privileges consisting of the Speaker and five other Members of the National Assembly under the chairmanship of the Speaker."

Mr. Speaker, Sir, in the last Seventh Parliament, we had a membership of 11. This time we have a membership of 10. I would seek guidance from the Chair---

Mr. Speaker: What is the revision of that Act you are reading?

Mr. Nyagah: Mr. Speaker, Sir, it is a revision of 1980.

Mr. Speaker: It was amended long time ago.

Mr. Nyagah: Mr. Speaker, Sir, may I then suggest that we probably get the new revised Act so that we do not make fools of ourselves when we stand up here.

Mr. Obwocha: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is all this? After I have made a ruling you still stand on points of order!

Mr. Obwocha: Mr. Speaker, Sir, it is a point of clarification.

Mr. Speaker: Order! Can you tell me, Mr. Obwocha, under what Standing Order, do you find a point of clarification?

Mr. Obwocha: Mr. Speaker, Sir, I stand up to seek a clarification to the list read out by the Leader of Government Business. When the Leader of Government Business read out the list, he went through various Committees. I remember that in the last Parliament we had Members of the Pension Committee. Do we still

have a Members Pension Committee?

Mr. Speaker: Are you referring to the Members Pension Committee?

Mr. Obwocha: Yes, Mr. Speaker, Sir.

Mr. Speaker: The Members Pension Committee is regulated by the Act. The hon. Members Pensions Act sets up a Committee and states who sit in that Committee. I think only two hon. Members are Members of that Committee. This House will appoint those Members in accordance with the provisions of that Act. So, that will follow immediately. I want also to apologise to the House. Indeed, hon. Nyagah is right. Mr. Anyona is a Member of the Standing Orders Committee. I am grateful that Mr. Anyona is in the Standing Orders Committee so that he can assist us in looking afresh into our Standing Orders. The only hon. Members who are not in that Committee are Mr. Shakombo and Mr. Kathangu. I sympathise with them. But as I said, my sympathies do not amount to much.

COMMUNICATION FROM THE CHAIR

DISTINGUISHED VISITOR FROM BRITAIN

Hon. Members, it is with great pleasure that I welcome a distinguished visitor from the House of Lords, United Kingdom, who is seated in Speaker's Row. She is Baroness Nicholson of Winterbourne, who is on a private tour to Nairobi. May I take this opportunity, on behalf of all hon. Members, to wish the visitor a pleasant stay in our country. Thank you.

(Applause)

Mr. N. Nyagah: On a point of order, Mr. Speaker, Sir. It is unfortunate that I have to stand on this point of order because of a grave thing that has happened. We, as back benchers, and other hon. Members, are supposed to be accurate in what we say here and to be honourable in whatever promise we give in this House. On Thursday, 9th April, 1998, under Standing Order 20A(1), hon. Anyona and I, had the opportunity to present our personal problems on the Floor of the House. The Minister for Health, I have the HANSARD report here, did promise that he would bring a report to this House. This was because what we talked about was extremely serious. When time for the Ministers to make their Ministerial Statements was due - I notice we are now going beyond that stage - he continues to sit down.

Mr. Speaker: Order, Mr. Nyagah! I honestly hope that you will have a little patience. We were just dealing with one matter. I have just welcomed the visitor. I was wondering whether you were rising on a point of order to object to my introducing the visitor to the House. Your timing must be right next time!

(Applause)

Next Order.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. Well, this is normal at the beginning of the new House. There is some confusion. Hon. Nyagah has raised an issue that featured in this House last week. It was the understanding of the House, under the new Standing Order 20A, that the Minister would respond to those two very important issues that were raised, this Thursday, at the rise of the House. That was the understanding. It is not clearly so stipulated in the Standing Order. It could be the normal practice where at the end of Questions Time--- Indeed, as I understand it, the Minister of Government can stand up any time and make a Ministerial Statement. So, what we really were looking for is some indication, either from the Minister or guidance from the Chair, as to whether the Minister should respond now, before we move on to the next Order, or, and I have some fears about that, he will do so at the rise of the House. What happens if the House does not last through up to 6.30 p.m.?

Mr. Speaker: Order! It is right that hon. Nyagah and hon. Anyona brought these issues at a very early stage of the life of this Parliament. It is important that Ministers, when making a commitment to this House that they will come to inform it over certain issues, will live by their words. This House will expect that promises are not made just for the purpose of getting "rid" of that troublesome hon. Member. It is the House that wants to know, what Government is going to do on an issue that has been asked of it by an hon. Member. So, may I from the onset, warn the Front Bench that the Chair will not tolerate hon. Members who make promises which they do not intend to keep. Let us dispose of it. May be, Mr. Kalweo, the Minister for Health, can give an indication

before we move on to the next issue.

(Applause)

The Minister for Health (Mr. Kalweo): Mr. Speaker, Sir, to my understanding, at 6.30 p.m., I will give the statement as I had promised. If the House wants to change the time we should give the statement, that is fine. But at 6.30 p.m., I will answer the two statements.

Mr. Speaker: Hon. Members, we have a new Standing Order that is 20(a), which allows hon. Members as it were, to make their statements and request action from Ministers. We have half an hour for this. As we look for the best ways to utilise this new provision in our standing orders, the correct position should be that Ministers be allowed some time within that half hour every Thursday, to come to this House and respond to all issues that were raised in the previous week. If the Hon. Minister for Health is ready today, then that is fine, but as a result of what I am going to say today, it may not be practical.

MOTION

ADOPTION OF PAC REPORTS

THAT, this House adopts the Public Accounts Committee Reports on the Kenya Government for the years 1993/94 and 1994/95 laid on the Table of the House on 15th April, 1998.

Mr. Speaker: We have only one matter on our agenda book today and that is the Report of the Public Accounts Committee. I am afraid the Chairman of that Committee is not available to move the Motion. He has requested me to allow the Motion to be adjourned to next week when he will be in a position to do so. I think the most sensible thing to do is to accede to that request, which I now do. The Motion is therefore adjourned to Tuesday next week.

(Motion deferred)

Therefore, it means that we have finished our Business and today being Thursday, the half hour allotted to hon. Members begins right now. I have several hon. Members who made their requests.

The Member for Juja (Mr. Ndicho): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Ndicho! The following hon. Members made their requests in accordance with the provisions of Standing Order 20(a). Hon. Peter Oloo Aringo, hon. Dr. W. Omamo, hon. Maitha. Hon. Maitha made two requests and I have said than no hon. Member will be allowed to make two statements in a single day. So he will opt for one. Hon. Prof. Anyang'-Nyong'o was in fact the first in line and I will call them out in the order in which they came. There is also another unsigned request but I know who gave it to me; it is hon. Dr. Kituyi. So I will begin according to the order in which they came. The first one to arrive was Prof. Anyang'-Nyong'o.

The Member for Juja (Mr. Ndicho): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: There cannot be a point of order on zero time.

The Member for Juja (Mr. Ndicho): Mr. Speaker, Sir, I am standing---

Mr. Speaker: Order! The House is adjourned. In other Parliaments this is actually called the zero hour. There is no hour going on now. The House has adjourned, as a matter of fact. So, Prof. Anyang'-Nyong'o, proceed.

PERSONAL STATEMENTS

STRIKE AT CHEMELIL SUGAR FACTORY

Nominated Member (Prof. Anyang'-Nyong'o): Mr. Speaker, Sir, I would like to stand on a point of order under Standing Order no. 20(a), regarding two things which are related. One is the strike at Chemelil Sugar Factory. Related to that is the increasing violence in the country. About two or three weeks ago, there was a strike by the workers of Chemelil Sugar Factory which amounted basically to an industrial action. But it was also related to the relationship between the employees of Chemelil Sugar Factory and the General Manager. Since the strike started, many people have been killed as a result of the repressive authorities of the State trying to keep down that strike. What is even much more serious is that there seems to be an agreement to keep secret what is going on regarding those who have been killed as a result of the strike, where they are being treated and whether their

relatives can have access to them.

Mr. Speaker, Sir, if this continues it can lead to a great deal of unrest in the sugar belt and it can adversely affect the economy, not just of the sugar belt but of the country as a whole. I would like to request the Minister for Agriculture and Animal Husbandry, and the Minister for Labour to make a statement in this House, informing Kenyans on exactly what is going on in Chemelil Sugar Factory and whether or not it is justified for the authorities of the sugar factory to use such extreme violence leading to the deaths of employees when such a dispute occurs. This is a matter of national importance and I would like the Government to give it expeditious attention. If possible, I would like a team from this House to go to the sugar belt and find out exactly what is happening and report to the House. Thank you.

The Member for Muhoroni (Dr. Omamo): Mr. Speaker, Sir, the strike at Chemelil Sugar Factory occurred just because there was no dialogue between the workers and the management. Consequently, the workers went on strike and the Ministry of Labour has not handled the matter with the urgency that it demands. As we are talking, over 1,500 workers and businessmen are at a disadvantage. The people who depend on the factory for their livelihood are all suffering. Loss of property and life has occurred. All this has occurred due to lack of dialogue. The workers have demanded that the Managing Director should be replaced. I see no other way of dealing with this matter quickly unless the Ministries of Labour and Agriculture put their heads together to see that industrial peace returns to Chemelil Sugar Factory. We would like to see some action taken. There is no tribalism involved there; it is just mismanagement and lack of dialogue. I would like to persuade the Ministers for Labour and Agriculture to come together and give us the solution.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Would the Minister for Agriculture like to make any comment?

The Minister for Agriculture (Mr. Mudavadi): Mr. Speaker, Sir, I will need some time to look into the issues that have been raised by the two Members and then I can respond in the course of next week. I intend to honour my commitment.

Mr. Speaker: Very good! I hope you will also take action before next week! Next is Mr. Karisa Maitha!

IMMINENT COLLAPSE OF KENYA FERRY SERVICES

Mr. Maitha: Mr. Speaker, Sir, I stand to seek a Ministerial Statement on the Kenya Ferry Services, Mombasa. The ferry services are about to collapse, because Kenya Ferry Services is a limited company owned by the Government and the Kenya Ports Authority. As it is now, the Government has not remitted any money as it has always promised, to the Kenya Ferry Services to enable it operate properly. The Kenya Ports Authority is also cutting down funds which it used to give to the Kenya Ferry Services. Now, we are having only two ferries which are operating. Sometimes, these ferries do not operate. The Managing Director and the workers are very worried that if the Government does not give any money to Kenya Ferry Services to enable it operate normally, it will collapse.

Could the Minister for Transport and Communications tell this House why this is happening? Ferry services are essential services and they might collapse at any time.

Mr. Speaker: Hon. Members, I do apologise. The other notice was actually by Mr. Ochillo and not by Peter Oloo-Aringo. So, is hon. Ochillo in?

The Minister for Transport and Communications (Mr. ole Ntimama): Mr. Speaker, Sir, could I please respond to what hon. Maitha has just said?

Mr. Speaker: Yes, please.

The Minister for Transport and Communications (Mr. ole Ntimama): Thank you, Mr. Speaker, Sir. I think I will be able to make a statement on the Kenya Ferry Services next week. But, I also think the hon. Member probably got most of his facts wrong. So, I hope to be able to bring some true information on what is happening with the Kenya Ferry Services.

STRIKE AT CHEMELIL SUGAR COMPANY

Mr. Ochillo: Mr. Speaker, Sir, the statement I wish to make is in respect of the strike at Chemelil Sugar Company. We are well aware that the strike is by 1,500 workers. They are striking because they want the Managing Director removed from Chemelil Sugar Company. We know that the Managing Director of Chemelil Sugar Company is appointed by the Ministry of Agriculture. What we were wondering is why the appointing authority has not taken action, because, there is daily suffering and loss of Kshs10 million per day. So far, Kshs150 million has been lost and this is an amount of money that is very critical to an economy that is about to collapse.

Mr. Speaker, Sir, I am urging the concerned Minister to take the most appropriate action and have this person removed, because he is holding at ransom about 1,500 people and putting at stake about Kshs10 million belonging to this country.

MISREPORTING BY THE PRESS

Dr. Kituyi: Thank you, Mr. Speaker, Sir. My Statement is very personal. On 5th April, 1998, I addressed a Harambee rally on the outskirts of Kitale Town. At this rally, I urged leadership members of my own party to pay substantial attention to national concerns. In my words I said;

"At a time when there is anxiety about collapse of the economy and mounting insecurity, my party is not making a very clear partisan position known. When leaflets are being spread about Luhya expelling Kikuyus, my party is not drawing sufficient attention on where it stands. Part of the problem is that, there is much more attention being paid to peddling petty rumours. If you hear rumours that NCEC is supporting me to become Chairman of the party, and that Kikuyus are

supporting me over hon. Wamalwa, that becomes interesting. That pettiness kills the party".

The next day, the *East African Standard* newspaper carried a front page story headlined: "Kituyi confesses that NCEC is supporting him to become Chairman of FORD(K)." The *Kenya Times* carried a large story on page 4, headlined: "Kituyi admits that he receives money from Kikuyu tycoons." The net effect of such reportage is an impression that I am ready to be a vessel for the very petty and divisive politics which demonises communities and organizations, because you do not like what they stand for or just because you do not like their faces. I wish to use this opportunity to clarify as I have done, that I think I am beyond that level of politics.

ADJOURNMENT

Mr. Speaker: Very well, I suppose there is no Minister in charge of what Members have said or not said. Hon. Members, the House stands adjourned until Tuesday, 21st April, 1998, at 2.30 p.m.

The House rose at 3.25 p.m.