

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

**Tuesday, 7th December, 1999**

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

## PRAYERS

## PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of Nyayo Tea Zones Development Corporation for the year ended 30th June, 1996 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Ewasi Nyiro South Development Authority for the year ended 30th June, 1997 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenya Re-Insurance Corporation for the year ended 30th June, 1998 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenya Railways Corporations for the year ended 30th June, 1998 and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Agriculture  
and Rural Development (Mr. J.D. Lotodo  
on behalf of the Minister for Agriculture)*

The Sessional Paper No.5 of 1999 on National Population Policy for Sustainable Development.

*(By the Assistant Minister for Finance  
and Planning (Mr. Marrirmoi) on behalf  
of the Minister for Planning)*

## NOTICE OF MOTION

### ADOPTION OF SESSIONAL PAPER NO.5

**The Assistant Minister for Finance and Planning (Mr. Marrirmoi):** Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, the House adopt Sessional Paper No.5 of 1999 on National Policy Population Policy for Sustainable Development, laid on the Table of the House on 7th December, 1999.

## ORAL ANSWERS TO QUESTIONS

*Question No.175*

### OFFICE FOR REGISTRAR OF PERSONS IN IJARA

**Mr. Speaker:** Mr. Weyrah's Question is deferred. Let us move on to the next Question.

*(Question deferred)*

*(Question No.708)*

PROCLAMATION OF IDD-UL-HAJI  
A PUBLIC HOLIDAY

Hon. Ms. Matano's Question is also deferred. Let us move on to the next Question.

*(Question deferred)*

*Question No.373*

REVIVAL OF PRIMARY SCHOOL  
TEXTBOOKS PROGRAMME

**Mr. Speaker:** If Mr. Otula not here, let us move on to the next Question by Mr. Badawy.

*Question No.189*

DISMANTLING OF NWCPC WATER TANK AT SHELA

**Mr. Badawy** asked the Minister for Water Development if he could order the dismantling of the abandoned high-level steel water tank, belonging to the National Water Conservation and Pipeline Corporation in the high density estate of Kwajira in Shela sub-location of Malindi Town, to protect residents of the area and passers-by from the falling parts of this dilapidated structure.

**The Assistant Minister for Environment and Natural Resources** (Mr. Kofa): Mr. Speaker, Sir, I beg to reply.

The water tank in question has already been dismantled, following my directive to that effect.

**Mr. Badawy:** Mr. Speaker, Sir, indeed, I confirm that the water tank has been dismantled and I am very grateful to the Ministry.

**Mr. Speaker:** Very well. Next Question, Mr. Munyao.

*Question No.361*

WATER SUPPLY TO MAKUENI DISTRICT HEADQUARTERS

Is Mr. Munyao not here? We will leave the Question until the end. Let us move on to the next Question.

*Question No.379*

IMPROVEMENT OF WATER SUPPLY TO MARAFA DIVISION

**Mr. Badawy**, on behalf of **Mr. Kombe**, asked the Minister for Water Development what action the Ministry has taken to ensure that the Government directive, which was given on 23rd December, 1996 to the effect that the water supply services in Marafa Division, Malindi District be improved, is implemented.

**The Assistant Minister for Environment and Natural Resources** (Mr. Kofa): Mr. Speaker, Sir, I beg to reply.

Since the Government issued the directive, the Ministry has taken remedial measures to redress the water shortage situation in Marafa Division, Malindi District. The measures taken are as follows:-

- (i) Three boreholes at Kadzandani have been rehabilitated and installed with electric pumps.
- (ii) Two concrete tanks have been constructed, one at Marafa Primary School and the other at Marafa Dispensary.

(iii) A 300 metres pipeline has been extended from Magarini Chief's Camp towards Msufiri.

There is no doubt, therefore, that these measures have, indeed, improved water supply in Marafa Division.

**Mr. Badawy:** Mr. Speaker, Sir, I have no doubt in my mind that, the Assistant Minister is referring to a different area, altogether. These remedial measures that he has taken refer to the Chief's Camp and its surrounding

areas. But the directive referred to the settlement areas, specifically in the Dangabura, Bungali and Andu locations. These are the areas where the then Member of Parliament and the people of Marafa Division, requested his Excellency the President in his tour of that division, to provide water. Therefore, could the Assistant Minister address these specific areas where the request was made, and subsequently give directive that water should be provided in those particular areas; namely, Bungali, Andu and Shakahola locations.

**Mr. Kofa:** Mr. Speaker, Sir, the order was given when Marafa Division was one unit. But later two divisions were created from it and it is as a result of that the Ministry took those measures.

**Mr. Badawy:** Mr. Speaker, Sir, I want to reiterate that the Assistant Minister is not addressing the request made for those areas to have supply of water. For his benefit, I would like to inform him that in part of those areas, the Magarini Settlement Scheme was launched, and yet there is no drop of water. What kind of Scheme is that? In any case, to what extent has the Assistant Minister addressed the issue by commissioning any of his senior engineers to do the cost estimates on those areas?

**Mr. Kofa:** Mr. Speaker, Sir, a Committee was formed, and together with the District Water Officer, they were instructed to go and examine the water sources and infrastructure in Marafa Division.

*Question No.678*

SINKING OF BOREHOLES IN KIPINI DIVISION

**Mr. Shambaro** asked the Minister for Water Development:-

- (a) whether the populated centres in Kipini Division in Garsen Constituency are being considered for provision of water supply from the Egyptian Government sponsored borehole project;
- (b) if the answer to "a" above is in the affirmative, where exactly the boreholes have been sunk to ensure a minimum cost in the proposed distribution network; and,
- (c) the criteria used in locating those boreholes to ensure that the majority of the area's population benefits.

**The Assistant Minister for Environment and Natural Resources (Mr. Kofa):** Mr. Speaker, Sir, I beg to reply.

(a) Yes. The Kenya/Egypt Technical Co-operation Boreholes Project, which has been concluded, drilled 12 boreholes in Tana River District, five of which were in Garsen Constituency, with two of them in Kipini Division. Due to the limited number of boreholes under the Programme, it was not possible to cover all the areas of the Division. Divisions in Garsen Constituency are Kipini and Garsen.

**Mr. Shambaro:** Mr. Speaker, Sir, could the Assistant Minister tell the House if it is proper for facilities like the two boreholes in Kipini Division, which are meant for public utility, to be located in a private land where members of the public are not having access to them? This is happening in Kipini Division.

**Mr. Kofa:** Mr. Speaker, Sir, the Ministry is not aware of that, but as far as we are concerned, we acted according to the District Development Committee's advice.

**Mr. Badawy:** Mr. Speaker, Sir, it is common knowledge in Kilifi and, indeed, in Tana River District and the entire Coast Province that those two boreholes in Kipini Division are in fact said to be located in a farm belonging to the former Head of Civil Service and Secretary to the Cabinet. Could the Assistant Minister confirm or deny that?

**Mr. Kofa:** Mr. Speaker, Sir, I deny that.

**Mr. Raila:** Mr. Speaker, Sir, now that the Assistant Minister has been made aware that those two boreholes are in a private land belonging to individuals and the public is actually barred from accessing the water, will he undertake to give a directive that the public be allowed to access water from them because they were drilled for the public use?

**Mr. Kofa:** Mr. Speaker, Sir, the Ministry will investigate the matter and act accordingly.

**Mr. Speaker:** For the second time, Mr. Otula!

**Mr. Ojode:** Mr. Speaker, Sir, let me apologise for coming late. I will ask Question No.373 on behalf of Mr. Otula.

*Question No.373*

REVIVAL OF PRIMARY SCHOOL TEXTBOOKS PROGRAMME

**Mr. Ojode**, on behalf of **Mr. Otula**, asked the Minister for Education whether he could revive the Primary School Textbook Programme in view of the high cost of primary school text books to enhance learning and also ease the parents from the burden of purchasing costly books.

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

After realising that the cost of primary school textbooks is a burden to most parents, and particularly to the poor, my Ministry did, in fact, revive the distribution of textbooks to primary schools during the year 1991/1992 Financial Year under the Government of Kenya School Textbook Project. Initially, schools from Arid and Semi-Arid Lands (ASAL) districts were first considered, then schools in pockets of poverty-stricken districts with high potential areas were next in the project. Finally, starting from 1995/1996 Financial Year to-date, the distribution of textbooks has been extended to all schools in all the districts and municipalities.

Mr. Speaker, Sir, in its endeavour to provide adequate textbooks to enable all the 5.8 million primary school pupils satisfactorily access primary education, the Government has entered into partnership with donors. Currently, the Dutch Government Textbook Project is funding primary schools in need of textbooks, covering 14 districts under the present Phase I to enable them to procure approved textbooks and teachers' guides of their choice.

**Mr. Ojode:** Mr. Speaker, Sir, it is quite misleading for a friend of mine to stand up on the Floor of the House and say that textbooks are being distributed to various primary schools. It is not only happening in Rachuonyo District; this is a phenomenon which is found in the whole of Kenya.

**Mr. Speaker:** Now ask your question!

**Mr. Ojode:** Mr. Speaker, Sir, the Project the Assistant Minister talked of books supplied only from the KANU Headquarters, under the so-called KANU Manifesto.

*(Applause)*

And the Ministry has never supplied any books to any constituency, including your own. Could the Assistant Minister consider supplying textbooks to various schools so as to cut cost for the parents?

**Mr. Awori:** Mr. Speaker, Sir, I was not misleading the House. Indeed, there were certain areas which received books for civic education, which may have been a partiality to KANU. But that was the request from the various districts. At no time was the KANU Manifesto forced on any primary school in the Republic.

**Mr. Munyasia:** Mr. Speaker, Sir, the Programme funded by the Dutch Government was supposed to start the second phase mid this year. Up to now, those districts that were to benefit from this second phase have not received anything. Could the Assistant Minister tell us why the Dutch Government has not started the second phase of the distribution of textbooks to primary schools?

**Mr. Awori:** Mr. Speaker, Sir, when Phase I was initiated, there were a lot of complaints both from hon. Members and members of the public that the distribution method was faulty. It was necessary to do corrective measures, and that has now been done. The Dutch Government has been advised--- I would like to assure this House that very soon Phase II of the Project will be initiated.

**Mr. Gatabaki:** Mr. Speaker, Sir, now that the Government has accepted that the 8-4-4 system of education was a disaster, and given the heavy burden parents have had to undergo to buy text books to sustain this disaster, could the Government consider providing text books in the revived new programme, so that it is cost free to the parents?

**Mr. Awori:** Mr. Speaker, Sir, this is the first time, I am hearing that the Government has agreed that the 8-4-4 system of education was a disaster.

**Mr. Ojode:** Mr. Speaker, Sir, could the Assistant Minister tell this House how much money has so far been spent on text books during the first phase of the project?

**Mr. Awori:** Mr. Speaker, Sir, it would take a very long time to read it out, because the amount is allocated per district. Instead, I would like to lay it on the Table.

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

**Mr. Ojode:** On a point of order, Mr. Speaker, Sir. I think it would be in order for me to go through the list first, before we move to another Question.

**Mr. Speaker:** It would have been in order if you had asked that Question at the very early stages.

**Mr. Ojode:** Mr. Speaker, Sir, why can he not give us the total amount which has already been spent?

**Mr. Speaker:** Order! We shall not have a dialogue here now. Mr. Munyao's Question for the second time!

**Mr. Munyao:** Mr. Speaker, Sir, I apologise for coming late.

*Question No.361*

WATER SUPPLY TO MAKUENI DISTRICT HEADQUARTERS

**Mr. Munyao** asked the Minister for Water Development:-

(a) if he is aware that Makueni District Headquarters which has a large population lacks clean water supply; and,

(b) if he could consider sending a team of experts to the area to explore the possibility of an underground water supply.

**The Minister for Water Development** (Mr. arap Ng'eny): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Makueni District Headquarters is not receiving sufficient water from Wote Water Supply, because the demand is higher than the supply.

(b) My Ministry has already posted a geologist to the district, to advise on underground water supply matters, including that of Wote Town.

**Mr. Munyao:** Mr. Speaker, Sir, if you noticed, the Minister has avoided the key words in the Question: "Clean water supply". Could he commit himself to providing Makueni District with clean water supply and also tell us how much money he has allocated for this geologist in Makueni?

**Mr. arap Ng'eny:** Mr. Speaker, Sir, the Ministry always supplies clean water. The Ministry is going to supply clean water to Makueni District. What happens is that, when there is no water, wananchi help themselves on water from various sources. I sympathise with Mr. Munyao, that the people of Makueni have been suffering, but we have now sent a geologist to carry out investigations. The problem was that, we installed generators which broke down now and then. Now that there is electricity supply in Makueni we shall supply plenty of water.

**Mr. Kihara:** Mr. Speaker, Sir, I think if there is a Ministry which requires to justify its existence, is this Ministry of Water Development. On today's Order Paper alone, three Questions are about the outcry of water everywhere.

In Nakuru District, if it were not for the Catholic Diocese of Nakuru, we would not be drinking any water, because this Ministry has made no efforts to provide the district with water. Could the Ministry tell us when he is going to come up with a plan to supply water, both in urban and the rural areas, where this commodity is not available now? Otherwise, they should sack the Minister.

**Mr. arap Ng'eny:** Mr. Speaker, Sir, it is important to distinguish the availability, distribution and management of water systems. We should not confuse the three issues. As far as Nakuru is concerned, if there was proper management there would be enough water for nearly everybody.

**Mr. Mboko:** Mr. Speaker, Sir, the Minister has told us that Kshs20,000 has been allocated to the entire Makueni District for investigation. Could he tell us how much money the Ministry requires to provide Makueni District with clean water?

**Mr. arap Ng'eny:** Mr. Speaker, Sir, I am happy to report to the House that we have already drilled a borehole which will yield 19 cubic metres of water. This should be enough for Makueni District.

**Mr. Katuku:** Mr. Speaker, Sir, the problem of water at Wote Market which has a district hospital is so acute that one cannot be admitted at the district hospital unless one have a jerrican full of water. Even mothers who are going to deliver have to carry a jerrican of water before they are admitted. According to the allocations for this Financial Year, no money has been allocated for that particular project he is talking about. Could he move fast to his other sources and provide funding for provision of water in the town, even if it means from his own pocket?

**Mr. arap Ng'eny:** Mr. Speaker, Sir, I would like to assure the House that the borehole will soon be connected to electricity and Wote Town will have enough water supply.

**Mr. Munyao:** Mr. Speaker, Sir, the Minister has said that it is a Government policy to supply clean water. The Minister owes this House an apology for saying that, because he knows that even in Nairobi we are drinking sewage water. Could the Minister consider tapping water from River Kaiti which has a lot of water?

**Mr. arap Ng'eny:** Mr. Speaker, Sir, when we say that the Ministry is responsible for the supply of clean water, we mean piped water from a definite supply scheme. If wananchi, for whatever reasons choose to go and fetch water from the river, that is not under the control of the Ministry.

**Mr. Munyao:** On a point of order, Mr. Speaker, Sir. The Minister has not answered part "b" of my Question abo

ut the possibilities of getting water from Kaiti River. Is the Minister, really, not misleading the House? The Ministry of Health has published in banners and in public barazas, warning people against drinking water direct from the tap. It has said that piped water must be boiled because it is full of bacteria that causes typhoid causing bacteria. Now, the Minister is telling the House that Kenya has got clean water. Is he not misleading the House? We need him to apologise.

**Mr. arap Ng'eny:** Mr. Speaker, Sir, I am sure that I am not misleading the House. I have said that the Ministry is responsible for the supply of piped water, but not from the rivers. This water is very clean.

**Mr. Munyasia:** On a point of order, Mr. Speaker, Sir. Is the Minister in order to give the impression to this House that pipes clean water when we have asked what his Ministry is doing to ensure that the water carried by the pipes is clean? He has merely said that pipes carry water.

**Mr. Speaker:** I thought we had left that Question!

### QUESTIONS BY PRIVATE NOTICE

#### CONNING OF BORROWERS BY ZONE HOLDING AND CREDIT INVESTMENTS

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

(a) Is the Minister aware that there is a company called Zone Holding and Credit Investments Co. Ltd with head Office address given as P.O. Box 958, Webuye, with main branch address shown as P.O. Box 180, Matuu and other branches located at Chuka, Mwingi and Nkubu, which has been operating mainly in Central, Eastern, Western and Nyanza Provinces, conning potential borrowers of millions of shillings under the pretext that unsuspecting customers can acquire lines of credit so long as they pay registration fees and put down sizeable case deposits?

(b) What has the Government done to arrest and prosecute these conmen?

Mr. Speaker, Sir, I do not have a written answer.

**The Assistant Minister for Finance and Planning (Mr. Marrirmoi):** Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that a company called Zone Holding and Credit Investments Company Limited is conning potential borrowers of millions of shillings under the pretext that unsuspecting customers can acquire lines credit as long as they pay registration fees and put down substantial cash deposits.

(b) In view of the answer to part "a" above, part "b" does not arise. However, the hon. Member should advise those who may have been conned to report the matter to the police for investigation and prosecution.

**Mr. Murungi:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead this House that he is not aware of this company, when this matter was raised in this House in 1997, and evidence was tabled before this House? The Government said that it was going to investigate this matter. Is the Assistant Minister not misleading this House by saying that he is not aware when the matter was raised before with the same Ministry?

**Mr. Marrirmoi:** Mr. Speaker, Sir, I am not aware.

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir. When this Question came up the first time, the Minister said that he was aware of the matter and that the Government was looking for the people behind Zone Holding and Credit Investments

#### [Dr. Kituyi]

Company Limited. He asked us to assist and we reported to the police about where to find some of their offices. The Government promised that it would close them down and arrest and charge those people who were conning innocent farmers. The Company closed down for a while and re-opened. We need the guidance of the Chair. If we did that and it was noted that these were conmen, how has the Ministry now become unaware of conmen after it had admitted were conning farmers at the time?

**Mr. Speaker:** Mr. Assistant Minister, are you aware that this Question was in this House before you came in here?

**Mr. Marrirmoi:** Mr. Speaker, Sir, I am not aware, but as far as this is concerned---

**Mr. Anyona:** On a point of order, Mr. Speaker, Sir. I am the one who raised this Question in this House in 1997 and it is the Attorney-General who answered it. He admitted that he was aware of it and that they were investigating the matter with a view to arresting those people. He said that in the meantime, all those who had been conned should come up and register their claims. It is very surprising to hear now another arm of the Government telling us that it is not aware of the matter.

**Mr. Marrirmoi:** Mr. Speaker, Sir, even if the Attorney-General answered this Question earlier, then now it is being answered by the Ministry of Finance, and I have said that we are not aware of the matter.

**Mr. Speaker:** Order! as I look for whatever it is, I will defer the Question and re-direct it to the Attorney-General, if he is the one who answered it last time, to Thursday. If it was answered by the same Ministry, then I will find some difficulty. However, I will get everything. The Question is deferred to Thursday and if it was answered by the Attorney-General, it is directed that it be answered by him again. Mr. Ngenye Kariuki, is that alright with you?

**Mr. Kariuki:** Mr. Speaker, Sir, yes, but the fact of the matter is the issue traverses two Ministries. The Central Bank of Kenya Bank Fraudulent Investigation Department also has been investigating into this matter. I am wondering whether the Ministry would be right in telling us that they are not aware because there are a number of cases that have been reported to them. I seek your guidance.

**Mr. Speaker:** Well, the Question is no longer before us. Wait until Thursday. I have already deferred it.

*(Question deferred)*

DISCONNECTION OF WATER SUPPLY  
TO KIRENGA LOCATION

**Mr. Gitonga:** Mr. Speaker, Sir, I beg to ask the Minister for Water Development the following Question by Private Notice.

(a) Is the Minister aware that the people of Kirenga Location in Lari Constituency have been without clean piped water for the last six months?

(b) Is he further aware that the following institutions are suffering as a result of indiscriminate water disconnections:-

- (i) Kirenga Girls secondary School;
- (ii) Kirenga Primary school;
- (iii) Kirenga Polytechnic;
- (iv) Kirenga Hills Academy;
- (v) Three nursery schools;
- (vi) Escarpment Secondary and Primary Schools; and,
- (vii) Lari Health Centre and Dispensary?

(c) Could the Minister inform the House the reasons for the indiscriminate disconnections without prior warnings?

**The Minister for Water Development (Mr. arap Ng'eny):** Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that some water consumers in Lari have had no water due to default in payments.

(b) I am not aware.

(c) Disconnection of water supplies was due to non-payment of water bills, use of treated water for irrigation and some unauthorised connections. Before disconnecting the water supply, consumers are always given sufficient notice. There have also been cases of illegal connections.

**Mr. Gitonga:** Mr. Speaker, Sir, this is a very sad matter. The Minister has not answered my Question. I had asked the Minister to give reasons for indiscriminate disconnections without any prior warnings. Since he has given these reasons, would he tell the House how many defaulters, illegal water connectors or those who have been using clean water for irrigation the Ministry has taken to court?

**Mr. Ngeny:** Mr. Speaker, Sir, I do not have the number of defaulters at the moment, but I can provide the information later. I am saying that some of the disconnections were due to defaulting, illegal connections and irrigating using clean water.

**Mr. Gitonga:** On a point of order, Mr. Speaker, Sir. I have explained that the Minister has not answered my Question because I asked the reasons for "indiscriminate" disconnections. They did not discriminate. Even those who had actually paid for the water, and those who had no illegal

**[Mr. Gitonga]**

connections have also been affected.

**Mr. Speaker:** That actually is not a point of order, Mr. Gitonga. You are disagreeing with his answer. Wait until he finishes and endeavour to catch my eye, which is a very elusive occasion.

**Mr. Waithaka:** Mr. Speaker, Sir, this Question is specific. Mr. Gitonga has asked about a place called Kirenga Girls Secondary School, Kirenga Primary School, Kirenga Polytechnic---

**Mr. Speaker:** Order! You are repeating the obvious. We can see all of them.

**Mr. Waithaka:** Mr. Speaker, Sir, could the Minister tell this House how much the schools mentioned here owe the Ministry, so that their water supplies were disconnected?

**Mr. arap Ng'eny:** Mr. Speaker, Sir, I would like to assure this House that, the Ministry does not disconnect water for anybody just for the sake of it! It disconnects water due to lack of payment or illegal use. I can provide this House with the information. But at the moment, I do not have the information. I have a list of those who have been disconnected. I can mention a few, but not all of them.

**Mr. Gitonga:** Mr. Speaker, Sir, since the Minister has not answered this Question satisfactorily, would I be in order to ask him to go back and do some research, and bring the names of those people who have defaulted and those with illegal disconnections by Thursday? This way, we can know whether he has taken them to court or not. Has he taken them to court?

**Mr. arap Ng'eny:** Mr. Speaker, Sir, I could do that but, I would like to assure this House that the Ministry does not disconnect consumers for the sake of it. I would like to assure the House---

**Mr. Speaker:** Order! Mr. Minister, that is not the question! I think hon. Gitonga has put a very specific question. Do you know how much those particular consumers owe the Ministry?

**Mr. arap Ng'eny:** Mr. Speaker, Sir, I do not have the figures, but I could make them available. I am sure they were disconnected for non-payment.

**Mr. Speaker:** Are you suggesting that I give you some time, hon. arap Ng'eny?

**Mr. arap Ng'eny:** Mr. Speaker, Sir, I think hon. Gitonga must have gotten the message. He could persuade his people to pay and this matter will be resolved!

**Mr. Speaker:** Order, Mr. Minister! I think you missed the point! You, yourself, do not know how much money they owe the Ministry! As a matter of fact, they may owe you nothing! This is why the House is asking you whether, you would like to be given some time, to find out if they owe you any money at all, and if so, how much! You may be surprised to check and find they owe you zero!

**Mr. arap Ng'eny:** Mr. Speaker, Sir, I agree to that!

**Mr. Speaker:** Very well! I will defer the Question to Thursday!

*(Question deferred)*

#### DUMPING OF TOXINS INTO RIVER KERIO

**Mrs. Seii:** Mr. Speaker, Sir, I beg to ask the Minister for Mineral Exploration, the following Question by Private Notice.

(a) Could the Minister inform the House what urgent measures he is taking against the management of Fluorspar Mines in Kerio Valley, who have allowed toxins emitted from the mines to be dumped into the Kerio River?

(b) Could he also explain the health implications on the local population and their livestock from consumption of the polluted water from the Kerio River?

(c) What steps is the Minister taking, as a matter of urgency, to remedy the situation?

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

(a) The mines do not emit any toxins and, therefore, there is no noxious substances being allowed to pour directly into the river.

(b) There is no negative health implications on the local population and their livestock because there are no poisonous emissions from the Fluorspar Mines.

(c) The Ministry, on receiving the expression by the hon. Member, sent a team to the mines. The team left Nairobi and physically went to the mines. They did the inspection and took some samples to be analysed back in Nairobi. They found out that, there was nothing to be worried about.

**Mrs. Seii:** Mr. Speaker, Sir, that is an amazing answer from the Minister! To know that a whole mine uses Elianto and Sodium Bicarbonate to mine the fluorspar, and yet it has very big machines is amazing. It does so much in the area. I would like the Minister to deny or confirm that, the answer he got was doctored because of the conflict of ownership of the mines, and the interest of the health of the people? It is a well known fact that, the people in the area have since stopped fishing in that river because the fish died. The livestock in the area have since died, and the people are developing some strange illnesses. Could the Minister tell us whether those people are suffering from something else, or it is as a result of those toxins, which have been emitted into the Kerio River, since the mines began to function in the area? Could he deny or confirm the two questions?

**Mr. Kalweo:** Mr. Speaker, Sir, I deny the two questions because it is me who send a team from Nairobi. Nobody knew whether I was sending a team to that place. I did not inform anybody that I was sending a team. So, I



deny those allegations!

**Mr. Raila:** Mr. Speaker, Sir, this is a very serious matter! For the Minister's information, the fluorspar in Kerio Valley has some uranium contents. That is the reason why the biggest purchaser used to be the Soviet Union. They used it to power their nuclear plants. Now, the Minister has said that he sent some experts to extract samples and analyse them. We were told that the Government does not have the facilities to examine and test samples for radio-active materials. If he did the tests, where did he do them? Could he avail the results of those tests to this House, so that we can see whether he also tested for uranium?

**Mr. Kalweo:** Mr. Speaker, Sir, for this Question, I have said we dispatched the experts from my Ministry. They visited the fluorspar mines and took samples of the river. They brought it back to Madini House in Nairobi and conducted the tests. The Report that I got is: There were no toxins in Kerio River!

**Mr. Raila:** On a point of order, Mr. Speaker, Sir. Two weeks ago, we were told that the Government does not have the facilities to test for radio-active materials. Now, the Minister has told us that, they conducted the tests. Could he tell us if, indeed, they tested for radio-active materials? If he did so, could he avail the results of those tests?

**Mr. Kalweo:** Mr. Speaker, Sir, what I am saying is this: I was here when that Question was answered. It was not me who answered that Question. It was not meant for my Ministry! Therefore, what the Question asked was about the contaminated water, which is not true.

**Mr. Wamae:** Mr. Speaker, Sir, is the hon. Minister aware that, the reason why Russians bought a lot of fluorspar from Kenya, is because it was radio-active? The question he is being asked is: What facilities does he have for testing radio-activity? Is this not what is causing the problem for the local people and their animals?

**Mr. Kalweo:** But, Mr. Speaker, Sir, let hon. Members understand that radio-activity is different from water toxins.

*(Laughter)*

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir. We need guidance from the Chair! The Government has given us a Minister, who does not seem to know that the presence of high level becquerel is due to radio-activity and contamination. Would it be in order for the Minister to go back and ask his people at Madini House, how they measure becquerel substance and then, come back with the answer? He does not know what he is talking about!

**Mr. Kalweo:** Mr. Speaker, Sir, I am not going back! I have got the answer! The question was very specific. It was not on radio-activity. We dispatched some experts whom I believe, did not do a shoddy job.

**Eng. Muriuki:** Mr. Speaker, Sir, the issue we are dealing with is very simple. Is this water harmful to wananchi when they drink it or not?

**Mr. Kalweo:** Mr. Speaker, Sir, it is not harmful.

**Mrs. Seii:** Mr. Speaker, Sir, this is a very serious issue. This water is killing animals and people, thereby causing a lot of problems. I would like the Minister to go and do further research and then table the results of the research in this House before we go on recess. This is not a simple matter!

**Mr. Speaker:** Order, hon. Members! Mr. Minister, as I understand it, radioactivity is a very a dangerous thing to expose to human beings. I hope you do take seriously the sentiments of the House. Would you like to respond to that?

**Mr. Kalweo:** When we got this Question, I came to ask for extension of time from the Clerk of the National Assembly because I did not want to be given shoddy answers. I dispatched very senior officers who brought with them the correct answers. Therefore, I agree with my officers that this is the correct position and that the water from this river is not harmful.

#### ELECTION OF MANAGEMENT COMMITTEES FOR MARANI/NYAIGWA SOCIETIES

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

(a) Is the Minister aware that farmers have not been making deliveries of Cherry and Mbuni Coffee to Marani Farmers Co-operative Society Limited and Nyaigwa Farmers Co-operative Society Limited in Kitutu Chache due to disputes in the election of management committees for the two societies?

(b) What urgent measures is the Minister taking to streamline the management of these societies to ensure that normal deliveries are resumed in order to alleviate the frustrations and losses these peasants are experiencing?

(c) Could the Minister order proper elections to be held and ensure independent supervision of the elections?

**The Minister for Agriculture** (Mr. Obure): Mr. Speaker, Sir, I beg to reply.

I am aware that coffee farmers in Marani and Nyaigwa are delivering Cherry and Mbuni coffee to their respective societies. However, I admit that it is possible that all the farmers at Marani may not be delivering their coffee due to certain disputes related to the previous elections - a matter which is before a court of law.

**Mr. Angwenyi:** Mr. Speaker, Sir, coffee is a very important crop in my constituency. Farmers have not been able to deliver their coffee since the beginning of the year. I have told the Minister this before and he has even written to me saying that he knows that there is a dispute in those two factories and yet he is denying it here today. Could he tell us how many kilograms of coffee were delivered during the last three years in each of these societies?

**Mr. Obure:** Mr. Speaker, Sir, I did admit that in the case of Marani, I am aware that certain disputes developed after elections were conducted. I believe that, that could have affected the deliveries of coffee to that particular factory. However, I have also said that there is not very much I can do about that because the issue in dispute with respect to Marani is before a court of law.

**Mr. Sambu:** Mr. Speaker, Sir, the Minister agrees that the dispute could be the cause of the farmers' failure to deliver their coffee to the factories. I have a letter here which was written to my colleague by the Acting Registrar of Co-operative Societies, Mr. H.A. Edagwa, accepting that elections were done, but the Ministry cancelled them and went ahead to hold other elections. Could he accept the elections held on 15th February as valid in order to remove the dispute which is now causing problems in the society?

**Mr. Obure:** Mr. Speaker, Sir, it is true that in February, my predecessor ordered elections for Marani Co-operative Society to take place on 15th February, this year. However, a section of the members of Marani Co-operative Society went to court and obtained orders restraining officials of that society from conducting elections on that day. Under the circumstances, no valid elections were conducted. Arrangements were then made for those elections to be conducted on a subsequent date and they were conducted on 8th April, this year. It is those elections of April this year which are valid because the meeting was properly convened and conducted. Therefore, the officials who were elected on that day are the valid ones. A problem has arisen because the previous officials who were removed through a vote of no confidence have gone to court and obtained orders to freeze the account of the society in order to bar the current officials from operating it. The officials cannot operate that account and that is partly why there are no sufficient deliveries of coffee to that particular factory. I hope this matter will be resolved by the courts very soon and normal operations will commence at Marani.

**Mr. Anyona:** Mr. Speaker, Sir, the Minister who comes from that part of the country and all Members of Parliament from Gusiiland know that the coffee industry has collapsed and that the farmers are making great effort to revive the coffee industry. It is as a result of that, that the law was changed to put the management of coffee societies in the hands of the farmers. Could the Minister, in spite of the games that the courts are playing in Kisii, order fresh elections in accordance with the new regulations, instead of leaving the courts to frustrate the farmers?

**Mr. Obure:** Mr. Speaker, Sir, I do accept that the coffee industry everywhere in the country is facing difficulties which we are addressing. I do not accept the position that the coffee industry has collapsed. My Ministry, in conjunction with the relevant stakeholders, is doing everything possible to ensure that the industry is put on the proper course. In the case of Kisii, hon. Anyona knows that I have taken sufficient measures and everywhere, in Kisii today, elections are being conducted. But in the case of the two societies mentioned above, elections were conducted and there is nothing more I can do because there is a case in court.

**Mr. Speaker:** Mr. Angwenyi, you realise time is up. So, ask your last question very quickly.

**Mr. Angwenyi:** Mr. Speaker, Sir, I have got a letter here from the then Permanent Secretary, Ministry of Co-operative Development dated 13th April, stating that the elections of 8th April were null and void. Therefore, the election which should have held sway was the one of 15th, February. Now, I do not know which one to believe. Is it the one the Minister is referring to today or what appears on that date? Again---

**Mr. Speaker:** That is enough!

**Mr. Angwenyi:** Mr. Speaker, Sir, the final part of my question has not been answered. Why can the Minister not order free and fair elections today in those two societies since the members want those elections?

**Mr. Speaker:** Very well. Minister, why not?

**Mr. Obure:** Mr. Speaker, Sir, let me state here that elections for these co-operative societies are done in accordance with their own by-laws. I am saying here for the benefit of hon. Angwenyi that in the case of Marani, elections were conducted on 8th April, 1999. Even after that, the two warring factions came and met under the chairmanship of the then PS, after which the PS stipulated the agreement reached. The agreement reached was that the elections carried out on 8th of April were the valid elections. Hon. Angwenyi is talking about a letter from the PS, and I am saying even after that letter from the PS, subsequent letters have been written from the Registrar of Co-operative Societies dated 29th April which I have here. I wrote to hon. Angwenyi on the 27th October and on the 22nd

November. So, the position is very clear.

**Dr. Ochuodho:** On a point of order, Mr. Speaker, Sir!

**Mr. Speaker:** Order, Dr. Shem Ochuodho! Question Time is up! Question No.5 and Question No. 6 by Private Notice are deferred to tomorrow morning.

SEXUAL ASSAULT ON PREGNANT PATIENT  
BY MEDICAL ASSISTANT

**(Mr. Osundwa)** to ask the Minister for Medical Services:-

- (a) Is the Minister aware that a Mr. Fred Wanyama, a Medical Assistant, sexually assaulted a pregnant patient while examining her at Mumias Sugar Company Medical Centre, on 27.10.99?
- (b) What action has the Minister taken against this officer?

*(Question deferred)*

FINANCING OF SOUTH AFRICA  
TRIP BY THIKA MUNICIPALITY

**(Mr. Ndicho)** to ask the Minister for Local Government:-

- (a) Is the Minister aware that Thika Municipal Council has plans to spend Kshs4 million for a trip to South Africa next week?
- (b) Since the Council has many outstanding financial obligations like workers salary arrears, superannuation fund and co-operative dues, could the Minister ensure that this expenditure is not authorised?

*(Question deferred)*

**Mr. Speaker:** Next Order!

**MINISTERIAL STATEMENT**

STATE OF EMALI-LOITOKITOK ROAD

**The Assistant Minister for Roads and Public Works** (Mr. Criticos): Mr. Speaker, Sir, on Wednesday

last week the hon. Member of Parliament for Kajiado South, hon. Parpai, requested for a Ministerial Statement concerning the Emali-Loitokitok Road which is located in Kajiado District, Rift Valley Province and is classified as C102. I would like to give the following reply.

The total length of the road is 110 kilometres. It is a gravel road which has deteriorated over the years and currently 27.6 kilometres is in good shape, having been gravelled. The section between Loitokitok Town and Isinet Market totalling 24.6 kilometres is in good condition having been gravelled from March this year at the cost of Kshs74,219,713-05.

Mr. Speaker, Sir, the contractor commenced work on the 15th of March, 1999 from Isinet Market towards Loitokitok. This was the worst section of the road at that time. The width of the road constructed is 7 millimetres of gravel wearing cost of minimal width of 150 millimetres and the length of the section is 24.2 kilometres. A further 3.4 kilometres of spot patches with gravel was done between Isinet and Emali Town. At the time when the contract was awarded, the section between Isinet Market and Emali Town was in a fair condition as compared to the other section. However, after the recent rains, some sections have been damaged resulting in bottlenecks in the stretch leading to traffic hold-ups. The Government and my Ministry now plan to issue Kshs2 million to the District Works Officer, Kajiado, with immediate effect for him to carry out emergency repairs on the bottleneck of broken sections especially between Naureshi Market at the junction with Road A109 at Emali. This should be done as we wait for the availability of funds to complete the gravel works.

Finally, Kshs30 million has been allocated in the 1999/2000 fuel levy budget for the improvement of this road.

**Mr. Speaker:** One clarification, Mr. Parpai!

**Mr. Parpai:** Thank you, Mr. Speaker, Sir. I stand to congratulate the Assistant Minister for the bit that he

has done. However, I would like the Ministry to ensure that the money that will be sent to the district will go to that road and not the District Roads Officer. This is because that man is notorious in segregating Kajiado South in terms of repairing roads.

**The Assistant Minister for Roads and Public Works** (Mr. Criticos): Mr. Speaker, Sir, he has got firm instructions that the moment the money arrives which should be in the course of this week, he should immediately take it down to the ground. If there are any issues, I would like the hon. Member of Parliament, who also happens to be the MP for my neighbouring constituency to come and talk to me privately.

**Mr. Speaker:** Next Order!

### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[Mr. Speaker left the Chair]*

#### IN THE COMMITTEE

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

#### THE TEA (AMENDMENT) BILL

##### *Clause 2*

**The Minister for Agriculture** (Mr. Obure): Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, Clause 2 be amended as follows:-

- (a) in the definition of "buyer" by inserting the word "made" immediately before the word "tea";
- (b) by deleting the definition of "licensee" and substituting thereof the following new definition:-  
"licensee" means a person who holds a manufacturing licence issued under Section 13.
- (c) by deleting the definition of "planting licence";
- (d) by inserting the following new definition in proper alphabetical sequence:-  
"management agent" means any person, co-operative society, marketing board or company established under any written law that is appointed through a specific management contract or agreement by another person or company to perform or offer professional services in specific functions of production, processing and or marketing of tea but does not include a buyer, broker or packer of tea".

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in  
place thereof be inserted, put and agreed to)*

*(Clause 2 as amended agreed to)*

##### *Clause 3*

**The Minister for Agriculture** (Mr. Obure): Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, Clause 3 be amended in Subsection (1):-

- (a) by deleting the words "appointed by the Minister" appearing in paragraph (a) and substituting therefor the words "elected by the members of the board";
- (b) by deleting paragraphs (d), (e) and (f) and substituting therefor the following paragraphs:-
- (d) one member nominated by tea trade organisations registered under the provisions of any written law at a meeting of the directors of the organisations convened by the Minister, to represent the interests of

- the tea trade;
- (e) six members elected by the directors of the tea factory companies at a meeting convened by the Minister, to represent the interests of smallholder tea growers, each of whom shall represent two zones;
  - (f) four members nominated by the Kenya Tea Growers Association to represent plantation tea growers;
  - (c) by deleting paragraph (g);
  - (d) by deleting the word "and" appearing immediately after the expression "section 4A" and substituting therefor the words "who shall be an *ex-officio* member of the Board"
  - (e) by deleting the words "appointed by the Minister" and "in his opinion" and substituting therefor "nominated by the Board" and "in its opinion" respectively.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 3 as amended agreed to)*

#### *Clause 4*

**The Minister for Agriculture** (Mr. Obure): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 4 be amended in paragraph (a) by inserting the following new subsection immediately after subsection (1):-

(1A) The appointment of the chairman and of every member of the Board to whom this section applies shall be by name and by notice in the Gazette.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be inserted, put and agreed to)*

*(Clause 4 as amended agreed to)*

#### *Clause 5*

**The Minister for Agriculture** (Mr. Obure): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 5 be amended in paragraph (b) by inserting the word "or" immediately after the word "Director".

*(Question of the amendment proposed)*

*(Question, that the word to be inserted be inserted, put and agreed to)*

**Mr. Osundwa**: Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 5 be further amended by inserting the following New Sub-paragraph "(c)

#### Section 4

Of Cap.343 (c) The Principal Act is amended in Section 4, Sub-Section 2, by deleting paragraph "a".

*(Question of the amendment proposed)*

*(Question, that the words to be inserted*

*be inserted, put and agreed to)*

*(Clause 5 as amended agreed to)*

*(Clauses 6 and 7 agreed to)*

*Clause 8*

**The Minister for Agriculture** (Mr. Obure): Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, Clause 8 be amended by deleting the word "nine" and substituting therefor the word "eight".

*(Question of the amendment proposed)*

*(Question, that the word to be left  
out be left out, put and agreed to)*

*(Question, that the word to be inserted in  
place thereof be inserted, put and agreed to)*

*(Clause 8 as amended agreed to)*

*Clause 9*

**The Minister for Agriculture** (Mr. Obure): Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, Clause 9 be deleted and replaced with the following New Clause:-

Repeal and **9.** The Principal Act is amended by repealing Section

replacement of 8 and replacing it with the following new section:-section 8 of Cap.343.

Registration of **8.** (1) Every tea grower shall, upon the

tea growers.commencement of this section, register with the tea factory to which he delivers green leaf, by supplying such particulars as the Board may, by regulations, prescribe.

(2) Upon the commencement of this section, every tea grower licensed by the Board or its agent shall be deemed to be a registered tea grower unless the particulars with the Board or the tea factory are inadequate in which case the grower shall comply with the regulations made in subsection (1).

(3) A grower who begins growing of tea after the commencement of this section, shall, within six months of his beginning of his operation, register with the tea factory in the manner provided in subsection (1).

(4) Any change in particulars supplied by a grower in the registration, in accordance with the provisions of subsection (1) of this section, shall be notified to the Board or the tea factory in writing, within a reasonable period of the occurrence of such change.

(5) The tea factory shall maintain a register for the purposes of this Part and shall record therein the particulars supplied in accordance with this section.

(6) Where the tea manufacturing factory has reasonable cause to believe that a person whose particulars are so recorded has ceased to be a grower, it may, after giving that person written notification, by registered post of its intention to do so, remove the name of the person from the register.

(7) The register referred to in subsection (5) shall be *prima facie* proof of the fact that a person is a registered tea grower and the factory shall furnish the Board with particulars of all registered tea growers in such manner as the Board may prescribe.

(8) After the commencement of this section, any grower who carries on business as such without being registered in accordance with this section or knowingly or recklessly supplies particulars, commits an offence.

*(Question of the amendment proposed)*

*(Question, that the words to be left  
out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 9 as amended agreed to)*

*Clause 10*

**The Minister for Agriculture** (Mr. Obure): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 10 be amended by deleting the proposed section 12B and substituting therefor the following new section:-

Register of **12B** Subject to this Act, the Board shall maintain a register of growers in such form as it may determine, of all tea factories registering growers under this Part and shall enter therein, in respect of each tea factory:-

- (a) the full names of the tea factory;
- (b) the date of issue of licence;
- (c) the date of submission of annual returns of registered growers by the tea factory;
- (d) the particulars of numbers of registered growers, area planted with tea or variations of these particulars;
- (e) any other particulars the Board may deem necessary.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 10 as amended agreed to)*

*(Clauses 11 and 12 agreed to)*

*Clause 13*

**The Minister for Agriculture** (Mr. Obure): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 13 be amended by renumbering the paragraph "(e)" as "(d)"

*(Question of the amendment proposed)*

*(Question, that paragraph "(e)" be renumbered as "(d)" put and agreed to)*

**Mr. Osundwa**: Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 13 be amended by inserting the following new sub-clause 13(c) as follows:-

Section 13  
of Cap.343

- 13(c)(i) The Principal Act is amended in Section 13, sub-section 2, by deleting the words "thinks fit, or may, after such consultation, refuse to issue a manufacturing licence on any ground which may appear to the Board to be sufficient" and substitute thereof "in accordance with the Rules made under this Act".
- (ii) The Principal Act is amended in Section 13, Sub-Section 3 by deleting the "full stop" at the end and add the following words "if in the findings of the Board the licensee is found to have contravened the rules made under this Act for the purposes of operating tea factories".

Mr. Temporary Deputy Chairman, Sir, there are some farmers who have large tracts of tea and maybe, they would wish to start their own factories. I do see no justification in denying such farmers the licence. I would rather the

Minister comes up with rules which will take care of this category of farmers.

**The Minister for Agriculture** (Mr. Obure): Mr. Temporary Deputy Chairman, Sir, I concur with the amendments proposed by hon. Osundwa.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to inserted in place thereof be inserted, put and agreed to)*

*(Clause 13 as amended agreed to)*

*Clause 14*

**The Minister for Agriculture** (Mr. Obure): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 14 be amended in the proposed subsection:-

- (a) by deleting the words "a planting licence" in line five;
- (b) by repealing the word "to" appearing immediately after the words "think fit" in line eight;
- (c) by inserting the words "registration or" immediately after "respective" in line eleven.

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 14 as amended agreed to)*

*(Clauses 15 and 16 agreed to)*

*Clause 17*

**The Minister for Agriculture** (Mr. Obure): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 17 be amended by deleting paragraph (b) and substituting the following:-

"(b) by deleting the words "Tea Institute of East Africa" appearing in the paragraph (j) and substituting therefor the words "Tea Foundation of Kenya".

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 17 as amended agreed to)*

*Clause 18*

**The Minister for Agriculture** (Mr. Obure): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 18 be amended in paragraph (b):-

- (a) by inserting the words "management agents" immediately after the word "packers" in subparagraph (i).
- (b) by inserting the following new paragraph immediately after paragraph (j):-



"(k) prescribing theregulations which shall govern the elections of the Board members to represent respective tea areas and interests".

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 18 as amended agreed to)*

*New Clause*

**The Minister for Agriculture** (Mr. Obure): Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, the Bill be amended by inserting the following New Clause immediately after Clause 9:-

Repeal of Section9A The Principal Act is amended by repealing Section 9.  
9 of Cap.343.

Repeal of Section9B The Principal Act is amended by repealing Section 10.  
10 of Cap.343.

Repeal of Section9C The Principal Act is amended by repealing Section 11.  
11 of Cap.343.

Repeal of Section9D The Principal Act is amended by repealing Section 12.  
12 of Cap.343.

*(Question of the new clause proposed)*

*(New Clause read the First Time)*

*(Question, that the new clause be  
read a Second Time, proposed)*

*(Question, that the new clause be read  
a Second Time, put and agreed to)*

*(Question, that the new clause be added to  
the Bill, put and agreed to)*

*New Clause*

**The Minister for Agriculture** (Mr. Obure): Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, the Bill be amended by inserting the following New Clause immediately after Clause 17:-

Amendment of 17A. Section 18 of the Principal Act is amended by deleting paragraph  
section 18 of(b) of subsection (1).  
Cap.343.

*(Question of the new clause proposed)*

*(New Clause read the First Time)*

*(Question, that the new clause be read  
a Second Time, proposed)*

*(Question, that the new clause be read  
a Second Time, put and agreed to)*

*(The new clause was read a Second Time)*

*(Question, that the new clause be added to the  
Bill, put and agreed to)*

*(Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Minister for Agriculture** (Mr. Obure): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Tea (Amendment) Bill and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

### **REPORT, CONSIDERATION OF REPORT AND THIRD READING**

#### THE TEA (AMENDMENT) BILL

**Mr. Musila:** Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the [Mr. Musila] whole House has considered The Tea (Amendment) Bill and approved the same with amendments.

**The Minister for Agriculture** (Mr. Obure): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

**The Minister for Environment** (Mr. Nyenze) seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Minister for Agriculture** (Mr. Obure): Mr. Temporary Deputy Speaker, Sir, I beg to move that The Tea (Amendment) Bill be now read the Third Time.

**The Minister for Environment** (Mr. Nyenze) seconded.

*(Question proposed)*

**Mr. Khamasi:** Mr. Temporary Deputy Speaker, Sir, I think with the passage of this Bill, we are ushering in a new era in this sector of the small-scale tea holder. I think we have truly liberated the small-scale tea holder. We are liberating him from this monster which initially started like a flame but became a monster called the Kenya Tea Development Authority (KTDA). I hope that we are not just fooling Kenyans by passing this particular Bill. I am saying that because we want to see action. We want the small-scale tea holder in this country to feel that he is liberated. Because seeing is believing, we need to see action taken by the Minister. Therefore, we should ask him to move fast and make sure that this Bill is operational. We do not want to see any other legislation, or amendment to a legislation, which will be put on a shelf without action being taken on it. The amendments we have approved today should not be

mere rhetoric; they should enable the small-scale tea holders in this country feel that some amendments of the Tea Act have been undertaken. We need to see the change of lives in the small-scale tea holders. As I said earlier, the small-scale tea holder is the one who gives the Exchequer a lot of income in terms of foreign exchange earnings, and yet this particular farmer still remains the poorest of the poor. It is, therefore, my request that the Minister moves very fast to ensure that the new Bill is operative.

Thank you.

**Mr. Kibicho:** Mr. Temporary Deputy Speaker, before this Bill is fully implemented - and before factory companies are given full autonomy - it is very important that elections for the respective Boards of Directors are held. Before that is done, so that this Bill may bear fruit for tea growers, the Minister for Agriculture, and in particular, the Department of Co-operative Development, must undertake a comprehensive educational campaign, so that tea growers can elect competent people with integrity to run their factories. The Bill may be very good. However, if the respective Boards of Directors fail these tea companies, one day, people will wish that the Kenya Tea Development (KTDA) was still in place. So, in order for that not to happen, we must have very good Boards of Directors for the tea factories. The majority of tea farmers are the ones who will determine who should be elected a board member. However, because most of our farmers are not corporate-oriented, they may not even know the importance of a good director; they may think that those people who are politically-correct are best suited to lead them. This impression must be removed from their heads. So, I suggest that, before this Bill is implemented, educational campaign must be undertaken. We may talk of the handing over the tea factories to tea growers on 1st January, 2000. However, if people are not ready for that, we will regret.

So, I support the Bill with only that caution to the Minister.

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, we are in the Third Reading of this Bill. Really, this is not time for new debates. So, I will put the Question.

*(Question put and agreed to)*

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

## BILL

### *Second Reading*

#### THE KENYA ROADS BOARD BILL

**The Minister for Roads and Public Works** (Eng. Kiptoon): Mr. Temporary Deputy Speaker, Sir, I have alluded to the fact that---

**Eng. Muriuki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We have an anomaly in the case of the Kenya Roads Board Bill, in that it was supposed to have been committed to the Departmental Committee concerned after it was read the First Time, but this did not happen. In fact, the Committee had invited the Minister for discussion regarding the same. However, on that particular day, we were dully informed that we could not continue with those discussions before the Bill was read the First Time. It now appears that, the Second Reading of this Bill has just been introduced to the House. The Members of the Committee have [**Eng. Muriuki**] many comments to make on this Bill. Therefore, we want the Bill referred to the Departmental Committee on Public Works, so that it can be discussed in details before it is re-introduced in the House, to be read the Second Time.

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Minister, what do you have to say to what the hon. Member has said?

**The Minister for Roads and Public Works** (Eng. Kiptoon): Mr. Temporary Deputy Speaker, Sir, what the hon. Member has stated is actually true. However, this Bill is so urgent that, unfortunately, it had to be brought to the House at this particular time.

Mr. Temporary Deputy Speaker, Sir, I had already started moving the Bill when the hon. Member interrupted me. So, it is up to the Chair to rule whether I should proceed or not.

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

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Mr. Mbela, I have learned from the Office of the Clerk of the National Assembly that, in fact, the Bill was referred to the Departmental Committee, but the Committee failed to take it up. Is that the position?

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

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Mr. Mbela, you are the Chairman of that Committee?

**Mr. Mbela:** Mr. Temporary Deputy Speaker, in fact, we gave the Minister the opportunity to come to the Committee and discuss the matter with us on Wednesday, last week; he was not available. However, on Thursday, he went ahead and moved that the Bill be read the Second Time.

Mr. Temporary Deputy Speaker, Sir, on that note, under Standing Order No.21, I move that, the debate be now adjourned.

*(Applause)*

The adjournment of this debate will give the Committee a chance to discuss and consult with the Minister on the issue. Besides, there are other stakeholders who have brilliant ideas to give. I think it is very dangerous to proceed with this matter now. The House must be given an opportunity to scrutinise any legislation that is to come before it.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Mbela. I appreciate what you are saying. However, I would like to remind you that the right moment for you to move the adjournment is after the Bill has been moved and seconded. Because you have already given notice of your intention to move the adjournment of debate on this matter, you can bring it up at that stage. So, Mr. Kiptoon, you may continue.

**Mr. Oloo-Aringo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. As Parliament, we want Committees to be central in our activities. Our rules are very clear, that Bills are, first and foremost, referred to Committees and then brought to the House. If we try short-cuts, we will devalue the Committee System of the House.

Mr. Temporary Deputy Speaker, Sir, I would like to appeal to you, first of all, to refer this matter to the Departmental Committee until it brings us the report. This is because to me, we either keep the traditions of the House or keep flouting and disrespecting what we have put down. I would like to repeat that this House is superior to any Committee and, therefore, attempt to undermine it must be rejected by it. If we allow this to happen, there will be another excuse tomorrow and another one the day after. It is for that reason that I would like to ask the Chair to visit its ruling and refer this matter back to the Departmental Committee.

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Oloo-Aringo, I have just told you that I appreciate the points you have made, but the rules do require that notice be given, which has been given. The Mover is on the Floor ready to move the Bill. I am saying that he should be given an opportunity to move the Bill and allow it to be seconded. After that, I will put the question, because I have the notice. But I cannot do it before I get the Bill seconded.

**The Minister for Roads and Public Works** (Eng. Kiptoon): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for that ruling. I have alluded to the fact that there were issues that required to be considered and these were in as far as timely maintenance of roads is concerned. We do have institutional problems that require to be addressed; we do have managerial and financial problems that need to be addressed. As of now, the issue of financial problem has been addressed by the setting up of the fuel levy. The next thing was that we had to---

**Mr. Osundwa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to seek your guidance on whether the Minister is moving the First Reading or Second Reading? This is because our rules are very clear; after the First Reading, this matter is supposed to have been referred to the relevant Departmental Committee. So, is he moving the First Reading or Second Reading?

**The Temporary Deputy Speaker** (Mr. Imanyara): The Minister is already on his feet. He started his contribution on 2nd December, this year. That is when he stood to move this Bill. Now, you need to give him time to move the Bill, get a seconder and then you can move the Motion for Adjournment. That is what the rules say. Mr. Kiptoon, you have heard that hon. Members want to adjourn this Bill, so you should very quickly get a Secunder and then we move on.

**The Minister for Roads and Public Works** (Eng. Kiptoon): Thank you, Mr. Temporary Deputy Speaker, Sir. Since I know I will have time at the end to respond, it could only be proper if I made a statement and then I move so that hon. Members can have time to say what they want to say. I have said that at this stage we have to address the institutional problems that we have in this country, since we have already addressed the fuel levy issue and

management of the roads through the establishment of the axle load. I do agree with hon. Members that the procedures have to be followed and I did not want to short-cut in any way.

With those few remarks, I beg to move.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I beg to second this Bill. It is an important Bill, and I think it is only fair that it is discussed thoroughly so that hon. Members can contribute to it effectively.

*(Question proposed)*

**NOTICE OF MOTION FOR THE ADJOURNMENT  
UNDER STANDING ORDER NO.21**

BILL REFERRED TO THE DEPARTMENTAL COMMITTEE

**Mr. Mbela:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise under Standing Order No. 21 to move that the debate be now adjourned. The reason for wanting the debate to be adjourned is to give time for a Committee of this House to deliberate on the matter. It is very important that we ensure that we follow the regulations that we make in this House. The moment we start flouting them, this House will destroy itself.

The Bill has got very serious implications; first, it is impossible under the Ministry to control the amount of stealing that has been there. We are talking about billions of shillings having been stolen. If it is impossible to control that kind of theft in the Ministry, will it be any easier in a parastatal? I believe that we are creating another Kenya Power and Lighting Company (KPLC) situation so that people can loot. If a Permanent Secretary - and there was one in court today who was being charged for theft of public funds - could not be controlled by the officials of his Ministry, are you telling me that in a parastatal it will be any easier?

*(Applause)*

We have even got an hon. Member of this House, who before the elections mobilised all the equipment to his constituency, so as to win the elections. If it was difficult to control him under the Ministry at that time, are you telling me that under a parastatal, they will control this kind of situation?

**An hon. Member:** No!

**Mr. Mbela:** Mr. Temporary Deputy Speaker, Sir, there is another problem.

**An hon. Member:** That is enough!

**Mr. Mbela:** Mr. Temporary Deputy Speaker, Sir, if 85 per cent of the funds for roads have been spent only in one area of this country in the last 15 years, and these are statistics which have been confirmed by the Ministry, given a parastatal, do you not think that it will be impossible to control the situation? With those reasons, I feel that there should be an adjournment to give time for debate.

**Eng. Muriuki:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to second that this debate be now adjourned and the Bill be referred to the Departmental Committee concerned. When we talk about infrastructure in this country, we might be discussing about water, electricity or whatever but the roads---

With those few remarks, I invite hon. Members to give us their comments so that we can consider them in the Departmental Committee.

*(Question proposed)*

**Dr. Ochuodho:** Mr. Temporary Deputy Speaker, Sir, I want to support this Motion. On several occasions, the Committee wanted to meet the then Minister, but he was not available, and it will not be right to pass this Bill the way the Transport Licensing Board (TLB) is being implemented without involving the Committee. I therefore, support this Motion for Adjournment.

**Mr. Mwenje:** Thank you, Mr. Temporary Deputy Speaker, Sir. It is time we told the Ministers that Departmental Committees are very important and they were formed for that purpose. All Bills should be referred there so that they can be scrutinised by the Committees and decisions made. Any Minister who does not respect Departmental Committee will not have his Bill passed.

With those few remarks, I support.

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, this is an important Bill, as you have

been told by the Minister. Let us discuss it in the Committee before it is brought here.

With those few remarks, I beg to support.

**Mr. Munyasia:** Mr. Temporary Deputy Speaker, Sir, put the question now.

*(Question put and agreed to)*

*(The Bill was referred to the Departmental  
Committee on Public Works)*

## BILL

### *Second Reading*

#### THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION BILL

**The Minister for Environment** (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, I beg to move that The Environmental Management and Co-ordination Bill be now read a Second Time.

The Environmental Management and Co-ordination Bill of 1999 which is before you is principally aimed at ensuring---

*(Several hon. Members withdrew from the Chamber)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Those wishing to take leave, please, do so quietly. Mr. Minister, you can continue.

**The Minister for Environment** (Mr. Nyenze): Thank you, Mr. Temporary Deputy, Speaker, Sir. The Environmental Management and Co-ordination Bill of 1999, which is before you is principally aimed at ensuring social, economic and environmental sustainable development.

First, it creates the National Environment Council (NEC) to formulate policies on environment in a sectoral and multi-disciplinary manner. Secondly, it creates the National Environment Management Authority (NEMA) to ensure that the provisions of the Bill and the sectoral laws are harmonised. It spells out penalties that are considered deterrent and appropriate enough to control irresponsible members of the society. This Bill when enacted, will help this country to manage and control the environment. If you go to our big cities like Nairobi, big towns or urban centres, you will find that there are a lot of garbage heaps. The manufacturing industries do not take enough measures to control the effluent discharged from their factories. It is only through this Bill, if it is enacted into law, that the Ministry will be able to put penalties to punish those who break the law.

If, for example, you look at Nairobi River, it has been a kind of flowing sewer. This is because all the dirty effluent discharge from all the manufacturing activities where the river passes are not being controlled. As a result, you can see black water heavy with metals and dirty water where aquatic life can never survive. This Bill will respond to all the complaints and shortcomings that Kenyans have raised in the past. All Kenyans and foreigners are stakeholders in the environment and they will have a right in it and a responsibility to ensure that the environment is protected and conserved.

This Bill has three key issues. One is the establishment of the NEMA. It will not duplicate the activities of the other environmental agencies, but will take care of the concerns and fears that Kenyans have raised in the recent past. There will also be environmental impact assessment. This is a prior assessment before any industrial facility is put in place. A study will be carried out and recommendations made as to whether this project is viable and if it will impact negatively on the environment. If it will have a bad impact, the proposed development will not be approved. This Environmental Management and Co-ordination Bill of 1999 is very important.

There are also environmental quality standards that are set by this Bill. Currently, in Kenya there are no set environmental standards. The ones that are used in the fields of water and air rely on the World Health Organisation's guidelines and not on the environment. Municipalities like Thika have developed their own standards. In the absence of these statutory standards, enforcement is not very easy, but this Bill seems to do that, so that we can enforce the laws put in place. This Bill establishes a Standards and Enforcement Review Committee. This is a sub-committee of the National Environment Management Authority. The Committee will recommend standards in the fields of water quality, air quality and waste management.

Waste management is a problem that so many people have complained to me about. This big garbage heaps which do not seem to reduce are as a result of this low density plastic bags that are used for packaging. It is convenient

to the consumer and the manufacturer, but it blocks our sewerage system. It is non-degradable, so it does not decompose with time. It has caused us a lot of problems. There are very good suggestions in this Bill. I hope that the Members will support it because it has taken so many years to prepare this Bill. It holds so much donor funding. In fact, all the stakeholders have been enquiring on when this Bill will be enacted because without proper legislation we cannot manage the environment properly. The kind of laws that we have that govern the environment are so scattered in various Ministries and it is only through this Bill that they will be co-ordinated in one document which will help the Government to manage the environment most effectively.

This Bill is so widespread. It covers everything in environment. It is a Bill that even the legislators here have been waiting for so that they can support it because the environment encompasses everything. Through this Bill we can manage our environment sustainably: For example, if we can plant more trees than we harvest and give our forest a break to rejuvenate, that will mean that we have more forest cover in this country. Eighty eight per cent of the land in this country is arid and semi-arid lands. It is very good for us to embark on supporting this Bill whereby any destruction of forests---

### QUORUM

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

**The Temporary Deputy Speaker** (Mr. Imanyara): You are quite right. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, hon. Members. We have a quorum now. Proceed, Mr. Minister.

**The Minister for Environment** (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, in conclusion, I would say that although this Bill may not be perfect, it is a Bill whose time has come. I believe that if this Bill will get the necessary support, its enactment will not only radically alter environmental management and governance in Kenya, but it will also greatly encourage all stakeholders.

Mr. Temporary Deputy Speaker, Sir, I beg to move.

**The Minister for Mineral Exploration** (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, I stand here briefly to support this Bill. Many questions have been asked by hon. Members and citizens of this country, whenever they see heaps of garbage in our towns. Therefore, this Bill is before the House so that we can have stern and very punitive measures in place, against those people who pollute our environment. Through the enactment of this Bill, we will manage all environmental aspects in this country. In all towns, we have industries that pollute streams and rivers. The pollution of our streams and rivers happens as a result of bad laws. We do not have sufficient punitive laws against those people who pollute the environment. I am sure that the hon. Members have read through this Bill and they will propose the necessary amendments, so that we can have punitive laws that will deter people from polluting our environment. Once this Bill is enacted, I propose that we should make concerted efforts in protecting our environment.

Mr. Temporary Deputy Speaker, Sir, there are some areas where people have cut down trees indiscriminately, resulting in drying up of the water catchment areas. We also have industries that operate without taking into consideration the environmental laws. Therefore, I would suggest that before an individual is given a licence to operate an industry, he must tell us how he will manage and conserve any emission from the industry. It is not only the new industries will be required to control their effluents, but also the existing ones in this country.

Mr. Temporary Deputy Speaker, Sir, the Minister for Environment is very active. He is always moving around the country to see how environmental matters are managed. Whenever he tours the rural areas, he normally meets the DDCs and the district environmental teams in order to educate them on the importance of environment. We must educate wananchi on the importance of environmental conservation, so that we can co-exist with our industries and rivers. So, it is a self-explanatory Bill which requires the approval of the House so that the Ministry implements it.

With those few remarks, I beg to support the Bill.

*(Question proposed)*

**Dr. Omamo:** Thank you, Mr. Temporary Deputy Speaker, Sir. The Bill has come at the right time, and I would like to congratulate the Minister for bringing it up. The Bill, for the first time, provides a machinery to help the Kenyan nation inspect her own environment through the National Environmental Council (NEC) and down to the district committees. That has never been there before. Earlier on, the District Officers posted to the districts as District Environmental Officers did other things. But I hope this time the new set of officers will be serious, properly trained in

environmental management and posted to the various districts, divisions and constituencies.

Mr. Temporary Deputy Speaker, Sir, Kenya, as a country, is blessed with a wide range of ecological zones from the Coast to the heights of Timboroa. So, geographically, climatically and soil-wise, Kenya has an excellent opportunity to show the world how a varied environmental system can be managed. Up to now, we have been bothered very much by all sorts of pollutants over our environment. We do preach clean environment, yet pollutants are there and those who are polluting go unpunished. I hope that when the Bill becomes an Act, that will stop; those who are engaged in polluting our "holy" environment will be punished. When I talk of pollutants, I do not only mean air pollution.; there is water and noise pollution. Too much noise also pollutes the atmosphere and causes irritating ears, especially to old men like me; we want peace, not noise. If it is noise from music, it is different. So, noise is a pollutant. Then, there is pollution of the water. Those people and the factories that pollute water--- Particularly, I am reminded of the Nyanza Gulf of Lake Victoria, which is being polluted. The Nyando River is also being polluted by the sugar factories, and I often wonder what is happening, because we report about the pollution to Bunge and everywhere, but no action is taken. That was because there were no tools in the hands of the Minister; there was no stick with which to hit the pollutant. But this time we have them, and we are very happy.

Mr. Temporary Deputy Speaker, Sir, pollutants are not only restricted to the physical ones, but there are also social pollutants. For example, we all realised that the Apartheid System in South Africa was a socio-political pollutant. In Kenya, gender inequality is a pollutant. Tribalism is the worst pollutant in this country and we have got to deal with it. I would like to mention another point that has made pollutants go scot-free, but this time they will not. Everytime a factory is built, there will be an environmental impact assessment. That will give clearance to the factory in question, because if it does not pass the assessment, it will not be recommended to operate, till the anomaly is corrected. All that is contained in the Bill, and we are very happy with that provision.

The other point which is important for our country is that the world population is moving more and more to the urban areas. It is said that by the year 2000, which I gather is only 25 days to go, 50 per cent of the world population will be in the urban centres. So, it is also very important for developing countries like Kenya, where more and more people are likely to be moving into towns, to make sure that the environment in our towns are conducive and helping us while on earth to live life in abundance. At the moment, it not so.

Mr. Temporary Deputy Speaker, Sir, the Minister talked of heaps of solid garbage. I call them "hills of solid garbage" and they are in Nairobi, Thika, Kisumu, Nyeri and many other towns. Kenyans do not seem to be seeing them; they have eyes to see, but those eyes do not see the hills of garbage. Nairobi River is on fire. It has been on fire for a long time, but the Mayor of Nairobi and the City councillors; the City fathers and mothers do not see that the Nairobi River is on fire. I do not know when action will be taken to arrest the situation. This time it will be different. We must have a clean Nairobi City; a City which we can be proud of. Nairobi City used to be the "Green City in the Sun." These days, there is only one thing remaining in the Nairobi City; it is only the sun; I do not see the "Green City" anymore. It is garbage and garbage everywhere!

I think the Bill has a provision which will really be helpful to our country; it will lay down what one needs to do, and if one does not, one will be punished. As our small markets develop into urban centres; our towns become municipalities; municipalities become cities, and with a strong environmental education that will involve all Kenyans, we have a hope that our country will be a good example in this part of Africa.

Mr. Temporary Deputy Speaker, Sir, I would also like to state that Kenya falls in a slightly different category. It happens that way back in 1972 at Stockholm, the Kenyan Delegation, which I was privileged to lead, persuaded the world that the United Nations Environmental Programme (UNEP) should have its headquarters here in Nairobi. That was an achievement for our country.

*(Applause)*

And Kenya should play that leading role of being the headquarters of UNEP. If we are the headquarters of UNEP, first, and definitely, we should behave like the head, which has the brain. That is where the word "headquarters" is derived from; that is where the brain is.

*(Laughter)*

Kenya has a very big role to play, being the headquarters of the UNEP. We must play our role effectively as an example to the whole world, of how a human environment can be made wholesome and abundant for the benefit of human beings and other animals that accompany them on earth.

Mr. Temporary Deputy Speaker, Sir, this Bill is going to give an opportunity which was not there before to Kenyans. This Bill is going to encourage the teaching of environmental education from nursery level to university



level. Charity should really begin at home. Today, nobody would tell the difference between an adult and a young person as far as keeping the environment clean is concerned. If you passed the streets of Nairobi, after people eating bananas, they carelessly through the remains left, right, forwards and even backwards, without bothering. This is because the fellows eating the bananas do not know that the banana leftovers pollute the streets. This Bill will enable environmental hygiene to be taught right from nursery upwards. If I was a young man intending to marry, I would first inspect whether the girl's home is as clean and hygienically kept as my home. If that is alright, then we could discuss marriage. It is the lady that is going to teach the child cleanliness right from the cradle. You can only teach what you know. If you were colour blind and you went to a place where clothes are hanged and you wanted a black suit, you would not be blamed if you came out with a red suit. We do not want our people to be colour blind as far as the environment is concerned. One way of making sure that colour blindness is done away with, is to teach our boys and girls to be clean right from nursery to university level.

Mr. Temporary Deputy Speaker, Sir, you must have heard the story of a university boy who was expelled from university. When the father of this boy and another farmer met, the farmer wanted to know what happened that the son was expelled. The father explained that the son was expelled, because of poor eyesight. Then the farmer wondered what eyesight had to do with the expulsion of the boy. The father of the boy explained that because of poor eyesight, the son was walking along the corridor, and met a girl who he mistook for his girlfriend, but was actually the Dean of Women. He kissed her in public, where eventually he had a very serious case and was expelled. This was because of poor eyesight. In future, we will not allow our cities, municipalities and towns to be polluted because of lack of knowledge to differentiate between what is clean and what is not clean. This must start from the beginning.

Mr. Temporary Deputy Speaker, Sir, I would also like to stress that a time has come when Kenya should be in the front-line, teaching and showing a good example in environmental matters in the COMESA region. Kenya is an important tourist destination, and we have to encourage it. If we keep our environment clean our hotels and streets will be top class. Good manners would be there and tourist circuits would open up. Places like Muhoroni in the West, would be included in the tour circuit. Bondo would also be remembered as a tourist destination when it is clean and new. We would like to have a new Kenya with a new environment management policy.

With these few remarks, I beg to support.

**Mr. Osundwa:** Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill. In so doing, I would like to first of all congratulate the Minister for bringing in this Bill.

Although we have signed a lot of environmental protocols in this country, immediately we sign, we go to sleep. I would like to commend the Government, because we have been left behind. Countries such as Uganda have environment Acts. They have even gone on the web site. Poor countries like Malawi have environment legislation. Kenya has always been left behind, not only in matters to do with the environment, but in many other fields. For example, in communication field, if you went to Uganda, you would buy a mobile phone at Kshs10,000. I would like to support this Bill, being the Chairman of the Agricultural Committee, which includes environment. I would like to urge my colleagues in this House to support this Bill. If anything, we could conclude it today, so that we give the Minister some teeth with which to bite.

Mr. Temporary Deputy Speaker, Sir, if you went around this country, you would see a lot of pollution. Municipal councils and factories are discharging effluent anyhow, but the Minister does not have an Act to stand on and prosecute these offenders.

Mr. Temporary Deputy Speaker, Sir, we have been talking of bringing in one million tourists, but which environment are we bringing them into? If you go out of this country, you will hear of so many cases of Kenya being accused of this or that, which scares away tourists. One of these things is the environment. If one tourist caught malaria here and the Press picks it, you will see mass cancellations of tourist bookings. This is one thing which the Government could have corrected. I am supporting this Bill because it touches on land matters. You heard the other day that the Government appointed the Njonjo Commission to look into land matters. Why not a commission on environmental matters? Why are we ignoring the environment? This also has to do with forests and water.

Mr. Temporary Deputy Speaker, Sir, we have gone through this Bill as a Committee, and we note that it gives not only the Minister powers, but also gives the common mwananchi the *locus standi*. The mwananchi can sue the environmental offenders. He has got that power. He has been given powers to manage the environment around him. We will have provincial and district environment committees. I salute the Minister for having included this because a lot of cases have been thrown out by courts for the simple reason that mwananchi does not have the *locus standi*. Here, it is found in the Bill, and I am very happy about it. I remember vividly that when some construction work was supposed to be done at Uhuru Park, Prof. Wangari Maathai took this matter to court and she was told that she did not have *locus standi*, and the case was thrown out. Now, I am happy that any mwananchi can stand up and say: "Enough is enough; let me go to court".

I would urge the Government to educate wananchi on the acquisition of refrigerators. A lot of them are now

being dumped in the Third World countries and they are polluting the ozone layer up here. I want to urge the Government to be very strict. The developing world is now dumping useless refrigerators full of chloral-carbon and polluting out stratosphere up here. We have in court no case and I am sure the damage done is serious.

Mr. Temporary Deputy Speaker, Sir, looking at the Bill, you will find that it proposes some fines on offenders. A multinational company will dump here highly toxic substances and the fine proposed in the Bill is a mere Kshs1 million. What is Kshs1 million to an American conglomerate dumping toxic wastes in North Eastern Province? I would suggest that the Minister, in the rules and regulations that will follow, should enhance the fines provided for in this Bill. I do not want to belabour this Bill so much. I am for it, and I am asking the House to support it. Before we go on recess, let us clear with it so that we give the Minister the powers to prosecute the offenders who are polluting our environment all over the Republic.

This Bill was referred to my Committee and I am happy to report that the Minister was very co-operative. He appeared in all the sittings we invited him to, together with his technical staff. We went through this Bill and suggested some amendments, which are not very many, and which he has accepted to take on board when we come to the Committee Stage. We also consulted extensively because we wanted to ensure that this Bill is really for the good of this country. We consulted various people with interest in this matter. Examples of these are the Kenya Bankers Association, the Kenya Association of Manufacturers, the Kenya Tourist Federation, the East African Natural History Society, the Wildlife Fund for Nature, the Centre for Research and Education on Environmental Law, and Faculty of Law, University of Nairobi. We also had discussions with Dr. D.L. Nightgale and Mombasa and Coast Tourist Association.

Mr. Temporary Deputy Speaker, Sir, on some of the contentious sections that we came across in this Bill, I am happy to report that the Minister, his team and ourselves agreed by consensus on them. We never went into voting anywhere. We also sought definitions to these highly technical words that are in the Bill. For example, "burden land", the "Coastal Zone and the "Environmental Easement". All these words were explained to the Committee. I can assure this House that the Report, which I had the opportunity to table in this House a couple of weeks ago, is found in Room No.8 upstairs. I would recommend that hon. Members of this House avail themselves of its copies, so that they should come here well informed to support this Bill.

Mr. Temporary Deputy Speaker, Sir, I note that we have various prospective speakers on this Bill. I want to give opportunity to my colleagues to contribute on this Bill.

With those few remarks, I beg to support the Bill. Thank you.

**The Assistant Minister for Labour and Human Resource Development** (Mr. arap Leting'): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this important Bill.

I must also thank the Minister for coming up with this important Bill, which I think is many years late. It should have been brought up more than ten years ago. I am saying so because the environment is one of the most important agents of influencing the lives of all the creatures. It touches on matters like pollution, afforestation, prevention of soil erosion, garbage collection and many others. I am glad that the Minister has mentioned most of the points that I think are important for the Bill to operate when it is enacted, for example, the question of agents of environmental co-ordination and management. It is important to find out why it is that we are the Headquarters of the United Nations Environmental Programme Secretariat, and yet we are not doing anything better than the countries where the minor environmental secretariats are located.

Mr. Temporary Deputy Speaker, Sir, one thing that I have discovered, as a former Head of the Civil Service, is that people hear about the environment, but they do not know what to do about it. During my tenure in the Government, we tried to create District Environmental Committees and appointed District Officers to be in charge. We discovered later on that we had appointed District Environmental Officers, but they had no training. They were simply BA degree holders from the universities, who had, probably, studied geography and history, but they had nothing which touched specifically on the environment. Now, I am glad that the new Bill has talked about training. I would like to stress that the Minister, if this has not come out clearly, must ensure that there is training of environmental managers from the lower level of our education up to university. It should be made mandatory that every district or local authority must have, at least, one qualified district environmental officer. It should be made a must in law that you cannot run a municipality without a well-trained district environmental officer. At the moment, we have been casually assigning administrators the job of environmental officers, which shows that we have been taking the environment to be a very small matter, when it is a very important matter.

Mr. Temporary Deputy Speaker, Sir, I would like to support what Dr. Omamo said in his contribution, that we must make environmental studies compulsory from nursery up to the university. It should be made a compulsory subject to be undertaken in some stage, either in secondary or primary level, but our examinations must include a subject on environment. That way, we will develop young minds to grow thinking about the environment. We should not make it casual and appoint anybody to be an environmental officer, who cannot even manage a course. Let us

make it part of our training from the beginning.

The other thing is, if we take afforestation as part of our environment, we will have a lot of things to say about it. We have lost governing environment indirectly. Like in the prevention of soil erosion, the people have been told not to cultivate up to the rivers. We have the Forest Act, District Forest Officers, District Officers and District Commissioners, but our forests are really interfered with. They are invaded, cleared and planted with bhang, and yet, all the Government officers are there. We have the Provincial Administration. We have the district forester. I can see the new Minister for Environment is full of energy. I hope he will find out who is who in which forest, and what he or she is doing! This is because some people are called district foresters, but they do nothing to stop the destruction of forests. Some of us come from districts which used to have very beautiful indigenous forests, but the forests have since been "eaten up" by people who have invaded them, either with permission from the local askaris, or from officials of the Government. When people have entered the forests, to get them out is not easy. I hope the Minister will not encourage people who go to the forests, allegedly to clear the place for planting, and then come out later on. I have seen that, practically, it is not possible. When people have cultivated a place, to get them out is not easy. They will resist to move out.

There has been laxity in conserving our forests and afforestation. I do not want to say more, because most has been said. But one thing that I would like to suggest to the Minister is, when it comes to the question of excision of forests, he should tread very carefully. About 25 years ago, 3 per cent of our country used to be covered with forest. I am sure that, at the moment, it is less than 1 per cent. Every year, a forest is "eaten up" through legal gazettelement, invasion by squatters and formalised settlement. I would like to make a suggestion to the Minister; to make his work easier, when he is excising a forest, he should let Parliament to do the job. If the Government wants some assistance to excise a forest, the Minister should bring an amendment to the Bill, so that to de-gazette even half an inch of forest land, it comes to this House. I am sure we will be kind to you and decide whether to do it or not. I know that the Minister alone can be under public pressure, which is not from Parliament, and he can excise part of a forest. So, to protect you from the embarrassment of refusing, let the refusal come from Parliament in future, and your job will be very easy.

Lastly, I would like to suggest that in order to enhance the planting of trees to increase our forests, we can suggest to the people that every small landholder should have 1 to 5 per cent of his land planted with trees. If everybody with some land plants 1 per cent of his land with trees in Kenya, you can imagine how Kenya will look in five years' time. Then, it can move from 1 per cent initially, to 5 per cent. The people will want seedlings and other managerial advices. These can be provided in due course. The Minister should explore the possibility of persuading every landholder to plant 1 per cent of his land with trees. The question of poaching from one person to another will cease. There are some people who do not plant even a single tree, but when they want some wood, they go to the neighbour who has got trees and poach from them. This will not be necessary if you have got your own trees.

With those few remarks, I beg to support.

**Prof. Anyang'-Nyong'o:** Mr. Temporary Deputy Speaker, Sir, I stand to support The Environmental Management and Co-ordination Bill, 1999. This is an extremely important Bill, which was long overdue. It is a Bill that, once it becomes law, shall properly be managed by the Authority that the Bill itself seeks to set up, as the governing organ of the environmental management for this country.

But let me begin by observing a few general points about the environment. Whatever laws we pass as a House, whether for the environment, industry or service sector, putting them into effect depends on the extent to which we have a strong and legitimate Government in this country. By a strong Government, I do not mean strong in terms of the repressive apparatus of the State like the Police, Navy, Army, Special Branch, Secret Service and so on, but I mean strong in terms of the legitimacy and authority of that Government to rule; legitimacy and authority that comes from the consent of the people; legitimacy and authority that makes that Government govern in the interest of the nation as a whole, and not in the interest of any special interests or privileged sectors of the society.

Mr. Temporary Deputy Speaker, Sir, it is precisely because, to date, the Government has acted as an instrument to privilege and special power, that the environment itself has been hurt. If you look at the City of Nairobi itself, it becomes a nightmare when it rains. Just a simple drop of rain for half an hour, and there is no more proper communication in the City. It is an extreme show of shame and lack of planning when just a half-hour of rain in Nairobi makes it impossible to move from the centre of the **[Prof. Anyang'-Nyong'o]** City to Westlands in just two hours. That is because special interests and privileged social classes decided a long time ago that they were not going to build with respect to the laws that actually existed. The laws provided that there should be proper planning in the construction of roads and houses in Nairobi.

The flooding in Nairobi is as a result of going against all the plans that were laid down by the City Council many years ago, and going against all the rules and regulations of city planning in the City. For example, if you go to the Lavington area, near the El Molo Drive, you will find that a well-connected personality decided to build a whole

housing estate, bang in the middle of a road! The school children cannot even use that road to go to their school. Sometime this year, a child was killed while trying to cross James Gichuru Road because of the act of this one person! This is environmental abuse! There has been so much environmental abuse in spite of rules and regulations stipulating how the City should be planned, and where roads should pass. That is why we have the problem of flooding and lack of proper communication when it rains.

When this Bill comes into effect, we hope that with the existence of the Authority - and the powers conferred upon it with regard to managing problems of environmental control in this nation - we shall no longer have this kind of thing. It means that we may have to embark on a new replanning of the City of Nairobi. One of the things which we must realise is that, unless we have greenbelts within the residential estates in Nairobi, we shall have extreme pollution; pollution not only in terms of air, but also in terms of refuse. We already see in this City, that the refuse that is collectable by those agencies that collect waste can be collected if it is properly lumped. But there are certain types of refuse that cannot be collectable by those who collect waste because they are usually absorbed by a greenbelt within an estate. For example, you cannot rule that all members of the society are going to be disciplined. In any case, discipline is one of the things that is lacking in the nation of Kenya. Given the fact that we cannot rule out that people are not going to be disciplined, we need to have greenbelts within residential estates so that we can cater for those who are not easily disciplined. For example, the idea of individuals, particularly men, unzipping their pants and going for shortcalls anyhowly. When they do this on concrete walls or concrete roads, it becomes an extreme environmental hazard. This is how typhoid and all other diseases can be contracted in our City. One of the things which can help in scaling down the probability of such diseases spreading that way is to honour greenbelts within living estates. By greenbelts I mean, for example, in many cities you will find grass and trees on both sides of the road. This is not just for beauty; it is for environmental cleanliness.

Mr. Temporary Deputy Speaker, Sir, secondly, I think that the punishment that should accompany environmental pollution by individuals should be very stiff. In Singapore, for example, if you drop a chewing gum or a piece of paper on the road, or draw a graffiti on the wall or on anybody's car, you will be imprisoned and have five strokes of the cane. I think you still remember the story of the American boy who drew a graffiti on a wall in Singapore and it became an international case, but the Singaporeans insisted that their laws stipulate that if one pollutes the environment, he is in for a dance. We need this kind of thing so that we can introduce discipline in our country. It is extremely disheartening when you go to Westlands, for example, a major market in an extremely populous area of Nairobi, where many visitors from overseas, the rest of Africa and the countryside visit, and all they see in front of a municipal market is a huge mountain of garbage. The Ministry of Environment should be ashamed of itself. This is the kind of thing that the Ministry of Environment should have taken action on, with or without a Bill like this. The risk which the nation runs by having a mountain of garbage in front of a market where people buy food, eat nyama choma, buy water and vegetables, is enormous. One of the things which Kenyans would like to see, if the Ministry of Environment is serious about a Bill like this, is an emergency cleaning programme for our City, which will state that there shall be no mountain of garbage in the City of Nairobi, Mombasa, Thika or Kisii because Kenyans must be proud of clean cities. In any case, we were taught in high school that cleanliness is next to godliness. Surely, if we are a nation that boasts in our National Anthem, that "justice should be our shield and defender" and other higher moral principles that are stated in that National Anthem, justice cannot be our shield and defender when there is no justice in the way we manage our environment. After all, the environment is the basis of life. If there is no land and air, which are the two aspects of environment, there cannot be human life. God gave us air in plenty. We have never seen anybody who wants to be healthy or wealthy who possesses seven acres of air in Nairobi! It is one of those things which nobody can accumulate. It is one of those things that truly exist in the public domain. But since it is existing in the public domain, we have been abusing it with a lot of carelessness. If we are going to protect it, it must begin from discipline.

Mr. Temporary Deputy Speaker, Sir, having said that, I would now like to move to the environment in the common domain like waters, rivers and lakes. I have been very vocal, particularly about the waters of Lake Victoria, Lake Turkana, River Tana, River Yala and all other waterways that exist in the common domain. One of the things that has been lacking in this country is a law that can compel manufacturers and industrialists not to abuse waterways. There is too much latitude given to farmers, manufacturers and industrialists to empty their wastes into rivers and lakes. No Kenyan has ever thought it necessary to take these people to court and charge them with environmental pollution and degradation. The waters of Lake Victoria have been degraded by two major industrial plants, the Webuye Paper Mills and the Match Box Factory in Kisumu. Those two factories empty so much effluent into Lake Victoria that the lake - if you ask all those environmental concerned groups - has been dying from the bottom. We know, for example, that in Webuye, environmental degradation is evidenced by the extent to which the iron sheet roofs in Webuye have been rusting. When the Webuye Paper Mills was asked why this is so, they said this happens anywhere where we have this kind of factory. But in Durban, South Africa, for example, where we have a similar

paper plant, because they take care of the affluent that they produce, residential houses do not suffer that kind of consequence. So, it is a law like this that will compel industries like Webuye Paper Mills to make sure that what is emitted out of the manufacturing process as affluent is properly controlled and protected from degrading the environment. The same law will compel the Match Box Factory in Kisumu not to emit its effluent into Lake Victoria. Even Muhoroni Sugar Company and the chemical foods factory next to it have a huge well not too far from the factory where all the waste is collected. That waste finally finds its way into the Nyando River. The section of Nyando River that goes into Lake Victoria after it has passed near Muhoroni has been thoroughly polluted. This is very sad because we know the end result is that the flora, fauna and the fish life in the lake suffers a great deal. For quite some time, the fish that used to swim upstream either up the River Nyando or Nzoia River, to go and lay eggs have virtually disappeared because of effluent that is emitted into both rivers. So, for quite some time we have been seeing the depreciation and disappearance of certain fish species in Lake Victoria as a result of effluence being emitted from those factories next to the rivers that lead their waters into Lake Victoria.

Mr. Temporary Deputy Speaker, Sir, I hope that as a result of this Bill, there will be stiff regulations, monitoring and inspection of industries and factories, and even farming units where effluence or waste is emptied into rivers and waterways, so that we can stop the kind of thing that has been going on in Webuye, Muhoroni and on the waterways; that is, River Nyando, Nzoia River and Lake Victoria. It is in that regard, that we took a very keen interest in the removal of the hyacinth from Lake Victoria. You realise that the presence of the hyacinth in Lake Victoria is as a result of the emptying of effluent into the lake. If there had not been the emptying of effluent into the lake, the hyacinth would not have found a healthy ground to germinate. There is a lagoon in Abidjan that goes into the ocean, which also has hyacinth. However, in the case of this lagoon in Abidjan, once the hyacinth goes into the ocean, it dies because the hyacinth cannot survive in salty water. So, it is naturally eliminated. In Lake Victoria, on the other hand, because it is a closed-in lake and the effluent comes and stays in, the hyacinth has a very fertile breeding ground.

Mr. Temporary Deputy Speaker, Sir, it is extremely dangerous, given the nature of the hyacinth weed, to cut this weed and drop it into the bottom of the lake. Whatever argument anybody can advance, the mere fact that a slight single centimetre of the hyacinth weed or seed can germinate, it means that once you take the risk of dropping it into the lake, you cannot eliminate the fact that there are certain bits which will continue to germinate after you are gone. So, you are not doing much when you try to eliminate the hyacinth by dropping it in the lake because everything cannot sink to the bottom. You run a huge risk of a lot of little pieces still remaining on the top of the water, ready to germinate at any time.

Mr. Temporary Deputy Speaker, Sir, in any case, there is no scientific proof that the mass that sinks to the bottom of the lake will decompose quick enough to stop it from depleting the oxygen supply at the bottom of the lake, especially given the fact that we have not stopped the effluent from Webuye, Muhoroni and the Kisumu Match Box Factory going into the lake. In other words, what we are really doing is like somebody trying to wash a shirt, who then puts it into a basin and says: "Let the shirt rest down there. I will bring another blanket full of mud and wash it and when the mud goes down there, it will not add to the dirt on the shirt". It does not just make sense. It would be good if we could go the extra mile and remove this menace out of the waters of Lake Victoria, so that we are not left with uncertainty that, (a), it will continue to pollute the lake, or, (b), we will give it another chance of germinating. This is all we are saying. If you look at the cost involved, given that the second method of taking it out of the lake will have much better and longer term consequences; in terms of long-term economies, it is better to incur the expenses now than keep on incurring those expenses every four, five, seven or ten years. In any case, the technology for removing this hyacinth out of the lake is available and is known, and has been used elsewhere. It is only a question of application.

Mr. Temporary Deputy Speaker, Sir, we are appealing to the Government that rather than do an experimental work over 1,500 acres that may not prove that the weed can be totally removed, I would rather that we take our time and incur extra expenses and ensure that we do an effective job. The lake is a resource that God gave this region as the biggest fresh water lake known in the world, with tremendous resources in terms of fish that to date have simply been hunted really. We have not managed fishing in Lake Victoria very well. We have used that lake simply to hunt the fish but not to manage and farm it. It is important that when this Bill comes into effect, we should go to the next stage, not of hunting the fish in Lake Victoria, but of farming it. In other words, we should make sure that what we take out of the lake is reproduced within the lake. Otherwise, our children and grandchildren will accuse us of having been greedy, only feeding ourselves but not making sure that future generations are also fed.

Mr. Temporary Deputy Speaker, Sir, if we move further to the Coast, that is, those coastal waters that are within the Kenyan borders, you will find that Kenya has one of the richest resources. First, there is the deep water harbour called Kilindini, and, secondly, the marvellous coastal strip that is attractive to tourists. It is extremely important that while the port of Mombasa should be managed effectively to ensure that it is a centre of service and communication in this country, it too must be used in an environmental-friendly way. In many countries, when ships come and dock at the harbour, it must be made sure that these ships, while they are there, are not emitting into the sea,

environmentally unfriendly material. I am not quite sure whether in the port of Mombasa, we have ever implemented standards that ensure that ships that dock do not emit effluent or other things that pollute our harbour and the coastal strip of Kenya. In the same manner, I am not quite sure whether, at the Coast, all these hotels and other tourist attractions have ever been brought under the purview of the law, to ensure that they are not operating in a manner that leads to environmental degradation at the Coast. I have said that in this Bill, we are establishing measures that will ensure that these hotels and other attractions along the Coast, are operated in such a manner that they do not destroy the environment.

I know that there has been a power and interest group from the hotel industry which has been fighting this Bill, which actually has been saying that the implementation of this Bill, or the time when this Bill comes into operation, should be postponed for a year or 18 months and so on, to give them time to adjust. These people should have adjusted a long time ago, with or without the Bill. So, I will encourage the Minister to gather courage, with the backing of this Parliament, and the people of Kenya will give him all the backing he needs to ensure that matters, prescriptions and the regulations established in this Bill come into effect, so that we do not give credence to money *per se*, but we give credence to the protection and improvement of our environment.

Mr. Temporary Deputy Speaker, Sir, I come to another aspect of environmental degradation which is extremely important. I have lived in the City of Mexico for two-and-half years, and I have seen how a city can be so thoroughly polluted by motorcars and buses, which run and emit gases into the atmosphere without let or hindrance. In the City of Mexico, there are days when, if you dare go into the city, you can even faint. With your single hand, you can touch your forehead and get one millimetre thickness of soot because of gases emitted from buses, lorries and cars.

Mr. Temporary Deputy Speaker, Sir, the City of Nairobi is beginning to approach that level of pollution. For example, if you are driving from Limuru to the City; just after you have passed Wida Hotel, and you are taking the bend before you pass the junction to Kikuyu, and you look into Nairobi, there are days when you can see a thick cloud hanging over the City of Nairobi. These are gaseous emissions from the factories, lorries and buses, which you and I are compelled to breathe in because of environmental pollution. We must have standards enforced, so that once this Bill comes into effect, any lorry, bus or car which is sold in Kenya has some mechanism that stops it from emitting some smoke and soot into the air of our environment.

In any case, even those automobiles which are already in operation can be called back to factories to be fitted with this kind of mechanism. If we begin now, we shall stop the process of spoiling the air early. If we wait until the year 2020, when we hope to be a newly industrialised nation, we shall be industrialised, yes, but we shall hardly have an environment in which to live a healthy life. It is extremely important that when the Authority is set up, the Minister takes up this measure as an extremely urgent one. The emission of hazardous waste into the atmosphere by factories and automobiles is extremely dangerous to health.

Finally, I would like to talk about the resources necessary for having a clean environment. I do hope that part of the resources necessary for having a clean environment is to work into law a small contribution by both the Government and the private sector for what I call environmental watchers; those people who are capable of blowing the whistle when they see something wrong. Just like in the area of corruption, whistle-blowers that bring to the attention of the authorities acts of corruption have proved very effective in many societies, in controlling and managing corruption. In like manner, although we shall have a law to manage the environment, we need to have whistle-blowers that can bring to the attention of the authorities those of us who are trying to circumvent laws and regulations and pollute the environment.

Again, I will use the example of Singapore. In Singapore, all citizens are whistle-blowers, so that if a citizen sees you letting yourself loose urinating on the streets, they will report you to the nearest authorities. They have the power, as citizens, to arrest you. If a citizen sees you dropping a chewing gum, a piece of paper or a piece of sweet wrapping on the streets, the citizen themselves are whistle-blowers.

I am, therefore, appealing to all Kenyans, if indeed, we are going to have a clean environment or a law like this to be effective, that all of us must be whistle-blowers. But whistle-blowing must begin from the Government itself. As I said at the beginning, it must be a strong and legitimate Government that will be responsible for implementing such laws effectively, transparently and accountably.

Mr. Temporary Deputy Speaker, Sir, I beg to support the Bill.

**The Assistant Minister for Local Government** (Mr. Affey): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this very important Bill. I do not intend to take much time, but this Bill is very important and timely.

Mr. Temporary Deputy Speaker, Sir, having been the immediate former Assistant Minister in the former Ministry of Environmental Conservation, I think it is a Ministry I miss a lot because when you are talking about the environment, you are talking about development. There is a direct relationship between development, progress, cleanliness, a healthy nation and a good environment.

Mr. Temporary Deputy Speaker, Sir, I happened to be part of the delegation that went to Costa Rica sometime at the beginning of this year. When you are in the City of San Hosea, you will think that you are in the city of Nairobi because of the climatic conditions there. That City is so well managed environmentally, and so clean, that you will envy the people of Costa Rica.

As a country, we need to have a proper and legal environmental framework to be able to sustain our environment. Apart from being a very good Bill, the Bill will eventually encourage investors, because a lot of donors who want to chip in now towards projects that are meant to sustain and improve our environment do require this particular Bill. This is because they say that as a country, we do not seem to have a comprehensive legal framework for environment. Therefore, there is no need to invest here since this country is not serious about sustaining a good environment. Therefore, I am sure that if we pass and support this Bill as Parliament, this country will have more investors, and it will encourage many more people to come and invest, because we will have had the legal framework to be able to deter irresponsible behaviour of most Kenyans.

Mr. Temporary Deputy Speaker, Sir, the Bill specifies the exact measures the Government is going to take if we misbehave, and if we are not environmentally-friendly. That is the crux of the matter. I would like to request the Minister to consider making it possible to harmonise the Ministry of Environment and Natural Resources with other Ministries.

Mr. Temporary Deputy Speaker, Sir, I have several conventions in mind; like the Convention on Wetlands Management. Currently, I am made to understand that this convention is being managed by Kenya Wildlife Service, (KWS) which is under the Office of the President, and the Museums of Kenya fall under the Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports. By extension, therefore, you will find that the Ministry of Environment and Natural Resources, because of the fact that these conventions have been placed under different Ministries, has inhibition effectiveness is hampered. I would suggest that in the Civil Service Reform Programme (CSRP) and the rationalisation programme, this issue is given serious consideration. So, the Ministry of Environment and Natural Resources is actually the custodian of all the conventions that this country is party to, especially the conventions that have a direct relationship with the management of a good environment.

Mr. Temporary Deputy Speaker, Sir, the other important issue that I would like to comment on is about environmental impact assessment licence. This licence must be given with a lot of consideration for the environment. We do not want the licences to be issued left, right and centre, and to every person who applies for it. There should be stringent measures in giving these licences to people who deserve them.

Mr. Temporary Deputy Speaker, Sir, there have been aspects of environmental abuse, especially in North Eastern Province. We had situations where we started the so-called oil exploration. We had firms in North Eastern Province which went to explore for oil but up to now, we do not have a conclusive report. But the information we are getting is that there are some toxic waste dumped in wells where these explorations were taking place. This became apparent during the *El Nino* rains, which removed from underneath the ground all that was buried. By extension, we have had situations where pregnant mothers were affected and animals started dying in large numbers, especially in areas around where these explorations took place. In future, we should not allow people to explore and bury toxic waste in the process. This environmental impact assessment licence is going to help in giving licences only to firms that are really interested in exploration but not dumping waste in the pretext of exploration.

Mr. Temporary Deputy Speaker, Sir, I have been an Assistant Minister in the Ministry of Local Government. I would like to suggest that in future, like my colleagues have suggested, all local authorities in this country should have competent environmental officers. Local authorities are the ones that manage the affairs of particular councils in a particular municipality or district. In the absence of qualified environmental officers, we are not going to be able to sufficiently address what this Bill intends to achieve. I will suggest that we make it compulsory for all councils to hire experts in the environment, so that when they undertake their activities, the aspect of the environment is taken care of.

Mr. Temporary Deputy Speaker, Sir, Wajir District is suffering from serious environmental hazards. In Wajir, we use the bucket latrines and, by extension, because we cannot be able to use pit latrines to discharge human waste, Wajir has got very serious environmental problems. When it rains, water flows from the toilets to the shallow wells that people use, and by extension, we have got epidemics like cholera and other very serious diseases. I would like to request the Minister to ensure that once this Authority is established, a study is established especially in North Eastern Province. We should even set up a school of environmental studies in that part of the country, to come up with ways and means in which we can address this problem. Sometimes we end up drinking our own waste in Wajir because we have got no other way of sewage disposal. It is very expensive. We are told to put up a major disposal facility, but with the situation that we are in now, that area suffers the risk of getting a serious epidemic. Therefore, I suggest that we have a comprehensive study in Wajir, to see how best we can address this serious problem which is an environmental hazard.

Mr. Temporary Deputy Speaker, Sir, again, when we are talking about these studies, the environment in

North Eastern Province can be turned round. We say that the environment in North Eastern Province is hostile. However, because we have not had such a comprehensive study about what the resources are in North Eastern Province, we cannot be able to tap those resources. North Eastern Province has got a similar environmental situation with countries like Israel, because in Israel, they turned round the environment and their climatic conditions are better. They have got irrigation because they carried out a study on what that environment can be able to provide. I suggest that this particular study should be taken very seriously because it is going to assist the people of North Eastern Province to alleviate poverty.

With those few remarks, I beg to support.

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, when we talk of the environment, we are talking of a very important area. At one time, I have had the opportunity to move round with the Minister for Environment to the dumping site where garbage from this City is taken. He promised a lot of things in that particular area and I hope that after this Bill is passed, because we are going to support it, we will be able to see physically what is happening literally on the ground.

Mr. Temporary Deputy Speaker, Sir, the Authority that is about to be formed is an authority that will be charged with a lot of responsibility. It is an authority that will be looked upon by very many people to solve a lot of problems affecting the environment. The purpose of the Authority, as described in the Bill on page 240, is to establish, supervise and co-ordinate matters of the environment. I hope they will understand that this co-ordination is so important because when one area is affected, the other area is equally affected, and a lot of problems are likely to occur if there is no proper co-ordination on environment. But I want to hasten to say that if you read page 267 of the Bill, it is talking of vegetation. Vegetation comprises one of the biggest areas where the environment will be taken into consideration. When we talk of vegetation, we have in mind forests, trees, conservation and where our rivers start. The environment has been messed up and I think the Minister now understands what we meant when we were talking of Karura Forest. He should now talk about Karura Forest. I will expect him to say that, when you destroy Karura Forest, then you are destroying the environment. Therefore, you are in collision with what we are talking about in this Bill. It is already an offence when you destroy one tree from Karura Forest.

When the Bill is in enforced, I will expect the Minister to start by allowing the Authority to prosecute all those who destroyed Karura Forest. That was one of the areas where the vegetation or the environment was destroyed. The Authority has got the power and we are now mandating it because it is going to have a Director-General, a very big **[Mr. Mwenje]** man, looking after the environment. So, it is going to be a very big Authority, with a lot of powers. I will want to appeal to them that the first thing they should do when this Authority is established is to move to Karura Forest, check what is happening there and stop any destruction of vegetation, and make sure that those who are doing it are prosecuted, so that environmental conservation is looked after properly, and is well done.

If you look at those people that carry garbage, including the Nairobi City Council tippers; when they start from Dagoretti to Dandora where they take the garbage; they go on littering garbage on the road up to the other end of the City, thus making the whole City dirty. When these people are licensed, even the City Council should also be classified among those who will require licensing, so that they do not litter garbage in this City. What is to be littered? All these descriptions are there in the Bill. If you go to Dandora, where garbage from the whole of this City is taken, and where the Minister had the opportunity to visit, you will find not only garbage; you will even find foetuses and syringes or waste medicine. This is dumped in an area next to Dandora Phase II, which is inhabited by people. It is causing a lot of diseases to those who live around that area. This must be decentralised immediately.

Mr. Temporary Deputy Speaker, Sir, before the Bill comes into force, the Minister must take up this matter very quickly. Although a few things are being done, the bigger part of it is dangerous. As a matter of urgency, we should decentralise that particular garbage dumping area. If we have dump garbage - and this has even been explained in the Bill - we should dump it several feet below the earth. However, in that area, garbage is dangerously dumped on the ground; you cannot walk there. I happen to visit that area quite often, to see what happens. We need to face the matter squarely. When this Bill comes into use, that should be done immediately.

I do not know the kind of environment this City is in. Nairobi used to be described as the "green City in the Sun", but I do not know how we ought to describe it today. Stinking garbage is dumped all over; it is no longer a City. It is, really, a stinking City. Particularly, those of us living in the City's Eastlands, which is sometimes referred to as "the third world" or "the far east", are most affected. Those who live in Muthaiga and Lavington may not know what happens down in those areas. We are so disadvantaged that garbage, sewerage, as well as poor people, are taken to Dandora. The environment in those areas is so poor that I would want the Member for Westlands, who thinks that he is so advantaged by living there, to come to Eastlands and see exactly what happens there.

On that note, I would like the Nairobi City Council to consider having the next sewerage site located in Westlands, and the next garbage dump in Muthaiga, so that those who live in those areas can also experience a bit of



the environmental problems currently being faced by the residents of Eastlands, if the relevant authorities cannot, at least, come to our aid. We are in a very bad environmental situation. I am glad that the Minister has come up with this Bill, and that he knows the area I am talking about, having been there sometime back. The area stinks, and can be described using any bad words. So, this is a matter that should be addressed immediately.

Mr. Temporary Deputy Speaker, Sir, also, the Bill targets areas described as "areas of traditional interests", which it shall protect. The term "traditional interests" can be described in many ways. I agree that traditional interests should be protected. In this regard, for example, the Minister should, first and foremost, gazette, the *Mukurwe wa Nyagathanga* as a protected area. This is a very important area. Also, he should find out which areas of interest to *Njuri Ncheke* in Meru require to be protected once this Bill becomes an Act of Parliament. These are very important environmental areas, but have been messed up with. Some of them are being developed into schools and other things. However, despite all this, they should be protected. It is in the interest of this country's future generations that those areas are gazetted as traditional interests. The description given under Clause 43, which appears on page 266 of the printed Bill, is so important and acceptable that we should look into these areas in that manner. If we do not, we will live to regret it.

Water catchment areas are part of the environmental areas that have of late been degraded, and they should be protected. However, we should not disorganise those people who are living there. These should include the area hon. Ntimama talked about sometime back. If we do not protect those areas, ultimately, this country may have no water at all; our rivers will be messed up with. In some areas, rivers are polluted deliberately by some of the people who live near them. Therefore, the Minister should also consider protecting areas next to rivers. The law that is currently in place is not enforced. In some cases, you will find that those living in the upper parts of rivers misuse the water without caring that the same water is used by those living in the lower parts of those same rivers.

Mr. Temporary Deputy Speaker, Sir, you may find toilets next to rivers upstream, yet people living downstream use the water of that same river for domestic use. The relevant authority should be charged with the responsibility of ensuring that such things do not happen; even the practice of washing [Mr. Mwenje] clothes directly in rivers should be stopped. We are bothered about environmental degradation because the consequences affect us all. If some people can wash clothes upstream, while others use the same water for domestic purposes downstream, then something is wrong with our environmental regulations. That is why the authority should be charged with the responsibility of looking into such matters, among others, particularly in Nyanza Province. There, you will find people swimming at the upper parts of a river, while other people drink that same water at the lower parts of that same river. The practice, thus, helps spread cholera in that area.

**Mr. Ngunjiri:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member saying that river water is only polluted when people swim in it? In Nairobi, people bath upstream, and the water flows downstream to his constituents.

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, the hon. Member has said exactly what I am explaining; that, water in Nairobi is polluted in the same way as it is polluted in Nyanza Province, and that this should be stopped. Also, the way water is polluted in Nairobi may be different from the way it is polluted elsewhere. For instance, in Nyanza Province, people living on the upper parts of rivers may pollute the water by swimming in it. However, in Nairobi, water is polluted mainly through leakages of water pipes. Even the water we take here is polluted; quite a number of the pipes that bring water here have leakages. One should not be surprised to find muddy water flowing from a tap despite the fact that, that water is treated with chlorine. All I am saying is that the authority should be expected to come up with solutions to these problems.

Mr. Temporary Deputy Speaker, Sir, if you visit any area where there is a tannery, for example, Thika, Zimmerman and Ruiru, you will be surprised by the unpleasant smell emanating from them. The other day, it was almost impossible for me to pass through Athi River.

**Mr. Obwocha:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very important Bill, but considering that the Committee on Environment has discussed it extensively and suggested certain amendments to this Bill, I would like to propose that the Mover be now called upon to reply.

**Hon. Members:** No! There is no quorum!

**The Temporary Deputy Speaker** (Mr. Imanyara): As brought out, almost all the issues that needed to be debated have been debated, and I agree with the suggestion that the Mover be now called upon to reply.

#### QUORUM

**Mr. Angwenyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We do not have a quorum in the House.

**The Temporary Deputy Speaker** (Mr. Imanyara): Ring the Division Bell.

*(The Division Bell was rung)*

Order! Order, Mr. Murathe! We now have a quorum.

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

**The Minister for Environment** (Mr. Nyenze): Thank you, Mr. Temporary Deputy Speaker, Sir. I do appreciate the points that have been raised by hon. Members in this very important Bill. I do thank them very much for the concern that they have shown on this Bill. As I said earlier on, this is a very important Bill, and surely I have seen that it will be enacted into legislation which will enhance proper management and care of the environment.

I do note with appreciation what several hon. Members have said and, especially, some points that were raised here by Prof. Anyang'-Nyong'o and hon. Leting. If one visits Lake Victoria and sees how the municipalities and county councils along the lake discharge untreated effluent into the lake, he or she will appreciate the points they have raised. I know that we have not done enough to ensure that our environment is clean, but there is still room for improvement. I am sure that since the environment touches on everybody, the debate has been very helpful. The points which have been raised here will be taken very seriously. Hon. Mwenje has talked about dumping in Dandora Phase II. We have been trying, with the assistance of some donors and the City Council, to move the dumping site from that place. I have been there personally and seen how people suffer. I have personally seen the syringes, needles and dirt that has been dumped next to the residential areas of those poor people, and we promise that we will act on this matter. We did not have the teeth to bite, but the enacting of this Bill into law will give us the "teeth", so that we manage the environment the way you want it to be.

Mr. Temporary Deputy Speaker, Sir, as I said earlier on, we have laws which are punitive in a way, but which are not meant to destroy any industry. They are meant to ensure that people live in a clean environment. We have got some examples which were given here, like Singapore. I have not been there, but from what I have heard from hon. Members, it is a very clean city, and we would also like Nairobi to be clean. This is because foreign investment will depend on a clean environment. When a country has proper legislation to protect, maintain and conserve its environment, it will attract foreign investment. If our country wishes to industrialize by the year 2020, then we have to put these laws into place. I will stand accused if laws are passed in this House and they are not implemented. But as I said earlier on, the earlier legislation was in different Ministries and places, but this Bill aims at harmonising them and bringing all laws together under one implementing authority. This authority will be charged with the management of the environment.

I also took note of the hon. Members' concern about our big rivers, like Nyando and Nzoia. I know that the sugar industries along those rivers are discharging their effluent into them. I have also noted that there is a decline in the fish catch from those rivers and even in Lake Victoria. I would like to promise this House that once this Bill is enacted into law, we will not hesitate to punish those people who have been polluting our environment.

Mr. Temporary Deputy Speaker, Sir, the Bill also talks so much about afforestation and protection of our forests. We do note that about 85 per cent of Kenya is arid and semi-arid. We would like it to have some wood cover, and that is why even at the moment, my Ministry has placed a moratorium of three months to protect the forests and give them room for rejuvenation. This is because we admit that there has been unabated exploitation of our woodlands. Because most of these points have been taken, I promise that I will adhere to these recommendations, and we will exercise these laws once they are passed here by the legislators.

With those few remarks, I beg to move.

*(Question put and agreed to)*

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

## MOTION

### ADOPTION OF THE EIGHTH PIC REPORT

**Mr. Githiomi:** Mr. Temporary Deputy Speaker, Sir, I beg to move:-  
THAT, this House adopts the Eighth Report of the Public Investments Committee on the accounts of

State Corporations laid on the Table of the House on 17th June, 1999.

Thank you, Mr. Temporary Deputy Speaker, Sir, for granting me this opportunity to move the adoption and debate on the Eighth Report of the Public Investments Committee. The Public Investments Committee had the following Members, who I would like to thank for enduring long hours of work and sacrificing a lot of their leisure time. The first Member was myself, hon. Mwangi Githiomi, Chairman; hon. P.K. Kaindi, hon. A. Badaway, hon. J. Sambu, hon. Z. Nyang'wara, hon. S.L. Poghisio, hon. A.I. Shaaban, hon. K.M. Sang, hon. R. Odinga and hon. M. Keriri.

Mr. Temporary Deputy Speaker, Sir, on behalf of the entire Committee I would like to thank the staff of the Office of the Auditor-General (Corporations), the staff of the Department of Government Investments and Public Enterprises of the Treasury, and the staff of the National Assembly whose commitment to duty made the work of the Committee and the production of this Report possible. The Committee held 112 sittings, in which it closely examined audited accounts of 51 State corporations and the Report thereon by the Auditor-General (Corporations).

The Committee also undertook field inspection tours of projects in the Coast Province, Rift Valley Province, Central Province and Nairobi Province. The field tours covered Kenya Airports Authority in Mombasa and Nairobi, National Cereals and Produce Board depots in Mombasa, Kenya Ports Authority, Kenya Agricultural Research Institute Projects in Mombasa, Kitale and Tigoni; Agro-Chemical and Food Chemical Company in Muhoroni, Mumias Sugar Company, Muhoroni Sugar Company, Nzoia Sugar Company, Lake Basin Development Authority stalled projects, Kisumu Rice Mill, Kenya Medical Research Institute headquarters and staff housing projects.

The public expects some measure of financial prudence in the management of parastatals because they have been established with the use of taxpayers' money. However, the Committee received overwhelming evidence of misappropriation, mismanagement and, in some cases, outright embezzlement of public funds. Since it is not possible for me to go through each parastatal, I have chosen a few to illustrate some of the critical problems found in State corporations.

In Kenya Posts and Telecommunications Corporation, the Committee was horrified to learn that the corporation decided to purchase two plots in Karen at Kshs62 million. In this transaction, the lawyer was Chege Kirundi, who was also working for the corporation. He was also the seller of the plot to the corporation. The title deeds of these two plots have never been transferred to the corporation to date, and we are talking of a deal that was concluded in 1992. The then managing director was today's Minister for Water Resources, Mr. Kipng'eno arap [**Mr. Githiomi**]

Ng'eny. As if that was not enough, the then managing director went ahead and commissioned consultants to do consultancy work on the plots, knowing so well that these plots did not belong to KPTC because even today, the corporation does not have the title deeds. The consultants were also paid a total of Kshs118 million. The plot was intended to accommodate a freight(?) project. This project has not been undertaken to date. In the opinion of the Committee, this was an outright fraudulent act, and the public was defrauded of a total of Kshs180 million.

The Committee, however, made recommendations that the Attorney-General should now move expeditiously to institute criminal charges against Mr. Kipng'eno arap Ng'eny, Mr. Chege Kirundi, Mrs. Lucy Wamaitha Chege and the then company secretary, Mr. Malakwen. We also adopted a recommendation that Messrs Kirundi and Company Advocates be reported to the Law Society of Kenya Complaints Commission for unprofessional conduct. This plot belonged to Mr. Kirundi and his wife, who were the owners of a company called Beja Investments.

All these things were done with the understanding of the managing director. He knew for sure that KPTC was not ready to put up a freight (?) project at the two plots. He knew for sure that KPTC did not have the money to put up this project, but he went ahead, purchased these plots and paid consultants a total of Kshs118 million, making a total of Kshs180 million shillings. It was difficult for the Committee to believe that this project was just undertaken out of the blues. We suspected that this money was actually shared between the then managing director, Kipng'eno arap Ng'eny and the then lawyer for the corporation and also lawyer for Beja Investments, Mr. Chege Kirundi.

This is the way the corporation was defrauded of a total of Kshs180 million. In the same corporation, we heard of a case where the then property manager,

Mr. Cheptoo, released 14 plots to the Commissioner of Lands without the authority of the board of directors. In this case the Committee was convinced that there is no way the former property manager of KPTC could have released these 14 prime plots in Nairobi to the Commissioner of Lands for reallocation without the knowledge of the then managing director.

When these plots were surrendered to the Commissioner of Lands, there were possible names of individuals to whom the plots were to be allocated. They were not just released, but it was a plan to get these plots out of KPTC and pass them over to individuals. The Committee also made some recommendations on these plots because we felt it would be wrong for a property manager to conspire with a managing director to surrender property that belonged to a corporation back to the Commissioner of Lands when he had not asked for these plots.

The Committee recommended that the then property manager, Mr. J. Cheptoo, should be dismissed from KPTC in the public interest and banned from holding any public office conferred by the Republic of Kenya. We also recommended that the chief executive should obtain title deeds for the 14 plots and submit copies of the same to the Auditor-General (Corporations) for verification by 30th September, 1999 - because we thought the Report would have been adopted by then - to support his claim that the surrender of these plots has been revoked.

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, it is now time for the interruption of business. On that note, we must adjourn our proceedings to tomorrow, Wednesday, 8th December, 1999 at 9.00 a.m.

The House rose at 6.30 p.m.