

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 16th December, 1999

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

The Report of the Speaker's Committee on the Members' Group Personal Accident Insurance Cover and Medical Scheme.

*(By the Minister of State, Office of the President
on behalf of the Chairman of the
Speaker's Committee)*

NOTICE OF MOTION

APPROVAL OF SPEAKER'S COMMITTEE REPORT ON COMPREHENSIVE GROUP MEDICAL COVER/PERSONAL INSURANCE SCHEME FOR MEMBERS

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, on behalf of the Chairman of the Speaker's Committee, I beg to give Notice of the following Motion:-

THAT, this House approves the Report of the Speaker's Committee on a Comprehensive Group Medical Cover and Personal Accident Insurance Scheme for Members of Parliament laid on the Table on the 16th of December, 1999, and that the scheme be effective from 1st January, 2000.

Mr. Speaker: Just before I move on to the next Order, I would like to bring to the attention of the House the Supplementary Order Paper. I hope every hon. Member has the Supplementary Order Paper. I hope also that every Member has got a copy of the Sessional Paper on the Comprehensive Group Medical Cover and Personal Accident Insurance Scheme for hon. Members. If you do not have one, it will be availed to you. Please, contact the Clerk at the Table if you do not have a copy of that document.

May I also bring to the attention of hon. Members that, I am going to finish Question Time ten minutes to 3.30 p.m. so that we can move to the Procedural Motion which will determine how we will go about our business. So, please be understanding.

ORAL ANSWERS TO QUESTIONS

Question No.623

IMPLEMENTATION OF CIVIL SERVICE REFORM PROGRAMME

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

- whether he could inform the House how many civil servants, teachers, parastatal officers, local authority staff and university employees will be retrenched in the on-going Rightsizing Programme;
- why the Government resorted to the exercise and what options the affected employees have; and,
- whether he could table a list of all the affected persons in part "a" of the Question.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, my colleague who is briefed to answer that Question is not here. So, I beg that the Question be deferred.

Mr. Speaker: Mr. Muchiri, what do you have to say?

Mr. Muchiri: Mr. Speaker, Sir, could it be deferred to round two?

Mr. Speaker: In the hope that he comes?

Mr. Muchiri: Yes, Mr. Speaker.

Mr. Speaker: Fine! I am quite happy with that.

Question No. 727

SHOOTING OF MR. PETER IRUNGU

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

(a) whether he is aware that Mr. Simon Peter Irungu of Kangema Township was on 3rd February, 1993, shot with a gun by the then police officer, Mr. Joseph Kipkoech Cheruch, at Kahuruko Bar in the said Township;

(b) whether he is further aware that the said Mr. Simon Peter Irungu suffered serious bodily injuries and that the bullet used was lodged in his left hand from where it was removed at Murang'a General Hospital; and,

(c) whether he could confirm that the police officer was tried and imprisoned for a total of 30 years and that, Mr. Simon Peter Irungu would be compensated for the bodily injuries he suffered as a result of the shooting, and when the due compensation will be paid.

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

(a) Yes, I am aware.

(b) Yes, I am aware.

(c) The ex-police constable was tried and convicted on one count of murder and two counts of causing grievous harm. He was sentenced to ten years imprisonment for each offence to run concurrently. The issue of compensation cannot be determined at this stage since the ex-policeman has appealed to the High Court against the conviction and the matter is still pending before court.

Mr. Michuki: Mr. Speaker, Sir, the information I have about this criminal is that he died in jail. It would appear rather odd that a case of appeal should be pending before court untried, seven years, since 1993. Could the Minister produce evidence of this appeal and when it was made?

Mr. Sunkuli: Mr. Speaker, Sir, I am afraid, I do not have that information right now and taking into account the allegation that the hon. Member has made which is strange to me, I should just be allowed to take back this matter and re-investigate it.

Mr. Speaker: Mr. Michuki, would you like to renew the Question at some stage?

Mr. Michuki: Mr. Speaker, Sir, this matter should be brought to conclusion. I agree with you that it can be renewed. But when this Question was asked two weeks ago, the Minister was in possession of the information that I had and he undertook to go and confirm whether it is true or not.

Mr. Speaker: Much earlier?

Mr. Michuki: Mr. Speaker, Sir, this is a repeat Question because it was asked in this House two weeks ago. I consulted the Minister thereafter and brought to his attention the fact that, the information I had from both, Mr. Irungu and his mother, is that, the man died at King'ong'o Prison in Nyeri and he was going to investigate that matter. Could he now give us that information?

Mr. Sunkuli: The House might appreciate that the Minister hon. Michuki dealt with is different. It was not me! Unfortunately, I do not particularly have those facts he is talking about. If the Question is deferred again, I am sure it will receive a more appropriate answer.

Mr. Speaker: Very well. I think we are in a no-win situation and I will defer it.

(Question deferred)

*Question No.682*CONTROLLING OF OIL INDUSTRY
BY MULTINATIONALS

Mr. Kajwang asked the Minister for Renewable Energy Development:-

(a) whether he is aware that the oil industry is under the monopoly of a cartel of a few multinational companies;

(b) whether he is further aware that these multinational companies have refused to sell part of their shares to Kenyan citizens; and,

(c) when he will bring a Bill to Parliament making it mandatory for the multinational companies trading in oil products to sell 50 per cent of their shares to Kenya citizens.

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

(a) The oil industry is not under the monopoly of a cartel of multinational companies. There have been about 90 new entrants, mostly local, in the market. However, only a few of them are able to offer some competition to the major oil companies which are already well established. The major oil companies have sometimes tried to act as a cartel but the Government, as the supervisory body, has been constantly coming up with measures to check this, for example, monitoring of consumer prices and the consumer awareness of the trend in local and international prices.

(b) This is not true. For instance, Total Oil Company has about 60 per cent shares owned by the public, while Kenol has 11.76 per cent owned by resident individuals and 87 per cent by resident institutions.

(c) This is not necessary since taking such action may send wrong signals to foreign investors. However, since liberalization started, local entrepreneurs have been allowed to operate in the oil sector to the best of their capacity. The Government is also setting up facilities in Nairobi and Mombasa to enable them load petroleum products and thus, they will be able to penetrate the market more.

Mr. Kajwang: Mr. Speaker, Sir, the Assistant Minister has said that the big oil companies, about eight of them, act almost as a cartel. Is it not true that they actually fix prices in their own interest and not in the interest of the country? Most times, they exploit us.

Mr. Chanzu: Mr. Speaker, Sir, it is true that they act almost that way but the Government is making efforts to address this issue. That is why we have allowed small companies to go into the market. There are facilities being developed in order to facilitate more participation of these small companies in the market so that they can be able to beat the operation that is being practised by multinational companies.

Mr. Anyona: Mr. Speaker, Sir, the Assistant Minister is talking about encouraging small companies to compete against multinational companies. How can you compete against giants? They will kill you! Is what is going on not, in fact, contrary to the Anti-Monopolies Practises Act of this Parliament?

Mr. Chanzu: Mr. Speaker, Sir, the biggest problem small companies have been facing is lack of loading facilities which we want to develop in Nairobi and Mombasa. With that, we are sure that small companies will be able to compete fairly with the larger companies in the long run.

Mr. Kajwang: Is the Assistant Minister aware that Total Oil Company is actually a national oil corporation of the French Government, and that our own National Oil Corporation of Kenya (NOCK) is not being supported even to have a loading arm, to have a share in the Pipeline and in the storage facilities at the Coast? What is the Government doing to make NOCK competitive and thereby save us from over-pricing of oil?

Mr. Chanzu: Mr. Speaker, Sir, one of the measures I have talked about is the facilities for track loading. Secondly, we are working on amendments to the Petroleum Act which will be brought to this House and Members will be able to comment on them. With that, I think we should be able to penetrate more into the market with the local companies.

Mr. Speaker: Next Question, Ms. Karua.

Question No.684

TENDERING OF ROADS 2000

NETWORK IN KIRINYAGA

Mr. Speaker: Ms. Karua is not there. We will come back to that Question later. Next Question, Mr. Katuku?

Question No.711

REPAIR OF MBIUNI-KATHEKA-TALA ROAD

Mr. Katuku asked the Minister for Roads and Public Works when Mbiuni-Katheka-Tala Road which is virtually impassable will be repaired.

The Assistant Minister for Roads and Public Works (Mr. Criticos): Mr. Speaker, Sir, I beg to reply.

My Ministry does not have any immediate plan to carry out any work on the road as it was not prioritized by the DDC.

Mr. Katuku: Mr. Speaker, Sir, it is very interesting to hear the Assistant Minister state that this road was not prioritized by the DDC, while on the 10th of this month, we had a DDC meeting and his own officers at the ground admitted that it was an oversight not to have prioritized this road. Even hon. Ngutu can bear me witness, it is a very terrible road. It links my constituency and his constituency. Can the Assistant Minister be serious and undertake to ensure that this road is murramed?

Mr. Criticos: Mr. Speaker, Sir, I was informed by the hon. Member that during the last DDC meeting which took place five days ago, this road was prioritized. Therefore, I will do a bit of murraming for the road until the documents are forwarded to us by the Chairman of the DDC for our perusal. Since yesterday when the hon. Member came and saw me, we have instructed the Chief Works Engineer to assist at the grassroots. Kshs1.5 million was released last week to the district for repairing graders which will be used to murram this road.

Mr. Muchiri: Thank you, Mr. Speaker, Sir. We have been having a problem in this House with the Assistant Minister because every time he comes here, he talks about the DDC which is not meeting regularly. This road is very bad. What are his instructions to his officers when the DDC has not met and the road is impassable?

Mr. Criticos: Mr. Speaker, Sir, I think the hon. Member was not listening to his colleague. The DDC met on 10th of this month but we have

[**Mr. Criticos**]

not received instructions from the ground. However, I have spoken to the Chief Works Engineer for that particular road to do the emergency repairs which were caused by *El Nino* rains.

Mr. Katuku: Mr. Speaker, Sir, I must thank the Assistant Minister for the initiative he is taking to ensure that, that road is done. I would want also to inform him that there is a bridge which was swept on the same road in 1998 during the *El Nino* rains, namely; Mbiuni-Kathama Bridge. It has not been repaired since then. In view of the promise the Assistant Minister has given that the road will be murramed, could he also consider to have this bridge constructed?

Mr. Criticos: Mr. Speaker, Sir, since this bridge had been prioritized by the DDC, we will look into it at the same time when the surveyors from my Ministry are going to survey the site. Otherwise, right now, we have instructed them to do the grading. I have not done anything about the bridge up-to-date, but since the hon. Member has brought it to my attention, I will look into the matter.

Mr. Speaker: For the second time, Mr. Muchiri's Question?

*Question No.623*IMPLEMENTATION OF CIVIL SERVICE
REFORM PROGRAMME

Mr. Muchiri asked a Minister of State, Office of the President:-

- (a) if he could inform the House how many civil servants, teachers, parastatal officers and university employees will be retrenched in the on-going Right-sizing Programme;
- (b) why the Government resorted to this exercise and what options the affected employees have; and,
- (c) if he could table a list of all the affected persons in "a" of the Question.

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

- (a) It is not possible at the moment to determine how many employees will be retrenched---

Mr. Gitonga: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Assistant Minister to start replying to the Question without apologising to the House for being late?

Mr. Speaker: Mr. Haji, the House is very unhappy with you. You were late and they want an apology.

The Assistant Minister, Office of the President (Mr. Haji): Mr. Speaker, Sir, I want to apologise most sincerely. I hope the hon. Members have accepted my apology.

I beg to reply.

(a) It is not possible at the moment to determine how many employees will be retrenched since modalities on rationalization and right-sizing are not yet completed.

(b) The Government resorted to the exercise because the number of civil servants, parastatal officers and others under the Government payroll was too large for the resources available. As for options, the Government intends to re-train the officers to be retrenched for possible absorption in the private sector. The retrenched officers can also use safety net benefits for soft landing in the private sector, for example, as businessmen. They can also go into commercial farming. They can also become consultants or suppliers of goods and services to the open market.

Finally, they can secure wage employment in the private sector.

(c) At the moment, it is not possible.

Mr. Muchiri: Mr. Speaker, Sir, the Assistant Minister said that the answer to both parts "a" and "b" of the Question is that it is not possible. Could he tell this House when it will be possible for him to lay on the Table a list of the names of the employees the Government wants to retrench?

Mr. Haji: Mr. Speaker, Sir, that matter has not been determined yet, obviously, it is not possible for me to lay on the Table the list of the names of the employees Government wants to retrench.

Mr. Muchiri: On a point of order, Mr. Speaker, Sir. My question is: The Assistant Minister's answer to parts "a" and "b" of my Question is that it is not possible. Could he, then, tell the House and the nation when it will be possible for him to lay the list of the names of employees the Government wants to retrench?

Mr. Haji: Mr. Speaker, Sir, the list can be laid on the Table when it becomes possible for me to establish the names of those workers the Government intends to retrench.

Mr. Katuku: Mr. Speaker, Sir, it is very interesting that the Assistant Minister says that he is not able to lay on the Table the list of the names the Government wants to retrench yet, yesterday, the Head of the Public Service and Secretary to the Cabinet, Dr. Leakey, indicated that the Government is negotiating with the IMF for funds to be used in the exercise. Now, is the Government negotiating for funds to retrench people whose number is not known?

Could he be serious and tell us the amount of money the Government is negotiating with the IMF, for the exercise.

Mr. Haji: Mr. Speaker, Sir, unfortunately, I am not the one who is negotiating with the IMF. So, I cannot tell how much money the Government is negotiating for. Secondly, as I said, when it has been determined how many people will be retired depending on the funds that will be available, this House will be informed accordingly.

Dr. Ochuodho: The last one, Mr. Speaker, Sir.

Mr. Speaker: I am sorry, Dr. Ochuodho; I said that Mr. Katuku's question would be the last one on this particular Question. Ms. Karua's Question for the second time!

Question No.684

TENDERING FOR ROADS 2000
NETWORK IN KIRINYAGA

Ms. Karua asked the Minister for Roads and Public Works:-

(a) when the tendering for the Roads 2000 Network in Kirinyaga District and especially for Road No.D458 (Kirinyaga-Kiamutugu) was carried out and why the local Members of Parliament were not involved;

(b) which companies/persons tendered and for how much; and,

(c) who was awarded the tender, and what the previous contracts this contractor has performed for the Government are.

The Assistant Minister for Roads and Public Works (Mr. Criticos): Mr. Speaker, Sir, I beg to reply.

(a) The tendering of the supply of materials for Roads 2000 Network in Kirinyaga District was done in the 1998/99 financial year under Tender No.KIR/7/98-99. At that time, Members of Parliament were not invited to the District Tender Boards (DTBs).

(b) The following companies tendered and were awarded the contract for the supply of murraming this

particular road at the rate of Kshs1,050 per cubic meter of murrum: One, M/S Spals, which supplied 1,430 cubic meters of murrum; was paid Kshs1,501,500; this was its first contract. Two, M/S Kerugoya, which supplied 955 cubic meters of murrum; was paid Ksh1,002,750; this was its first contract. Three, M/S Oasis, which supplied 1,905 cubic meters of murrum; it was paid Kshs2,000,750; it has been a haulage contractor for a long time in Embu. Four, M/S Mukima, which supplied 1,430 cubic meters of murrum; was paid Kshs1,501,500; it has also been a haulage contractor for a long time in Kirinyaga and Murang'a Districts. Five, M/S Hunpreys, which supplied 1,430 cubic meters of murrum; was paid Kshs1,501,500; was a new contractor. Six, M/S Rama Gaiho, which supplied 1,905 cubic meters of murrum; was paid Kshs2,000,250; was an old contractor in haulage in Kirinyaga, Murang'a and Thika Districts. Seven, M/S Kimiri, which supplied 995 cubic meters of murrum; was paid Kshs1,002,750; was a new contractor. Eight, M/S Tangerene, which supplied 1,430 cubic meters of murrum; was paid Kshs1,501,500; was an old contractor in Kirinyaga, Nyeri and Murang'a Districts. Nine, M/S Kamjim, which supplied 955 cubic meters of murrum; was paid Kshs1,002,750; was an old contractor in Nyeri and Murang'a Districts.

(c) The companies/persons awarded the tenders are as in "b" above.

Ms. Karua: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to bring to the House the same answer, which was rejected on 1st December, 1999, when the Question was asked first? On that day, he was ordered by the Deputy Speaker to go back and get a better answer to the Question. For instance, you will see that the names of the contractors could be names of places, and so we cannot tell whether they are of companies or persons. For instance, "Mukima" could be the name of a place, a person or anything. We needed full names, for individuals, and details, for companies. Is he in order to treat this House with contempt by bringing the very same answer?

Mr. Criticos: Mr. Speaker, Sir, with due respect, I think we need your guidance in this matter; I think the gracious lady has taken over your job.

Mr. Speaker: Order! Order! Why are you so agitated, Ms. Karua?

Ms. Karua: Mr. Speaker, we sought your guidance; we have been waiting for it. That is the only reason why I am agitated. This answer was brought to this House on 1st December, 1999, and was rejected by the Chair. How can he now bring it again, two weeks later?

Mr. Speaker: Really, I was not in the Chair then, and I have not got the relevant HANSARD Report. So, I am in a very difficult situation.

Ms. Karua: Mr. Speaker, Sir, we are saying so; from the records, you will see that this answer was rejected on that day, and that an Assistant Minister, whose name I cannot recall, was answering this Question on that day. This was the very answer that was rejected by this House. Is this not contempt of this House?

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members! Ms. Karua, you know, when you raise a very great matter such as contempt, the Chair must be in a position to know what the fact was. As I said, I was not sitting here on 1st December, 1999. I have not even got the answer, which you have. I have not seen the HANSARD Report for that Sitting. So, I am completely unable to either agree or disagree with you.

Ms. Karua: On a point of order, Mr. Speaker, Sir. The Chair is deemed to be continuous. It does not matter who is on the Chair because it is continuous; it is an institution. We all know that today is the last day of this particular Session. This Question had been deferred to be answered on 7th December, this year. I do not know why it never appeared on the Order Paper until today when the Ministry comes with the same answer knowing very well that there is no time. Could we get guidance on whether the Chair will rely on our statement and whether the Assistant Minister can concede that they had attempted to answer this Question on 1st December, this year?

Mr. Speaker: The first thing I would like to say is that although you are right that the Chair is continuous, it cannot remember everything it perpetuates. The Chair can refresh its memory, and this time, I have not had a chance to refresh my memory. So, I agree with you that the Chair is continuous. But Mr. Assistant Minister, could you confirm to me whether what is being alleged by the hon. Member is the actual position?

Mr. Criticos: Mr. Speaker, Sir, this is the first time that I have read out this answer to this hon. House. This is the answer which I have been given and this is the Ministry's position. I would like the Gracious Lady there to differentiate us instead of just saying "this Assistant Minister" and "that other Assistant Minister" whom I do not even recall his name. I think we have been in this House long enough for the hon. Lady to know us.

Mr. Speaker: I understand that it was Eng. Rotich who answered this Question last time. Is Eng. Rotich around? While I am in a very difficult position now, hon. Karua---

An hon. Member: Eng. Rotich is there!

Mr. Speaker: Eng. Rotich, can you help us get out of this situation? What is the position? Is it the same answer?

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Speaker, Sir, I am not sure whether it is the same answer, but I think it is almost the same answer.

Mr. Speaker: Well, it does appear that hon. Karua is right, and I do not know why you did not take the advice of the Chair seriously.

Mr. Criticos: Mr. Speaker, Sir, with due respect, I and my hon. colleague went through this particular answer and found out that what we presented to this House were the same facts.

Ms. Karua: Mr. Speaker, Sir, the two Assistant Ministers have confirmed that it is the same answer, and I had asked the Assistant Minister who was answering the Question on that day that we wanted to know whether "Spals" was a person, a mountain or a company. Those are the details we wanted to get. We also wanted to know the exact date when the tender was awarded even if hon. Members were not sitting on the Board. Thirdly, we wanted to know the date of the circular that authorised hon. Members of Parliament to be called to the Board. If they do have those answers, we will be happy to receive them. If they do not, I want to seek leave of the Chair to move that the Assistant Ministers be named for treating this House with utter contempt.

Mr. Criticos: Mr. Speaker, Sir, I have been asked to answer two questions. First, "Spals" is the name of the construction company that we were talking about. I have their address here. The circular was dated 29th March, 1999, and its number is 4/99.

Ms. Karua: On a point of order, Mr. Speaker, Sir. The answer that has been given by the Assistant Minister on the names of the companies is not satisfactory. He only talked of Spals. What about Kerugoya Total? Is it a business name, a petrol station or a company? What about Oasis, Mukima and these other names, because none of them is indicated? Who are these contractors that the Ministry is hiding?

Mr. Criticos: Mr. Speaker, Sir, I do not think we are hiding anything. I can only answer one question at a time. The full names of Kerugoya Total are "Kerugoya Family Transporters" and their address is 118, Kerugoya.

Ms. Karua: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: We cannot spend all the time on this Question.

Ms. Karua: On a point of order, Mr. Speaker, Sir. I asked the Assistant Minister to clearly give the details of all the companies and he cannot now start saying that I have to put a supplementary question on each one of them.

Mr. Speaker: I think the best thing I can do now because of time factor is to ask the Assistant Minister to give those details to the hon. Member in writing and a copy to the Chair.

Ms. Karua: If he does not do that, what will happen?

Mr. Speaker: If he does not do that, then it will be contemptuous of the Chair!

Ms. Karua: Mr. Speaker, Sir, I hope that this matter will be taken up later on. This is the closure of the Session and this Ministry has done this for the second time. The Chair ordered them to bring an answer and they have defied.

Mr. Speaker: Very well. Mr. Criticos, I will require you to give the details in writing to the hon. Member and send a copy to the Chair so that it forms part of the HANSARD.

QUESTIONS BY PRIVATE NOTICE

DISCIPLINARY ACTION AGAINST NAIROBI HOSPITAL

Mr. Munyao: Mr. Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) Is the Minister aware that a child of a member of the subordinate staff at Nairobi Hospital was put off oxygen support and died on transfer to Kenyatta National Hospital?

(b) Is the Minister satisfied that Nairobi Hospital took the right action especially to a member of staff?

(c) What disciplinary action will the Minister take against the hospital administration as a warning to other health institutions?

The Minister for Medical Services (Dr. Anangwe): Mr. Speaker, Sir, I beg to reply. (a) I am aware that a child of a subordinate staff at Nairobi Hospital died on transfer to Kenyatta National Hospital (KNH).

(b) I am satisfied that Nairobi Hospital took the right action because the mother of the child expressed her desire to transfer the child to the KNH for treatment. Secondly, the doctors evaluation of the condition of the child was that it was not of an emergency nature, and hence it was possible to transfer the child without the oxygen.

(c) Given "b" above, part "c" does not arise.

Mr. Munyao: On a point of order, Mr. Speaker, Sir. You were on the Chair when this answer was read out by the Minister two days ago. This answer which has been read out by the Minister is dated 17th November, 1999, and it is the exact answer which was read out by the Minister two days ago. Is the Chair satisfied that there was need for it to direct the Minister to answer it again? This is because he has not even got the right answer which made the Chair to defer the Question. This is the same answer which he gave two days ago.

Dr. Anangwe: Mr. Speaker, Sir, you deferred this Question when the hon. Member rose to ask for the name of the mother of the child and the name of the child. That is when the Chair deferred this Question. Is that where he would like me to begin answering his Question?

Mr. Munyao: Mr. Speaker, Sir, I have just asked this question, because the Minister has read out the exact answer that he read out last time. Was it worth deferring this Question if we had taken those points?

Mr. Speaker: Order! At the very close of our term here, I think I will discourage a lot of disagreement.

*(Some hon. Members consulted
behind the Chair)*

Mr. Speaker: Mr. Clerk, there is disorder behind the Chair. I was saying that we deferred this Question on Tuesday because the Minister did not know the names of the parents of the child; that is both the mother and the father, and you complained that, maybe, the Minister did not carry out enough investigation. Probably, he has done that now. Maybe, you should ask him a substantive question and then we can see whether he has all the facts.

Mr. Munyao: Thank you, Mr. Speaker, Sir. I asked two questions. At that time the Minister did not have the names of the child and parents. Secondly, at that time the Minister could not tell this House the seriousness of life. This child was denied oxygen. The reason why this child was given oxygen was because it needed it. How come the hospital directed for the removal of oxygen for the child to die?

Dr. Anangwe: Mr. Speaker, Sir, the answer which I am giving is the one which is relevant at this particular moment; forget about the one in the paper. The answer I am giving you is the right one, whether or not I did mention it the other time. You had asked me to mention the names of the child plus the parents. I have an express request from the father of the child that it is not in his interests for the names of the mother and the child to be mentioned because of the adverse publicity that may arise. May I be guided before I can proceed on this particular issue?

Mr. Speaker: I suppose, if it is the wish of any Kenyan not to be mentioned in Parliament, unless of course that person is guilty of some omission or commission, to me, it does look like if there was anybody in the wrong, it certainly was not the parents. It must have been the hospital. I do not even know why we should want to mention the names if that is the express wish of the parents. Can you ask him about the hospital?

Mr. Munyao: If that is the way it is, I will not push the Minister. This child had been put under oxygen because it needed this oxygen for purposes of living. Was the hospital not being very negligent to have denied this child oxygen and, instead, referred the child to Kenyatta Hospital because the parents could not afford to pay the hospital bill?

Dr. Anangwe: Mr. Speaker, Sir, I have already indicated that the child did arrive at the hospital in a critical condition. The child was examined by the relevant doctor. In the meantime, it was decided that the child would be transferred to Kenyatta National Hospital. It is the mother who requested for this. This is normal under collective bargaining agreement between the unionisable staff and the hospital that if non-emergency or regular admissions have to be taken then there are specified hospitals where they should be taken. If it is an emergency and the hospital is on record as having admitted many unionisable staff, including Nairobi Hospital, as to the consequence of that particular decision to remove oxygen on the life and death of this particular child, I think it may be hypothetical to the extent that no post-mortem was done. If a post-mortem had been done would it have shown that the child died because of lack of oxygen? On what basis did you reach a conclusion that the child died because of lack of oxygen?

Mr. Munyao: Mr. Speaker, Sir, I want the Chair and the Minister to take me seriously. This has been a habit of several hospitals like Nairobi Hospital, Mater Hospital and M.P. Shah Hospital, where they have denied Kenyans service and at times thrown them out at the time of need. Could the Minister be more serious and particularly direct that where the question of life is concerned money can be sought later but somebody must be treated first? The patient should not be turned away. Please, be sympathetic to these cases.

Dr. Anangwe: Mr. Speaker, Sir, I wish to confirm that I am not just serious, but that I am very serious with

this particular answer I am giving. Just to elucidate on the point I have already raised earlier, this particular hospital is hospitable and is still one of the best hospitals we have in Kenya. You can always vouch for this as some of you have had admissions in this hospital particularly, the VIP's. Let me underscore this point by saying that in 1998 the hospital attended to a total of 16,635 patients in its staff clinics. The 16,635 were the staff. Out of this number 6,698 were unionisable staff. There were a total of 24 admissions and there were no deaths.

Mr. Speaker, Sir, between January 1999 and October 1999, the hospital attended to a total of 17,667 patients in the staff clinic. Out of this number 7,274 were unionisable staff. There were 22 hospitalisations whose breakdown is as follows:

1. Nairobi Hospital (staff) - seven patients
2. Kenyatta Hospital (collective bargaining agreement with KUDHETHIA) - one 1 patient.
3. Kikuyu Hospital - 10 patients

May I also say that out of all these admissions only three had died in various hospitals. It is not the deliberate wish of this particular hospital to cause anybody injury or death as a consequence of its decision.

EMPLOYMENT OF EXPATRIATES
BY BARCLAYS (K) LIMITED

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

(a) How many expatriates are currently employed by Barclays Bank International (K) Limited, and in what job descriptions?

(b) Is the Minister satisfied that the jobs being done by the expatriates cannot be done by Kenyans?

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

(a) There are 14 expatriates employed by Barclays Bank (K) Limited and their names and job descriptions are as follows:-

1. Andrew Gareth - Managing Director
2. Hugh Lloyd - Executive Director, Operations
3. Jeremy Peter - Head of Audit
4. Paul Reginald - Programme Director
5. Robin Gordon - Executive Director
6. Stephen Michael - Human Resources Director
7. Charles Nicholas - Corporate Director
8. James Austin - Risk Management Director
9. Collin George - Head of Treasury
10. T.J. Stretthfield - Head of Large Corporate
11. Simon John - Audit Management Training
12. Ian William - Project Manager
13. Ian Stanley - Assistant Corporate Director
14. Gareth Jones - Consultant

(b) The Government is observing the process of Kenyanisation in Barclays Bank and wishes to encourage this private concern to ensure that enough Kenyans are taken into top management positions. Currently, there are 87 Kenyans holding senior positions in the bank.

Mr. Kanyauchi: To begin with, the list which the Minister has read apparently contains duplication of titles. For instance, when we talk about Executive Director and then Executive Director, Operations, I am really at a loss as to whether there is any much of a difference. These are two posts being held by expatriates from Britain. If today, 36 years after Independence, we have 14 expatriates in a local bank here in Kenya and in 1975 when I was in Form Five there were only four expatriates, where have we gone wrong? What has happened? We are swimming backwards.

Mr. Sunkuli: Mr. Speaker, Sir, I will bring these sentiments to the attention of the management of Barclays Bank. The hon. Member must appreciate that this is a private bank. We want to make sure that this bank does actually employ Kenyans. They must employ Kenyans from all parts of Kenya.

Mr. Speaker: Order! Order! I am afraid, as I indicated earlier, that is the end of Question Time. This is because we have to get to the next Order; that is, the Procedural Motion which will determine whether we shall take the other businesses or we go straight away to the Motion for Adjournment. So, can I ask the Minister to move the Motion?

Mr. Kanyauchi: Mr. Deputy Speaker, Sir, may I request that my Question be deferred because the answer by

the Minister is not satisfactory?

Mr. Speaker: Very well, I will do that. Your Question and other Questions by Private Notice are deferred.

(Question deferred)

PREMATURE RETIREMENT
OF MILITARY OFFICERS

(Mr. Murungi) to ask the Minister of State, Office of the President:-

- (a) Is the Minister aware that there are very serious complaints by military officers regarding the quantity and quality of food served, uniforms and mismanagement of AFCO?
- (b) Is he further aware that premature retirement of officers is causing a lot of anxiety and is demoralising the serving officers?
- (c) In view of the grave implications of these developments, what urgent measures is the Minister taking to address these complaints?

(Question deferred)

RECRUITMENT OF RANGERS
BY KENYA WILDLIFE SERVICE

(Mr. Noor) to ask the Minister of State, Office of the President:-

- (a) When was the last time the Kenya Wildlife Service recruited rangers?
- (b) What criterion was used to effect the recruitment in some districts?
- (c) When will the recruitment be carried out in Mandera District?

(Question deferred)

PROVISION FOR NBK'S
BAD/DOUBTFUL DEBTS

(Dr. Kituyi) to ask the Minister for Finance:-

- (a) How much of the provision for doubtful debts which was stated in the annual accounts of the National Bank of Kenya as at 31st December, 1998 has, so far, been recovered?
- (b) What is the criterion used by the bank in determining bad and doubtful debts?
- (c) Is the Minister satisfied that this criterion has been followed by the bank?

(Question deferred)

WATER SUPPLY TO KIRENGA LOCATION

(Mr. Gitonga) to ask the Minister for Water Development:-

- (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 School
 - (vii) Lari Health Centre and Dispensary?
- (c) Could the Minister inform the House the reasons for the indiscriminate disconnections without prior warnings?

(Question deferred)

LIQUIDATION OF TARDA

(Col. Kiluta) to ask the Minister for Agriculture:-

- (a) Is the Minister aware that Tana and Athi Rivers Development Authority (TARDA) is being forced into liquidation?
- (b) Is he further aware that TARDA is being forced to surrender their properties illegally and without compensation to KENGEN?
- (c) What is the legal position of the properties of TARDA?

(Question deferred)

DISAPPEARANCE OF MR. NDIRITU WATHENGE

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

- (a) Is the Minister aware that Daniel Ndiritu Wathenge aged 80, while an in-patient at Nyeri Provincial General Hospital, disappeared on 23rd October, 1999, and has not been seen to date?
- (b) Could the Minister enlighten the House as to the whereabouts of Mr. Wathenge?

(Question deferred)

AUCTIONING OF MR. IKEU'S LAND

(Eng. Toro) to ask the Minister for Lands and Settlement:-

- (a) Is the Minister aware that a Mr. John Karanja Kagacha fraudulently obtained an identity card in the name of Mr. Karanja Ikeu and used it to obtain a land certificate for land parcel LR.No.LOC5\Kagunduini/7923, after which he obtained a loan from Standard Bank and a charge was in effect registered against the said title deed on 23rd October, 1981?
- (b) Is he further aware that the Magistrate's Court, Murang'a, vide Criminal Case No.3172 of 1989 jailed Mr. Kagacha and further ordered that the title deed be returned to the owner, Mr. Ikeu?
- (c) Since the Standard Bank has refused to comply with the court order and even advertised for sale of the said land (on 28/10/99 through Dolphine Auctioneers), what urgent action is the Minister taking in order to save Mr. Ikeu's widow from eviction from her own land?

(Question deferred)

ISSUANCE OF TITLE DEEDS BY COMMISSIONER OF LANDS

(Mr. Obwocha) to ask the Minister for Lands and Settlement:-

- (a) Is the Minister aware that the Commissioner of Lands has not been issuing title deeds even to genuine applicants since July, 1999, following a Government directive?
- (b) How many applications are unprocessed since the ban to-date?
- (c) Since the documents are used as security for obtaining bank loans, is the Minister aware of the economic damage the continued ban is costing the country, and when will this ban be lifted?

(Question deferred)

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, I will seek your indulgence to make a communication before I move the Procedural Motion.

MINISTERIAL STATEMENT

MEMBERS OF SELECT COMMITTEE

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, pursuant to Standing Order No.154, I wish to inform the House that, the House Business Committee has appointed the following, to be Members of the Select Committee to review the Constitution of Kenya Review Act:-

- (1) Hon. Raila Odinga, MP - Chairman
- (2) Hon. Musalia Mudavadi, MP.
- (3) Hon. Julius Sunkuli, MP.
- (4) Hon. J.J. Kamotho, MP.
- (5) Hon. Kalonzo Musyoka, MP.
- (6) Hon. M.A. Affey, MP.
- (7) Hon. Mwakalu Jembe, MP.
- (8) Hon. Joseph Kiangoi, MP.
- (9) Hon. Fidelis Gumo, MP.
- (10) Hon. Sheikh Kajembe, MP.
- (11) Hon. I. Shaaban, MP.
- (12) Hon. Paul Sang', MP.
- (13) Hon. Zipporah Kittony, MP.
- (14) Hon. Justin Muturi, MP.
- (15) Hon. Z.M. Nyang'wara, MP.
- (16) Hon. Mwai Kibaki, MP.
- (17) Hon. Chege Mbitiru, MP.
- (18) Hon. Karisa Maita, MP.
- (19) Hon. Otieno Kajwang, MP.
- (20) Hon. J.D. Munyasia, MP.
- (22) Hon. Daniel Khamasi, MP.
- (23) Hon. Aden Keynan, MP.
- (24) Hon. Stephen Ndicho, MP.
- (25) Hon. Mwangi Waitthaka, MP.
- (26) Hon. Rashid Shakombo, MP.
- (27) Hon. Njeru Kathangu, MP.
- (28) Hon. George Anyona, MP.

Mr. Kibaki: On a point of order, Mr. Speaker, Sir. The Minister has read out our names and we had already indicated that we do not want to serve in this Committee.

An hon. Member: Who are "we"?

Mr. Kibaki: Mr. Speaker, Sir, I am talking on behalf of the Democratic Party, for your information, and you should listen. Is it deliberate confusion or what does the Minister intend when we have rejected the Motion and we have notified them that we do not want to serve in that Committee? Under what Standing Order can he name us? He is just trying to cheat Kenyans and they will not be cheated.

Mr. Speaker: Order! Order! What I will do, Mr. Kibaki and all other hon. Members, is as follows:- As far the Chair is concerned, no Member of this House can be forced to serve in any Committee they do not wish to. So, all hon. Members who do not want to serve in this Committee, give their names to the Clerk and they will be removed from the list immediately.

Mr. N. Nyagah: On a point of order, Mr. Speaker, Sir. It is the common practice of this House that, in the past, we have used the Whip line in the nomination of Members to various Committees of the House. It is the duty and the role of the Chief Whips of various political parties to forward any nomination to the House Business Committee. This happens all over the world within the Commonwealth countries. If we wish to have any withdrawals, it is the role of a Whip to present it. Now, in this case, the Standing Order 160(2) says: -

"The Minutes of a Select Committee shall be kept in the same form as the Votes and Proceedings of a Committee of the whole House:

Provided that where a vote on a question is not unanimous the names of the Members voting for and against the question or declining to vote respectively shall be recorded in the minutes."

Mr. Speaker, Sir, the three Members of the Democratic Party who are Members of the House Business Committee; namely, hon. Karua, hon. Mwiraria and myself, rejected our names being recorded and no other name of a Democratic Party hon. Member should be included in the Select Committee. This will bring disputes to our political parties once other caucuses of political parties start choosing Members from the political parties. Lastly, I would like your guideline by quoting the Parliamentary practice---

Mr. Speaker: Order! Order! Mr. N. Nyagah, I am not disagreeing with you at all. What I have said is: As I have said to hon. Kibaki, no Member of this House can be forced to serve in a Committee that they do not wish to participate in. I have just directed that those hon. Members not wishing to serve in that committee, their names should be removed.

An hon. Member: On a point order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order! I do not think we will make any progress about this because, I think, the only thing we can do--

An hon. Member: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! If I have said that a Member cannot be forced to serve in a Committee, what else do you want me to say?

The Minister for Education (Mr. Musyoka): Mr. Speaker, Sir, thank you for giving me the chance. I quite concur with your ruling because it is the Speaker's ruling. However, we took note in the House Business Committee under the provisions of Standing Order No.154, which requires the House Business Committee to select Members to serve in any Committee of the House. We thought that it is mandatory for us to nominate Members to serve in the Select Committee. In fact, we recognised as soon as hon. Karua and hon. N. Nyagah left us, that we were also under obligation to nominate Members. That is exactly what we did. The minutes are correctly recorded and I do not think hon. Kibaki--

Mr. Speaker: Order! I do not think you have solved the problem. Mr. Musyoka, are you suggesting that I have the power or the House has the power to force any member to serve in a Committee of the House?

The Minister for Education (Mr. Musyoka): Mr. Speaker, Sir, I am not suggesting that by any figment of imagination; I am not. I just want to point out two things; first, I agree with your ruling. Secondly, we thought we needed an all inclusive process, but hon. Members are within their rights to exclude their names. However, I heard the Leader of Official Opposition using unparliamentary language by saying that it is the intention of the Minister here to "cheat" Kenyans. Could he not probably use the word "hoodwink", so that it does not sound unparliamentary?

(Loud consultations)

Mr. Speaker: Order! Order, all of you! I think I will have the very last from Ms. Karua.

Ms. Karua: Mr. Speaker, Sir, I will read Standing Order No.160(2), with your permission. It says:-
"The Minutes of a select Committee shall be kept in the same form as the Votes and Proceedings of a Committee of the whole House:

Provided that where a vote on a question is not unanimous the names of the Members voting for and against the question or declining to vote respectively shall be recorded in the minutes."

Mr. Speaker, Sir, my bone of contention is that in yesterday's meeting where DP was ably represented by my colleague hon. Nyagah, who is our Chief Whip, we requested that our names be recorded as dissenting and the names of the Members of KANU and NDP who were for the Motion to be indicated. The report given today by the Deputy Leader of Government Business to the House is improper. He should have given the report of the Select Committee of the House known as the House Business Committee with the minutes appended to it because it is not a unanimous report. This House is entitled to know since there was disagreement in accordance with this Standing Order, how the voting went on that and what the Members actually said. I am, therefore, seeking your guidance whether those names can actually be debated here now and approved, when they are not properly before the House because they are minus the minutes. I also seek guidance with regard to the Standing Order No.165 which says:-

"Every Member presenting a petition shall take care that the same is in conformity with the usual practice of the House of Commons of Great Britain and Northern Ireland."

Mr. Speaker: Which Standing Order did you refer to?

Ms. Karua: Mr. Speaker, Sir, I am referring to the Standing Order No.165. If I may refer to Erskine May on Parliamentary Practice and Procedure, the 21st Edition--

Mr. Speaker: Order, Ms Karua! The Standing Order No.165 that you are referring to deals with petitions, and there is no petition before the House.

Ms. Karua: Mr. Speaker, Sir, the only point that I would like to emphasize is that we follow the practice and procedure of this House where sometimes, if something is not specifically provided for in the Standing Orders, we fall back on the practice and procedure in other Commonwealth countries. That is the whole objective of me referring to the Standing Order No.165. When it comes to selection of hon. Members to a House Committee, Erskine May on Parliamentary Practice and Procedure, the 21st Edition, on page 631, states as follows:

"In the House of Commons, a Member intending to move the nomination of Members of a Select Committee must endeavour to ascertain previously whether this Member proposed to be named by him to serve on such a Committee will bind his attendance thereupon."

(Applause)

Mr. Speaker, Sir, if I may pause there, we categorically indicated to our colleagues in the House Business Committee that no hon. Member of the Democratic Party of Kenya (DP) was going to serve in the Parliamentary Select Committee to review the Constitution of Kenya (Amendment) Act. Now, how did the Committee name the Leader of the Official Opposition as a Member of the Parliamentary Select Committee when our Chief Whip and the rest of us had clearly indicated that the party was totally opposed to it? It is against Commonwealth Parliamentary Practice and Procedure for any political party, however powerful in the House, to bulldoze and appoint other hon. Members of other political parties to a Committee in an attempt to give it respectability, fearing to be discredited.

Mr. Speaker: Mr. Mudavadi, what is your reaction?

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, the names that I read out here were those which emanated from the House Business Committee and, in accordance with the proposition that I put across, I think it is clear that, within Section 151 of the Constitution of Kenya; that, if a hon. Member feels offended, or does not want to serve on this Parliamentary Select Committee, he or she has the right to exit.

Mr. Kibaki: Mr. Speaker, Sir, this is a very serious issue in matters of Parliamentary Practice and Procedure. We just quoted from Erskine May on Parliamentary Practice and Procedure; that Mr. Mudavadi should have endeavoured to make sure that those hon. Members he wanted to name to the Committee have agreed to serve, which he did not. We went further than that; our representative in the House Business Committee, actually told him that hon. Members from DP do not want to serve in the Committee, and we do not want to be named in that particular respect. Then, the names which should have been given by our own Chief Whip were not taken. And since last night, those names have been kept as a close secret, so that they can surprise this House and the nation that somehow, these hon. Members of the Opposition have agreed after being persuaded to serve in the Committee that they had rejected. All I am requesting you is: It is only fair and decent that the Deputy Leader of Government Business apologises and withdraws the names of the hon. Members of Opposition who do not want to serve in that Committee. Any other explanation he has will never ever hold water. He has been exposed; "huna nguo!"

(Applause)

Hon. Members: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, hon. Members! There is no point in getting agitated over that. You have already made your case; that you were not consulted and, so, you do not want to serve in the Committee. Mr. Mudavadi, I think the right thing for you to do is to withdraw their names.

(Applause)

Mr. Anyona: Mr. Speaker, Sir, I would like to seek the guidance of the Chair. In accordance with the provisions of Standing Order No.154, paragraph 1, once the House appoints a Select Committee, the responsibility of nominating the Members and the Chairman is left to the House Business Committee. In fact, if you read closely, the House Business Committee is not even required to come back to the House. But for the purposes of transparency, it is good to come back to the House, the way they have done. That is the first point that I want guidance on. Secondly, once the House Business Committee has carried out the mandate of the House and nominated the Members of a Committee, then, strictly in terms of that provision, the Committee is deemed to have been appointed. There is no further sanction required from the House. As we sit here now, the Committee is deemed to have been appointed as it is in place. Therefore, the second clarification that I want to seek from the Chair is the following---

(Loud consultations)

Mr. Speaker, Sir, I think in a democratic system, I also have the right to express my views. If under the provisions of Section 121 of the Constitution of Kenya--- The provision is on page 88 and states as follows:-

"Resignation - A person who is appointed, elected or otherwise selected to an office established by,

or under this Constitution may resign from that office by writing under his hand addressed to the person, or authority by whom he was appointed, elected or otherwise selected provided that---

(Loud consultations)

Mr. Speaker: Order, hon. Members! I think the basic question is very simple and clear. It is: Can a hon. Member not interested in serving in a Committee be forced?

Hon. Members: No!

Mr. Speaker: Order! And to me, the answer is crystal clear; he or she cannot. I will ask the Deputy Leader of Government Business to withdraw the names of those hon. Members who do not want to serve in the Committee.

Hon. Members: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! I am directing, as the custodian of the rights of hon. Members, that nobody has power to impose a duty on an hon. Member which he or she does not want. So, Mr. Mudavadi, will you remove the names of those hon. Members who do not want to serve in the Committee?

(A number of hon. Members stood up in their places)

Mr. Speaker: Order, hon. Members!

(Mr. N. Nyagah remained on his feet)

Order! Mr. N. Nyagah, unless you are telling me that I am wrong in saying that you cannot be forced to serve in a Committee, I want to finish this business.

Hon. Members: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! What is it Mr. Gitonga?

Mr. Gitonga: Mr. Speaker, Sir, what do we do with those hon. Members who have nominated themselves to the Committee? They were not nominated by their own political parties. In this particular case, I am referring to hon. Keynan. His matter was not brought to the attention of Safina, which he belongs to.

Mr. Speaker: Order! Can I say the following? If you read Standing Order 154, it is clearly the business of the House Business Committee to nominate hon. Members to various House Committees, but in my view, in doing that, the Committee has to take cognisance of the fact that an hon. Member is either willing to serve, or not willing to serve in the Committee. And if a hon. Member is not willing to serve, then, you cannot impose upon him or her the duty to serve in the Committee; it is very clear to me.

Mr. Murungi: Mr. Speaker, Sir, it is quite clear from what you can see in the House, that hon. Members are not happy with the list of hon. Members presented by the Deputy Leader of Government Business. Would it be in order for this House to ask that these names be withdrawn and returned back to the House Business Committee and brought back when the House reconvenes, so that there can be more consultations?

Mr. Speaker: Order! By the way, the position under Standing Order No.54 is very clear, that we do not have to even bring it here. It is not necessary to bring it to the House. But for clarity, I have said, and I will insist that nobody will be forced to serve in the Committee if they do not want. That should end the matter now.

Mr. N.M. Nyagah: Mr. Speaker, Sir, I do not want to show disrespect to the Chair. But my prayer to the Chair is that, if we go by this tradition, we are going to break our political parties. We are going to bring a split, because this would be encouraging certain dissidents within the political parties, who would sneak their names in. In this case, we have one in my own party. The normal practice all over the world is that, the Chief Whips present these names. Could you rule that the political party must nominate those people to the House Committees?

Mr. Speaker: First of all, Mr. Nyagah, you are asking me to do the impossible. You are asking me to discipline political parties. I am not willing to do that, and I am not capable. But, all of you! I will certainly do justice. I will not just brush it over. I have to sort out this issue, somehow. I have said that the best thing is for the removal of the names of those who do not want to serve. They should be removed, and then Mr. Mudavadi can consult with the various political parties, if they want to serve, then he should include them, but if they do not want to serve, then they can remain.

(Several hon. Members stood up)

in their places)

Order, hon. Members! I think we are now flogging a dead horse. I have done what I think is the only thing I can do, and that is to order the names of hon. Members not willing to serve, to be withdrawn.

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

Mr. Speaker: Hon. Ochuodho, are you suggesting that they should not be removed?

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. I would like the record to be put straight. There is a wrong impression that is being given that the NDP was unanimous. For the record of this House, I would like to put it that the original NDP did not agree on---

Mr. Speaker: Order! I have no idea of what is original NDP and the non-original NDP. So, keep your party politics away from the Chair. Mr. Mudavadi, will you withdraw the names of those who do not want to serve?

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, first of all, I would like to state that the names I read here emanated from the House Business Committee.

Secondly, I wish to state here that if there are any hon. Members who do not want to serve on the Committee, we shall have their names withdrawn. We would like them to communicate accordingly.

Mrs. Ngilu: Mr. Speaker, Sir, we heard you asking the Deputy Leader of Government Business to withdraw the names of those hon. Members he has mentioned here. I would like to say that, the Social Democratic Party is never going to be part of this. It has not been consulted and the names should be removed immediately.

Mr. Speaker: It is really not a question of choice now. Mr. Mudavadi, I order that those hon. Members who were put in the list without being consulted be removed.

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

Order! Order, all of you! I do not understand what it is you want, unless of course, you want me to sit here and not make any ruling. I will sit here and then you can say whatever you want. I have made what I honestly think is the correct way out.

An hon. Member: Mr. Speaker, Sir, I have a problem.

Mr. Speaker: Order! Stay with your problem! Proceed, Mr. Mudavadi!

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

Order! If you do not want him to withdraw, what do you want him to do? Proceed, Mr. Mudavadi!

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, I would like to go through the names, and those that have an objection will let me know and we will withdraw them. We take it that they will have resigned. Could I read the names so that those who do not want can resign?

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

Mr. Speaker: Order! Order! Please, hon. Members, we are hon. Members. If there is a problem, it has to be sorted out. If you do not want the problem to be sorted out, I do not know, then, what you want. If you do not want me to sort out the problem, I am not likely to know what to do.

Ms. Karua: on a point of order, Mr. Speaker, Sir. I had sought your guidance with regard to compliance with Standing Order No.160(2). Now that the Committee was not unanimous and we are being given a report that is supposed to be a report of the Committee, can we have the minutes annexed so that we can see---

Mr. Speaker: Order! By the way, this was not a report of a Committee. I have said that it is even not necessary under Standing Order No.154 for it to be brought here.

(Mr. Michuki stood up in his place)

Mr. Michuki, Order! You say whatever you want. I can sit here and listen the whole day.

Mr. Michuki: On a point of order, Mr. Speaker, Sir. I want to clarify. For example, Mr. Mwangi Waithaka from my own party who has been named in this document was with me throughout the day. We have not had any FORK-(P) party meeting to nominate him. Mr. Mwangi himself has assured me that he has not agreed to participate in

the Committee. Why does KANU want to "elope" with hon. Members of the Opposition?

The Vice-President (Prof. Saitoti): On a point of order, Mr. Speaker, Sir. If any hon. Member wishes not to be included in the Committee, he can, maybe, say he does not want to be in it.

Secondly, I want to make it clear that the Motion which was passed yesterday did not mention political parties. It talked of 27 Members of Parliament. This is very important. This means that the hon. Member now can ask for his name to be withdrawn from the Committee. Every hon. Member has a right to speak out here and say whether he does not want to be in the Committee. So, let every hon. Member whose name is included here and he does not want to participate in the Committee ask for his name to be expunged from the list. It is not for other hon. Members to do that on behalf of another hon. Member. That is the spirit of the Motion.

Mr. Kathangu: Bw. Spika, ripoti ambayo imeletwa hapa ni ripoti ya Kamati ya Shughuli za Bunge hili. Huwezi kutuambia kwamba hiyo si Kamati. Pamoja na hayo, majina ambayo yameletwa hapa inajulikana kwamba sisi hatukulizwa kama tunataka kujiunga na hiyo Kamati.

Waziri anaposimama hapa kutuambia kwamba Mbunge ambaye hataki kujiunga na hii Kamati aende amwambie, hivyo anaonyesha kwamba anatuona sisi tukiwa wajinga. Kama sisi hatukuulizwa kama tunataka kujiunga na hii Kamati, ni lazima Waziri asimame hapa na ayaondoe kutoka kwa orodha majina ya Wabunge wote ambao hakuongea nao.

Mr. Speaker: Order,! Order, I think we must now follow some form of order. I will ask the Minister to begin reading out the names from Nos.1 to 27. When your name is called out and you do not want to participate in the Committee, you can shout that you do not want to so that your name is cancelled.

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, in accordance with your ruling, I wish to read out the names as follows:-

1. Hon. Raila Odinga
2. Hon. Musalia Mudavadi
3. Hon. Julius Sunkuli
4. Hon. J.J. Kamotho
5. Hon. Kalonzo Musyoka
6. Hon. M.A. Affey
7. Hon. Mwakalu Jembe
8. Hon. Joseph Kiangoi
9. Hon. Fidelis Gumo
10. Hon. R.S. Kajembe
11. Hon. I. Shabaan
12. Hon. Paul Sang'
13. Hon. Zippora Kittony
14. Hon. Justin Muturi
15. Hon. Z. Nyangw'ara
16. Hon. Mwai Kibaki

*(Mr. Mwai Kibaki and several hon. Members
stood up in their places)*

Mr. Speaker: Order! I have to take some form of order! There is no order here. You can see Mr. Kibaki's reaction, so cancel his name.

The Minister for Information, Transport and Communications (Mr. Mudavadi):
17. Hon. Chege Mbitiru---

(Loud Consultations)

Mr. Speaker: Order! Order, hon. Members! How far have we gone? There is obviously an objection to Mr. Mbitiru's name appearing in the list.

Mr. Kibaki: On a point of order, Mr. Speaker, Sir. Mr. Chege Mbitiru has not been attending Parliament. He is a Member of the Democratic Party of Kenya (DP) and the Chief Whip of DP knows the opinion of the party. The efforts to appear to be too clever is useless.

The Vice-President (Prof. Saitoti): On a point of order, Mr. Speaker, Sir.

(Jeers and boos)

You do not know what I am going to say.

Mr. Speaker: Order! Why do you want to fight over names? The Leader of Government Business, I think we are taking too much unnecessary wrangling over a very simple issue. Why do you not do the very easy thing? What information do you have?

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, I have just come from a Harambee in Butere and I was with hon. Chege Mbitiru. He has said that his name should be included in the Committee.

Hon. Members: No! No! No!

(Shouts of "no")

Mr. Speaker: Order! I order that unless, Mr. Mbitiru confirms his willingness to participate in the Committee in writing, his name too be deleted.

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, I want to proceed.

18. Hon. Karisa Maitha

19. Hon. Otieno Kajwang'

20. Hon. J.B. Munyasia

Mr. Munyasia: Mr. Speaker, Sir, I am willing to serve on that Committee!

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, I wish to proceed further:-

21. Hon. Daniel Khamasi

Mr. Khamasi: Mr. Speaker, Sir, the party position is that, we will not serve in that Committee!

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, I wish to proceed.

Mr. Keynan: Mr. Speaker, Sir, I have decided to remain here because we said common sense is not common. This is a Parliamentary Select Committee and I do not want to assume that anybody has the wrong imagination for Kenyans. Therefore, I am willing to participate in the Committee.

*(Mr. Mwai Kibaki and several hon. Members
stood up in their places)*

Mr. Speaker: Order! I have to have some form of order! There is no order here. You can see Mr. Kibaki's reaction; so cancel his name.

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

Mr. Speaker: What do you want to say?

Mr. Muite: Mr. Speaker, Sir, could I have a chance?

Mr. Speaker: Order! Can I hear what the hon. Member for Kabete has to say?

Mr. Muite: Mr. Speaker, Sir, you were taken very carefully through the practice in the Commonwealth; that the Party Whip should be consulted before the name of a party member is called to serve in the Committees.

(Loud consultations)

Could I be heard, Mr. Speaker, Sir! I would like to place it on record that the official party position of SAFINA is that, we will not serve in that Committee. Hon. Keynan is there in his personal capacity, and not as a member of SAFINA.

Mr. Speaker: Order! Mr. Muite, you know there is a difference between SAFINA and hon. Keynan. SAFINA has not been nominated to serve! Mr. Keynan as a Member of the House, has been nominated and accepted! Proceed!

(Mr. Munyao interjected)

Order, Mr. Munyao! Please, as an old man, and an old Member, I think you should understand what you are saying! Please, be careful of what you are saying! I have nothing to do with party organisations. Will you proceed?

Mr. Munyao: On a point of order, Mr. Speaker, Sir. I am on a very serious point of order! We know some places in the world where so many people have behaved the way you have, and caused chaos in Parliament! The people have fought in Parliament!

Mr. Speaker, Sir, now, you are being used by KANU to finish other parties! Is that the intention, Mr. Speaker, Sir? It is very clear---

Mr. Speaker: Order! Please, Mr. Munyao, if you have a problem of your own, do not bring it to the Chair! I am going to be serious now! I said earlier that, no Member will be forced to serve! In the same breath, no Member willing to serve shall be denied a chance to serve! That is democracy!

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, hon. Mwangi Waithaka, Rashid Shakombo---

(Loud consultations)

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

Mr. Speaker: Order! Until they keep quiet! Order, all of you! Order, Mr. Mwenje! Order, Mrs. Ngilu! Order, Mrs. Mugo! Hon. Members, if you really would like to be heard, then make it possible for you to be heard! If you want to speak, how do all of you speak together? We have taken a lot of our time doing nothing!

Mrs. Mugo: Mr. Speaker, Sir, I think you are setting a very dangerous precedence here! It is quite clear that you are breaking up a political party democracy! Unless you uphold parliamentary practice, where we have many political parties in this country, you are allowing KANU to rig in the House! This is because they will go behind and buy Members of certain parties, and then put their names---

Mr. Speaker: Order, Mrs. Mugo! Mrs. Mugo, it does appear to me that, it is becoming an open session for Members to unreasonably and quite unnecessarily assault the Chair! I have said, and I will say it again that, I will neither dictate to you to serve, or not to serve! The decision is purely yours!

Mr. Waithaka: Mr. Speaker, Sir, I wish to object my name being included in that Select Committee. I wish to say this: The House seems to be using double-standards because they removed Dr. Ochuodho from the Energy Committee because he was not nominated by his political party. So, the procedure should always be that, a party must nominate the person to represent it.

Mr. Speaker, Sir, I can remember you saying that you cannot be a democrat and a dictator at the same time! This House is leaning towards this idea of being a democrat at one time, and a dictator at another time! We must know what is the procedure! KANU has no mandate to sit and nominate me---

Mr. Speaker: Order! Will you sit down?

Mr. Speaker: First of all, your name will not be in the record if you do not want. As for the other issue which you raised about serving in Committees, I know for a fact that Dr. Ochuodho has made representations orally this afternoon to the Chair about his being removed from a Committee which he was nominated to. I asked him to put that to me in writing and I will certainly make a ruling to hit on that issue.

(Applause)

By the way, there is nothing to celebrate about this because it might come as shock to other hon. Members because there are provisions in the Standing Orders on how Members get into a committee and how they get out. It is only through the Standing Orders that you can either get in or get out. If the Standing Orders are not in conformity with the removal of a Member, then I will declare it as not correct.

The Minister for Information, Transport and Communications (Mr. Mudavadi): The rest of the names are: Hon. Rashid Shakombo, hon. Njeru Kathangu and hon. George Anyona.

Mr. Speaker: Order, Mr. Mudavadi! Read out those names loud and clear so that the Members can hear.

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, the rest of the names are: Hon. Rashid Shakombo, hon. Njeru Kathangu and hon. George Anyona.

Mr. Kathangu: Bw. Spika, nimekuwa katika Bunge hili kwa miaka miwili sasa. Nimeingia kwa ofisi yako mara nyingi nikiuliza kuwekwa kwa Kamati mbalimbali na kulingana na vile mambo yamekuwa yakiendelea, upande wa KANU na vyama vingine vikubwa vimekuwa vikikataa. Je, KANU ilifikiraje kwamba ninaweza kuwa kwa Kamati hiyo?

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, I wish to conclude by reading the last two remaining names of hon. George Anyona and hon. Stephen Ndicho.

Mrs. Ngilu: Mr. Speaker, Sir, hon. Stephen Ndicho is a Member of Social Democratic Party and we are not participating in that Parliamentary Select Committee. Remove his name, please.

The Minister for Tourism, Trade and Industry (Mr. Biwott): On a point of order, Mr. Speaker, Sir, for purposes of clarity, you have ruled that no hon. Member can be forced to serve where he does not want. That is perfectly correct because it is in keeping with human rights and Parliamentary democracy. You have also ruled that because hon. Members were appointed as individuals, it should be up to them to decline or accept the offer.

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

Mr. Speaker: Order, Mr. Murathe! As I ruled in the case of Mr. Mbitiru, the names are read out here so that a Member can confirm or deny individually. But there is no way we can say Mr. Ndicho has consented. So, his case will be treated exactly like that of Mr. Mbitiru. It will be removed, unless he writes to say what he wants.

Mr. Muihia: On a point of order, Mr. Speaker, Sir. On Tuesday, when the House Business Committee was meeting, our representative, hon. Anyang'-Nyong'o, was not in the country. He sent Mr. Katuku to represent SDP, but he was refused entrance into that Committee. Therefore, Mr. Ndicho's name should not have come up in that Committee.

Mr. Speaker: I have already ruled on that matter. We have finished that business. Next Order!

PROCEDURAL MOTION

DEBATE ON MOTION FOR ADJOURNMENT OF THE HOUSE
SINE DIE TO BE TAKEN AT THE
CONCLUSION OF BUSINESS

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Speaker Sir, I beg to move:-

THAT, this House orders that the debate on the Motion for Adjournment of the House *Sine Die* be taken at the conclusion of business appearing on today's Order Paper.

The Minister of State, Office of the President (Mr. Sunkuli): seconded.

(Question proposed)

(Question put and agreed to)

Mr. Gitonga: On a point of order, Mr. Speaker, Sir. Since we have discussed this issue for a long time, what about those dissidents from different parties who would like to nominate themselves? How will they be accepted in a Committee like this one? Hon. Keynan was not nominated by Safina. How was he nominated by KANU?

Mr. Speaker: We have finished that issue. 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 KENYA ROADS BOARD BILL

Clause 2

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 2 be amended by inserting the following new definition in proper alphabetical order:-
"District Roads Committee" means a District Roads Committee established under Section 16A.

(Question of the amendment proposed)

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

(Clause 2 as amended agreed to)

(Clauses 3, 4 and 5 agreed to)

Clause 6

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 6 be amended in sub-clause 2:-

- (a) by deleting the expression "maintenance, rehabilitation and development" wherever it occurs and substituting thereof the expression "development, rehabilitation and maintenance";
- (b) by inserting the words "to ensure that the allocation of roads funds is pegged to specific categories of roads and that not less than 40 per cent of the monies from the fuel levy is allocated equitably to District Roads Committees" at the end of paragraph (d).

(Question of the amendment proposed)

Eng. Muriuki: Mr. Temporary Deputy Chairman, Sir, I wish to propose that Clause 6 be amended by inserting the words---

The Temporary Deputy Chairman (Mr. Musila): Order, Eng. Muriuki, we already have a notice for you to amend the Bill. Let us first dispose of this amendment and then I will invite you to make your proposal.

Eng. Muriuki: Mr. Temporary Deputy Chairman, Sir, but the Minister has already proposed that it be amended as it appears on the Order Paper, but I am saying that it is not quite right. Maybe, you can let me explain why we require an amendment.

The Temporary Deputy Chairman (Mr. Musila): Go ahead!

Eng. Muriuki: Mr. Temporary Deputy Chairman, Sir, the point is that in the Departmental Committee, what we agreed is not exactly what has been reflected on the Order Paper. I wish now to read out what we agreed in the Departmental Committee as an amendment.

The Temporary Deputy Chairman (Mr. Musila): Eng. Muriuki, I am informed that your proposal is a further amendment to what the Minister has proposed. So, if you go with the Chair, we should dispense with this amendment and then I will let you come and propose your amendment which should be seen.

Eng. Muriuki: Mr. Temporary Deputy Chairman, Sir, it is not a further amendment. It is in place of what is in part "b" of that proposed amendment.

The Temporary Deputy Chairman (Mr. Musila): Go on!

Mr. Mbela: On a point of order, Mr. Temporary Chairman, Sir.

The Temporary Deputy Chairman (Mr. Musila): Mr. Mbela, I will give you some time, but in the meantime, let us hear Eng. Muriuki.

Eng. Muriuki: Mr. Temporary Deputy Chairman, Sir, what was agreed before I read it in full was that 40 per cent of the funds allocated to the District Roads Committee will be divided equally among all constituencies. So, I can now read verbatim the way the amendment should read.

The Temporary Deputy Chairman (Mr. Musila): So, in fact, you are proposing to amend part "b".

Eng. Muriuki: Yes, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Musila): Which word do you want to amend?

Eng. Muriuki: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, part "b" be amended by deleting the whole of it and inserting the words "to ensure that the allocation of roads funds is pegged to specific categories of roads and not less than:

(i) 24 per cent of monies from the fund is allocated equitably to District Roads Committee.

(ii) 16 per cent of the money from the fund is allocated equally to all constituencies in the country."

*(Question of the amendment
to the amendment proposed)*

The Temporary Deputy Chairman (Mr. Musila): Mr. Mbela, did you want to say something as the Chairman of that Committee?

Mr. Mbela: Mr. Temporary Deputy Chairman, Sir, that point has been clarified and I do not have further comments on it.

*(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 6 as amended agreed to)

Clause 7

The Minister for Roads and Public Works (Eng. Kiptoon):- Mr. Temporary Deputy Chairman, Si, I beg to move:-

- THAT, Clause 7 be amended-
- (a) in subclause (I)-
- (i) by inserting the words "whose position shall be filled through public advertisement" at the end of paragraph (b);
 - (ii) by inserting the words "not being" immediately after the word "alternate" in paragraph (c);
 - (iii) by deleting the words "seven" and substituting thereof the word "eight" in paragraph (h);
- (b) in subclause (3)-
- (i) by deleting the words "a university degree" and substituting thereof the words "the Kenya Certificate of Secondary Education or an equivalent qualification";
 - (ii) by deleting all the words after the words "practical experience".

(Question of the amendment proposed)

Mr. Odoyo: Mr. Temporary Deputy Chairman, Sir, the Board of this institution consists of seven people from the Government and eight people from non-government sources. I do observe that the environmental matters and roads consist an important part of the destruction of our environment. I notice that the Chairman of this Committee has been closely involved with environment.

Mr. Temporary Deputy Chairman, I beg to propose that environment and roads be considered in the composition of this board.

The Temporary Deputy Chairman (Mr. Musila): Mr. Odoyo, you are not proposing an amendment. The amendment was proposed by the Minister and I did propose the question of the amendment.

Mr. Odoyo: Mr. Temporary Deputy Chairman, Sir, I beg to say that, I am in full agreement with the proposed amendment, but further to that, I propose that the word "environment" should be inserted--- And I propose it as a further amendment.

The Temporary Deputy Chairman (Mr. Musila): Mr. Odoyo, the rules require that, if you have any amendment that you wish to be considered, to give us a notice earlier. We do not have any such notice now.

*(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 7 as amended agreed to)

(Clauses 8, 9, 10, and 11 agreed to)

Clause 12

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

- THAT, Clause 12 be amended -
- (a) in the subclause (1) by inserting the word "Board" immediately after the words "Director of the";
 - (b) in subclause (2) by inserting the word "civil" immediately before the word "engineering" wherever it occurs.

(Question of the amendment proposed)

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

(Clause 12 as amended agreed to)

(Clause 13 agreed to)

Clause 14

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:

THAT, Clause 14 be amended in subclause (1) by deleting the word "order" and substituting therefor the word "resolution".

(Question of the amendment proposed)

Eng. Toro: Mr. Temporary Deputy Chairman, Sir, there is an error which I want to point out; it is "subclause (2)", not "subclause (1)".

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I do agree that, that is a typing error and we are going to correct it.

An hon. Member: There is nothing wrong here. It should be subclause (1)!

The Temporary Deputy Chairman (Mr. Musila): The Minister is the one who proposed this, and that is why I am reverting to him to advise the House. Mr. Minister, I am informed that, in fact, you are correct. What is the position?

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, in the original Bill we did not have subclause (1) or subclause (2). In fact, what is in the Order Paper is correct.

The Temporary Deputy Chairman (Mr. Musila): Eng. Toro, are you satisfied?

Eng. Toro: Yes, Mr. Temporary Deputy Chairman, Sir.

Mr. Mwenje: Thank you, Mr. Temporary Deputy Chairman, Sir. If you look at section (2), it talks of the chairman and the mayor. Are we together with regard to the New Clause?

The Temporary Deputy Chairman (Mr. Musila): No! We have not reached the New Clause yet; we are in Clause 14.

Mr. Mwenje: Oh, yes!

(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 14 as amended agreed to)

Mr. Angwenyi: But the New Clause is appearing on the Order Paper!

The Temporary Deputy Chairman (Mr. Musila): Mr. Angwenyi, the New Clause will come later. I would like to draw the attention of hon.

Members to the provisions of Standing Order No.105, which that, the New Clause will come at the end. So, please bear

with us.

(Clauses 15 and 16 agreed)

Clause 17

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:

THAT, Clause 17 be amended by deleting subclause (2).

(Question of the amendment proposed)

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

(Clause 17 as amended agreed to)

Clause 18

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:

THAT, Clause 18 be amended -

- (a) in subclause (3), by deleting the words "following public consultation in representative fora".
- (b) in subclause (4), by inserting the following new paragraph-
- (c) ensure that 40 per cent of the amount due to District Roads Committees shall be shared equitably among all the constituencies in the district.

(Question of the amendment proposed)

Mr. Odoyo: Mr. Temporary Deputy Chairman, Sir, Clause 18 (a) is to be amended further by deleting the words "following public consultation in the representative fora". I beg to oppose this particular amendment because of the following reasons:- The Road Agency which has to select the roads to be included in this programmes---

Mr. Temporary Deputy Chairman, Sir, we have had a big abuse in cases where roads have been constructed in this country without following the wishes of the public. This particular amendment by the Minister is again moving us away from the people. The people know which roads should be constructed and we should not remove the power of consultation from them. This agency must be accountable to wananchi and should be consulted before they construct roads from left, right and centre.

Mr. Temporary Deputy Chairman, Sir, I beg to object to this particular amendment.

The Temporary Deputy Chairman (Mr. Musila): That is enough! Mr. Mbela!

Mr. Mbela: Thank you, Mr. Temporary Deputy Chairman, Sir. The Committee studied this clause and recommended to the Minister that it is not practical every time to hold either a baraza or a political rally to consult the people as to which road should be done first. We felt that with the presence of the area Member of Parliament and the councillors, there was sufficient knowledge within that Committee to determine their priorities.

Eng. Toro: Mr. Temporary Deputy Chairman, Sir, I support the amendment. I am the Chairman of the Departmental Committee. It is better to let the Members know that in the District Roads Committee (DRC), Members of Parliament are going to play a very key role. We trust that each **[Eng. Toro]** Member of Parliament knows the roads in his constituency. He knows which bridge should be repaired. It will not be right for a Member of Parliament to go round the constituency asking the constituents to decide whereas he already knows the bad roads.

I support the amendment.

(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)

Eng. Muriuki: Mr. Temporary Deputy Chairman, Sir, I propose that a new paragraph, Clause 18(b) be inserted which is sub-clause (c) in the amendments to read:-

"Ensure that 40 per cent of the amount due to District Roads Committees shall be shared equally among all the constituencies in the country."

(Question of the amendment to the amendment, proposed)

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, this particular issue has been covered under Clause 6. I think we might be confusing ourselves if we put in the additional clause.

Eng. Muriuki: Thank you, Mr. Temporary Deputy Chairman, Sir. This is a simple matter. All we are looking for is that a certain amount of money should be shared equally throughout the country. We are looking for a formula because some districts have more constituencies than others so that once we have allocated funds according to the constituencies, then the districts become very equal.

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, the purpose of this amendment proposed by Eng. Muriuki is to clarify on Clause 6(2), the amendment of 16 per cent which has been made earlier. That component of 16 per cent and 24 per cent of the total amount is going to be given to the District Roads Committee. We are saying that 16 per cent which constitutes 40 per cent of the total amount given to the District Roads Committee will first be shared among all the constituencies in the country by the Board before it is remitted to the District Roads Committees that will take care of all the constituencies.

As a Member of Parliament from each constituency, you will have funds to do maintenance of roads in your constituency.

Mr. Odoyo: Mr. Temporary Deputy Chairman, Sir, I was initially intending to object to that amendment, but at this particular time, I wish to point out that there are different levels of road development in different constituencies. Therefore, to divide these funds equally may mean that districts which are worse off in roads may suffer at the expense of districts which have got a better road development programme.

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I think this particular question of sharing out the money is clearly spelt out in the New Clause 6(1) and (2). If we put in another clause, we may confuse the whole issue. I think it is very clear in the New Clause 6(1) and (2) on how the money is going to be spent. First, the money available from the Fund, 40 per cent, will be equitably distributed. But 40 per cent of that, which is 16 per cent of the total funds, will be shared equally, so the two are very clear and we should not add another one.

Mr. Mwakiringo: Mr. Temporary Deputy Chairman, Sir, I agree with the Minister. I propose that we delete Clause 18(c) because it is a duplication of the same.

The Temporary Deputy Chairman (Mr. Musila): Where is Clause 18(c)? There is no Clause 18(c). The proposed amendment is Clause 18(b).

Mr. Mwakiringo: Mr. Temporary Deputy Chairman, Sir, I propose that we do not continue with Clause 18(b).

Mr. Kirwa: Mr. Temporary Deputy Chairman, Sir, I wanted to get clarification from the Minister because Clause 18(b) does not seem to reflect the situation as previously amended that, 24 per cent of the total money shall be shared equitably to all districts and 16 per cent shall be shared equally among all constituencies.

Mr. Temporary Deputy Chairman, Sir, when we propose that 40 per cent of the amount due to the District Roads Committee shall be shared equitably among all constituencies, we are creating confusion because equitably is not the same as equally. We are depriving districts with more than one constituency or constituencies of their share because 16 per cent is not the same as 40 per cent that has gone to the District Roads Committee.

Mr. Angwenyi: It is the same!

Mr. Mbela: Thank you, Mr. Temporary Deputy Chairman, Sir. I think Clause 18(b) as proposed by the Minister should not be accepted because it is confusing. We had clarified that issue earlier on and the way it is being repeated here is more confusing, particularly when we are talking of the districts as opposed to the whole country. I will persuade the Minister to withdraw his proposal to amend Clause 18(b).

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I agree with the Chairman of the House Committee that since we have introduced Clause 6(1) and Clause 6(2) as new sub-

clauses, Clause 18(b) tends to go against that particular move. So, we should delete Clause 18(b).

The Temporary Deputy Chairman (Mr. Musila): Order! Order! Mr. Minister, are you now proposing that we delete Clause 18(b)? If that is the case, could you say so on record?

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I propose that Clause 18 be amended by deleting part (b).

The Temporary Deputy Chairman (Mr. Musila): That is, Clause 18(b) and clause 18(c)? So, we will remain with Clause 18(a).

Mr. Mbela: Mr. Temporary Deputy Chairman, Sir, we are amending Clause 18 by deleting Sub-Clause 4(b).

The Temporary Deputy Chairman (Mr. Musila): Hon. Members, according to the Order Paper, it is Clause 18(b). I would like to read that out for you. We are deleting paragraph (b), which reads as follows: "(b) in Sub-Clause (4), by inserting the following new paragraph-

(c) ensure that 40 per cent of the amount due to District Roads Committees shall be shared equitably among all the constituencies in the district.

Eng. Muriuki: Mr. Temporary Deputy Chairman, Sir, in view of this amendment, I now withdraw the proposal I had made.

(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 18 as amended agreed to)

(Clause 19 agreed to)

Clause 20

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 20 be amended by adding the words "and set standards" at the end of paragraph (a).

(Question of the amendment proposed)

Mr. Odoyo: Mr. Temporary Deputy Chairman, Sir, I rise in support of this amendment. We have people like Heyer Singh, who when required to construct roads with a thickness of eight inches, they do so with a thickness of two inches. Therefore, under this amendment, we insist that those who intend to build or rehabilitate roads must sustain a set standard. This standard should be international.

I fully support this particular amendment.

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

(Clause 20 as amended agreed to)

(Clauses 21, 22, 23 and 24 agreed to)

Clause 25

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 25 be amended-

- (a) in Sub-Clause (1)
by deleting the words "an inspection" and substituted therefor the words "a technical, financial and performance audit";
- (b) in Sub-Clause (2)-
- (i) by deleting the words "an inspection" and substituting therefor the words "an audit";
- (ii) by deleting the words "seven days" and substituting therefor the words "thirty days";
- (iii) by deleting the words "such longer period as the inspector may direct in writing";
- (c) in Sub-Clause (4) -
by deleting the words "not exceeding fifty thousand" and substituting therefor the words "not less than one-hundred thousand".

(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 25 as amended agreed to)

Clause 26

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 26 be amended in Sub-Clause (3) by deleting the words "fifty" and "one" and substituting thereof the words "one hundred" and "three" 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 26 as amended agreed to)

(Clauses 27, 28 and 29 agreed to)

Clause 30

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 30 be amended in Sub-Clause (5) by deleting the expression "1.5%" and substituting therefor the expression "3%".

(Question of the amendment proposed)

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, I would like to seek a clarification from the Minister. Under Clause 30(2)(a), we are deleting a Fund under this Bill, when it becomes law. This Clause refers to another Fund under the Toll Levy Fund Act of 1993. How shall the two Funds be married, so that we do not appear to be saying that the money from the other Fund will be coming to the Fund being created by this Bill, under Clause 30; the other person administering the other Fund may as well refuse to surrender any funds into this other Fund.

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I remember that, while moving this Bill, I indicated that as soon as this Bill goes through, we will hold a workshop where we will harmonise all the existing laws with this particular one.

Mr. Murathe: Mr. Temporary Deputy Chairman, Sir, I have a problem with the increase in the percentages from 1.5 to three per cent being sought in this amendment. These organisations do not justify how they spend that money when they work on percentages. For example, when the Kenya Tea Development Authority worked on Kshs100 million at five per cent, it showed that it got Kshs5 million. Then, the amount grew to Kshs20 billion, and the KTDA was still demanding five per cent; and that amounted to something like Kshs5 billion per year. I do not understand why this Board cannot have an operational budget. It should not be restricted to percentages. If we do so, we will be encouraging a lot of pilferage.

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, the Committee did discuss this particular item and realised that when we create District Roads Committees, it might be necessary to have district accountants for this particular Board. We also realised that the members who will meet might require some form of entertainment, like tea. So, in order to cater for that we thought that 3 per cent, which is equal to what the Kenya Revenue Authority (KRA) normally charges for collecting funds, would not be out of order. So, we increased it from 1.5 per cent to 3 per cent.

Mr. Kirwa: Mr. Temporary Deputy Chairman, Sir, I still seek further clarification from the Minister as to how they will harmonise this particular Act and the other Act of 1993 because there is nowhere in the Bill, where the transitional period is indicated and what will happen to the funds that have already been collected under the other Act.

Mr. Mbela: Mr. Temporary Deputy Chairman, Sir, first of all, the Committee discussed at length, trying to study the other Act of 1993, and we put it as the next assignment before the House resumes in March, next year. This is to ensure that we bring relevant amendments to be discussed by this House to ensure that the two Acts are not in conflict with each other.

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, our view as a Ministry is to ensure that this particular Board is in place before the new financial year. So, we will determine the deadline. In this way we shall harmonise the Acts.

The Temporary Deputy Chairman (Mr. Musila): Hon. Member, I think you will agree that we have exhaustively discussed this clause and, therefore, I would like to put the question.

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, we are raising this question of the transitional period because we have gone through the Bill. We do know that under Section 33, they are talking about investing surplus funds. We just want to be cautious because we know what happens in this country. We do not live in Heaven and then come here in the evening. I know that soon we will discuss the question of investing some surplus funds. All we are trying to say is: Can we get a time frame within which, once this Bill becomes law, the funds which are held in the other Fund under the Act of 1993, will be transferred to the Fund created by this Ministry to avoid duplication of roles?

Mr. Murathe: Mr. Temporary Deputy Chairman, Sir, I am still not quite satisfied by the response given by the Minister. We are starting a Fund here with about Kshs1 or Kshs2 billion and we will attract funds, for example, from the European Union, the World Bank and other organisations. This Fund might grow to something like Kshs100 billion. I would rather you bring a programme whereby the expenditure is targeted to the approved estimates of the Board within a budget. This is because I can foresee this Fund growing. If you retain it at 3 per cent of Kshs100 million, it is not the same as 3 per cent of Kshs100 billion.

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, as we have been told by the Minister and my Chairman, we have really discussed this issue. When the Bill becomes operational, all proceeds relating to roads will become funds of this Board immediately. So, it is clear that the money collected by the fuel levy will automatically go here.

*(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 30 as amended agreed to)

Clause 31

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 31 be amended-

- (a) by adding the words "together with any surplus income brought forward from a previous year" at the end of subclause (1);
- (b) in subclause (2), by inserting the words "with the approval of Parliament" immediately before the words "may make advances".

(Question of the amendment proposed)

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

(Clause 31 as amended agreed to)

Clause 32

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 32 be amended-

- (a) in paragraph (b), by inserting the words "quoted on any approved securities exchange in Kenya" immediately after the word "banks";
- (b) by renumbering the existing provisions as subclause (1) and inserting the following new subclause-
- (2) In this section, "approved securities exchange" means a securities exchange approved under the Capital Markets Authority Act.

(Question of the amendment proposed)

Mr. Murathe: Mr. Temporary Deputy Chairman, Sir, I have a problem with Clause 32(a) which says that the Board may invest any of its surplus funds in Government securities. While I am quite happy with the amendment of Clause 32(b)--- This means that whenever this Board gets money it can deposit it in some banks and generate some interest. If you encourage or allow that money collected for purposes of doing roads to buy Treasury Bills--- One of the biggest problems that we are have in this country is on domestic debts. We should completely delete Clause 32(a). Let the Board keep its money in banks and let the Government not target that money to bail it out from its domestic problems.

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, we are all aware that the most secure security are the Treasury Bills. So, we wanted to make sure that the funds are as safe as possible. So, we wanted to have some approved securities so that the funds are not just used for trading, but also make sure that they are safe.

Mr. Mbela: Mr. Temporary Deputy Chairman, Sir, while I have no quarrel with this proposed amendment, I would like to seek the assurance from the Minister that immediately the funds go to the Board, they will be disbursed to the districts instead of re-investing them in the pretext that they are not being used. This is because the moment the money gets to the constituencies, there will be work to be done.

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I would like to give that assurance especially when we agree that we will have an efficient Chief Executive.

Mr. Odoyo: Mr. Temporary Deputy Chairman, Sir, I am sure that my colleagues have not forgotten that money from the Petroleum Levy was used to buy drugs in the Ministry of Health in the past. I would like to seek assurance from the Minister that as specified in the Act, no money shall be lent to Government departments or bodies apart from those specified in the Act.

The Temporary Deputy Chairman (Mr. Musila): Mr. Minister, you can note what hon. Odoyo has said.

Mr. Kirwa: Mr. Temporary Deputy Chairman, Sir, when hon. Members made their contribution about the investment of surplus funds, it was clearly stipulated by many hon. Members that this money should not be invested in these banks for more than one financial year. Why has the Minister not given a specific period, because investment for the sake of investment will not serve the purpose? Could the Minister give us an explanation?

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, first of all, I would like to assure hon. Members that once the Board is in place, we hope that it will be efficient enough under the supervision of the Minister to make sure that funds meant for road maintenance and construction are used for that purpose.

Coming to the other point raised by the hon. Member, it is not really the function of this Board to invest money, but it is only the money which is not being utilised at a particular moment that may be invested. But all the same, we will not encourage it to participate in investment. That is not its function.

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, this Fund has massive amounts of funds. You cannot disburse it in one day. You may have a road project taking two or three years. So, the funds will be invested while the road is being done and they will be paid according to the progress of the work.

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

(Clause 32 as amended agreed to)

(Clause 33 agreed to)

Clause 34

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 34 be amended by deleting subclause (3) and substituting thereof, the following new subclause-

- (3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to Parliament through the Minister for approval and thereafter, the Board shall not increase the annual estimates.

(Question of the amendment proposed)

Mr. Odoyo: Mr. Temporary Deputy Chairman, Sir, there are words here in this amendment "the Board shall not increase the annual estimates." I wish to bring to the attention of the Minister that the Bill should also state; "the Board shall not decrease the annual estimates". This is because we may have a tendency whereby the Board may simply not spend money.

The Temporary Deputy Chairman (Mr. Musila): Mr. Minister, do you have any comment?

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I have no comment on that.

*(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 34 as amended agreed to)

Clause 35

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 35 be amended-

- (a) in subclause (2), by deleting the words "or to an auditor appointed under this section";
 (b) by deleting subclause (3) and substituting thereof the following new subclause-
 (3)The accounts of the Board shall be audited and Cap.412 reported upon in accordance with sections 29 and 30A of the Exchequer and Audit Act, by the Auditor-General (Corporations).

(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 35 as amended agreed to)

Clause 36

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 36 be amended-

- (a) by deleting paragraph (b);
- (b) by renumbering paragraphs (c),(d),(e) and (f) as paragraphs (b),(c),(d) and (e) 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 36 as amended agreed to)

Clause 37

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 37 be amended in subclause (1) by deleting the words "on the advice of the Board".

(Question of the amendment proposed)

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, I would like to seek clarification from the Minister with regard to the provision of Section 35, sub-section 1, paragraph "b" which talks of the Board describing the type, sizes and usage of vehicles and axle load limits of vehicles. This is because I do know for a fact that there exists also similar provisions under the Traffic Act, Cap.403.

The Temporary Deputy Chairman (Mr. Musila): Order, Mr. Muturi. We are dealing with Clause 37. Go ahead.

Mr. Muturi: I am talking of Clause 37, sub-section 1 paragraph "b". This provision relates to limits on axle load and also exists in the Traffic Act, Cap.403. Is there anything that has been done to harmonise the operations of this Bill with what exists in the other Act?

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, we did indicate that we are going to harmonise. All in all, we already have specified axle loads which may be used on our roads. I tend to think that this particular sub-clause is not in conflict with any of our existing laws.

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

(Clause 37 amended agreed to)

Clause 38

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 38 be deleted.

(Question of the amendment proposed)

Mr. Mbela: Mr. Temporary Deputy Chairman, Sir, I just want you to state that the Committee was against the Board being exempted from the State Corporations Act. I hope by deleting that Clause, they will not get new instructions without referring to the Act or without parliamentary approval.

The Temporary Deputy Chairman (Mr. Musila): I think you have made your point Mr. Mbela; that you were just giving the reason why Clause 38 was being deleted.

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

(Clause 38 as amended agreed to)

Clause 39

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 39 be amended by renumbering the existing provision as subclause (1) and adding the following new subclause (2):-

- (2) In addition to the penalties referred to in subsection (1), all proceeds or assets found to have been misappropriated shall be recovered in full from a person found guilty of an offence under this section.

(Question of the amendment proposed)

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

(Clause 39 as amended agreed to)

The Temporary Deputy Chairman (Mr. Musila): Hon. Members, we are now going back to Page 529.

New Clause 1

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the Bill be amended by inserting the following new clause immediately after Clause 16-16 A(1) There is hereby established, for every district, a committee to be known as the District Roads Committee.

(2) The District Roads Committee shall comprise-

- (a) the chairman and mayor of every local authority in the district;
- (b) all Members of Parliament from the district;
- (c) the District Commissioner of the district;
- (d) the District Roads Engineer in charge of the district; and
- (e) two other members co-opted by the Committee to represent such special interests as the Committee may determine.

(3) The District Roads Committee shall appoint one of the members under paragraphs (a) or (b) of subsection (2) to be the chairman of the Committee:

Provided that no person shall be qualified for appointment as Chairman of the Committee under this subsection unless such person is elected to the office he holds.

(4) The District Roads Engineer shall be the secretary of the District Roads Committee.

(5) The District Roads Committee shall have such powers and perform such functions as may be conferred on it by this Act or any other written law.

(Question of the new clause proposed)

(The 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)*

THAT, the New Clause be amended by inserting the following new subclauses immediately after subclause (5):

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, this Bill be amended by inserting new subclauses immediately after the subclause (5). The new subclauses will read as follows:-

- "(i) the quorum of the District Roads shall be half of the members, provided that a half of the Members of Parliament are present
(ii) the District Roads Committee will open and operate a bank account for this purpose separate and distinct from the District Treasury or any other account."

Mr. Temporary Deputy Chairman, Sir, after subclause 6, there is subclause (7) which says the District Roads Committee will open and operate a bank account for this purpose separate and distinct from the District Treasury or any other account.

Mr. Temporary Deputy Chairman, Sir, let me explain my amendment. First, we want to make sure that the representatives of the people take part in the resolutions of the Board all the time. That is why we are saying that a half of Members of Parliament in that district must be present before a quorum can be realised. This is because, currently, most funds set aside for roads are misappropriated by the District Treasury.

Mr. Temporary Chairman, Sir, we are saying, therefore, that the District Roads Committees will operate and manage an account for the purpose of maintaining roads in the district.

*(Question, of the amendment to the
New Clause proposed)*

Mr. Mbela: Mr. Temporary Deputy Chairman, Sir, this is a very important proposal. I realise that hon. Members of Parliament are very busy and responsible people. They should also realise that if they do not attend the meetings of the District Roads Committees, that will mean they are not going to take place and the money will not be available for them to develop their constituencies. That is more important because you could easily leave the meeting to be hijacked by some civil servants called the DCs, who are masters in interfering with the interests of the people.

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, just a small clarification that I wish to seek. We have said it is a very good provision that half of the Members of Parliament from that district should form the quorum. What about the districts that are represented by one hon. Member, like Amagoro?

The Temporary Deputy Chairman (Mr. Musila): Mr. Muturi, you can get further clarification from the Mover of the Amendment.

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, where there is only one hon. Member in a district, then he must be present before the meetings of the Board can be held.

Mr. Mwenje: Mr. Temporary Deputy Chairman, Sir, subclause (2)(a) talks of the chairman and the mayor. Here, in Nairobi, there will be a lot of confusion. I thought we should have the chairman or the mayor and not "and." This will bring a lot of confusion. The Minister should tell us what will happen before we pass this Bill. The second thing on this particular one is that, Nairobi is not a district as such. I ask the Minister to consider to sub-divide Nairobi because it will bring a lot of confusion. We can have two constituencies forming one district. Could we insert an amendment to that, so that we know how we can operate in Nairobi? Otherwise, there will be a lot of confusion.

Therefore, I suggest that two constituencies should form a district.

The Temporary Deputy Chairman (Mr. Musila): Mr. Minister, could you respond?

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, on the issue of mayors and chairmen, I think in Nairobi, you are better off because you have one mayor. There are some districts where you have even more than three mayors. So, the suggestion of mayors and chairmen implies that they should also be part of the local District Roads Committees. So, that in itself is taken care of. The issue of how to treat Nairobi, knowing that it has eight Members of Parliament, I think, is something that will be looked into when we work out the modalities of how to implement the District Roads Committees. We shall be able to address that issue for Nairobi.

Mr. Kariuki: Mr. Temporary Deputy Chairman, Sir, it is good to be very precise about this half of the Members attending the meetings of the District Roads Committees. There is no half person. Could we be very precise and state that it is half the Members of Parliament rounded upwards or downwards? This is because if we are three hon. Members, for instance, half of that is one and half. Is it one or two? I think it is good to be precise. So, let us round it upward.

The Temporary Deputy Chairman (Mr. Musila): To me, that is an interpretation.

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

(The new clause as amended agreed to)

New Clause

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, a new clause be inserted immediately after clause 39 as follows:-

40. The National Assembly may, by resolution, dissolve the Board if the Board performs its functions in a manner inconsistent with the provisions of this Act.

(Question of the new clause proposed)

(New clause read the First Time)

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

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, is this what you are calling the additional section 40? Is that correct?

The Temporary Deputy Chairman (Mr. Musila): Yes.

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, I have no quarrel in my mind with that new clause because it gives this House the power, in its opinion, to dissolve the Board. I do hope that other Government Ministries do follow suit and bring similar provisions---

The Temporary Deputy Chairman (Mr. Musila): Mr. Muturi, do you support that?

Mr. Muturi: Yes, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Musila): Fair enough!

Eng. Muriuki: Mr. Temporary Deputy Chairman, Sir, just a little guidance from the Chair; the subject matter is part of clause 16. Should we add another subclause at the end or should we not simply add subclauses 16(6) and 16(7)?

The Temporary Deputy Chairman (Mr. Musila): That is a New Clause; Clause 40 and it is just a matter of arrangement.

*(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)

First Schedule

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the First Schedule be amended:-

- (a) by deleting items 4 and 5 and substituting therefor the following new items respectively:-
4. The Institute of Surveyors of Kenya; and,
 5. The Kenya National Farmers Union.
- (b) by adding at the end therefor the following item:-
8. The Kenya Association of Tour Operators.

(Question of the amendment proposed)

Mr. Murathe: Mr. Temporary Deputy Chairman, Sir, I had proposed to amend item No.8 of the First Schedule as follows:

THAT, the words "the Kenya Association of Tour Operators (KATO) and substituting the words thereof "the Kenya Tourism Board (KOB)"

(Question of the amendment to the amendment proposed)

Mr. Mbela: Mr. Temporary Deputy Chairman, Sir, I have just been consulting with the Members of the Energy, Communications and Public Works Committee, and knowing a little bit about tourism, the brief from the Government is that the KTB does marketing, whereas KATO is the one that is on the road all the time between the various hotels and keeps sampling it all the time. I think one should not confuse the brief that had been given by the Government.

Mr. Keriri: Mr. Temporary Deputy Chairman, Sir, I think the choice between KTB and KATO is interesting. The KTB is a Government Board and KATO is composed of operators who are not necessarily the developers of the infrastructure for the tourism industry. I think the Committee should have considered the Kenya Association of Hotel Keepers and Caterers who are, in fact, the people who develop, invest and most concerned in those areas. Those other two are bodies which may not have much interest. If I am allowed, I will propose another amendment.

The Temporary Deputy Chairman (Mr.

Musila): Order! That is not procedural, because I have not received any notice for that amendment. Therefore, you are out of order.

Mr. Keriri: Mr. Temporary Deputy Chairman, Sir, could you just advise me on how I can propose an amendment?

The Temporary Deputy Chairman (Mr. Musila): You ought to have given notice to the Clerk of the National Assembly before.

Mr. Murathe: Mr. Temporary Deputy Chairman, Sir, KTB is an umbrella body for the Kenya Association of Hotel Keepers and Caterers, KATO, the travel agencies and all other bodies in the tourism sector. If that amendment is adopted as proposed, it will cover and cater for the suggestion made by hon. Keriri.

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Temporary Deputy Chairman, Sir, I think we all believe in stakeholding; that, we deal with the actual stakeholders. The stakeholders in the road industry are the tour operators; they are the ones who run all those tours, by carrying tourists from one place to the another. Therefore, they have an interest in the road itself and they will be able to play a greater role in this Kenya Roads Board (KRB), which is dedicated to the maintenance of roads. The role of KRB is not to develop the roads, but to be the watchdog; to make sure that the roads are kept well. Therefore, I oppose the amendments proposed, because the right body to be in the KRB is KATO.

The Temporary Deputy Chairman (Mr. Musila): Order! Before I put the Question of the amendment proposed by Mr. Murathe, let me explain. The proposed amendment by Mr. Murathe, is to delete KATO as proposed

by the Minister and substitute it with KTB.

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

*(Question of the amendment to the amendment,
that the words to be left out be left out,
put and negatived)*

(First Schedule as amended agreed to)

Second Schedule

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the Second Schedule be amended in paragraph 3:-

(a) by inserting the words "in Kenya" immediately after the word "places" appearing in sub-paragraph (1);

(b) by deleting subparagraph (5) and inserting the following new subparagraph:-

(5) Where there is no quorum at a meeting of the Board by reason of the exclusion of a member on account of the provisions governing disclosure of interest, the members present shall postpone the consideration of the matter in question until there is a quorum."

(Question of the amendment proposed)

Mr. Maina: Mr. Temporary Deputy Chairman, Sir, I had proposed an amendment and I thought that you would possibly give me a chance to insert Section No.9 in the Bill.

The Temporary Deputy Chairman (Mr. Musila): Order! With one respect, it is very late, because I have just seen the amendment and I have already put the Question of that Schedule and, therefore, we cannot go back. So, it is really gone.

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I think in that Schedule, the Association of Kenya Insurers (AKI) should have been included, because they are the ones who pay accident claims arising out of bad roads.

The Temporary Deputy Chairman (Mr. Musila): Order, Mr. Sungu! It may as well be that, but you did not propose that amendment. We have already disposed of that Schedule and we cannot go back to it.

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I am just recording my interest.

Mr. Ngure: Mr. Temporary Deputy Chairman, Sir, it is fair for hon. Maina to submit the inclusion of Architectural Association of Kenya (AAK) in the Schedule? Could we seek guidance on whether if a paper disappears under your table, then, it should be ignored? This is because that was an amendment; that Section No.9 be included in the Bill, which is AAK.

The Temporary Deputy Chairman (Mr. Musila): Very well, if you wish me to put the Question, there is a proposal here that--- Mr. Maina, I am allowing you to propose your amendment.

Mr. Maina: Mr. Temporary Deputy Chairman, Sir, I beg to propose that No.9; AAK, be included in the First Schedule.

The Temporary Deputy Chairman (Mr. Musila): Order! But we have already finished with the First Schedule.

Mr. Maina: Mr. Temporary Deputy Chairman, Sir, that proposal was submitted to you by me and I did sign it.

The Temporary Deputy Chairman (Mr. Musila): Mr. Njakwe, I received this proposal unsigned. So, it is time barred.

Mr. Njakwe: Mr. Temporary Deputy Chairman, Sir, the Association of Architects still falls under this category.

Mr. Temporary Deputy Chairman (Mr. Musila): Yes, but there is no need in debating it, because the proposal has not been accepted in the first place.

*(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)*

(Second Schedule as amended, agreed to)

Third Schedule

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

- THAT, the Third Schedule be amended-
- (a) by deleting item 2 and substituting thereof the following new item -
2. The District Roads Committee.
 - (b) by deleting items 4 and 5.

(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)*

(Third Schedule as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Speaker in the Chair]

REPORT, CONSIDERATION OF REPORT
AND THIRD READING

THE KENYA ROADS BOARD BILL

Mr. Musila: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered The Kenya Roads Board Bill, and approved the same with amendments.

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee of the whole House in the said Report.

Mr. Mbela: Seconded.

(Question proposed)

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Speaker, Sir, I beg to move that the Kenya Roads Board Bill, be now read a Third Time.

Mr. Mbela: Seconded.

(Question proposed)

Mr. Wamae: Mr. Speaker, Sir, now that we have passed this important Bill, which creates a mechanism on which we will be able to control expenditure on our roads, we should be very careful to ensure that we maintain the standard of our roads. We should be very careful in ensuring that we uphold maintain the standards of our roads, and particularly in ensuring that corruption is stopped, because that is what has killed our road network in this country. We should also ensure that those engineers who get involved in corruption have their licences as engineers cancelled. That is the only way they can listen, since that is where their pockets pinch.

With these few comments, I support the Bill.

Mr. Oloo-Aringo: Mr. Speaker, Sir, I would like to commend the spirit which has been demonstrated, particularly by the Minister. I remember when we asked the Minister to defer this Bill until it goes to the House Committee, he readily accepted our view. To me, this is the spirit of give and take. Let us congratulate the Minister for demonstrating very genuine working relations with the rest of the House.

Secondly, I concur with hon. Wamae, that we must start actively fighting corruption. I am pleased the amendments give power to elected hon. Members in the District Board. This is as it should be. This is Parliament reclaiming its authority. If we were to work this way, this country would be on the right track. I begin to see good signs of very good, genuine co-operation and progress.

With those few remarks, I would like to thank the House.

Mr. Mbela: Mr. Speaker, Sir, I am a very happy man to see that we have come to the end of this exercise. The Bill that we have got before the House has been completely restructured through the co-operation of the Minister and dedicated Committee Members. Now that we have passed this into law, we hope that hon. Members of Parliament will be able to scrutinise all activities in road making in our country. I would also, once again, like to appeal to the Minister, that we should be able to attend to the "holy cows" and remove them from the contractors' list. It is through them that this country has suffered many losses.

I beg to support.

Mr. Keriri: Mr. Speaker, Sir, I would like to commend the Minister for having moved to the Ministry recently and also having brought this important Bill to this House very quickly. Secondly, I would like to ask the Minister to move with the same speed, to start the ball rolling in making this Bill more inclusive. He should start negotiations with his counterparts in the Ministry of Finance to make sure that all the levies that are collected for use in roads have their proceeds coming to this Board. I know the Minister for Finance may need that revenue for something else, but everybody is taxed so that we can have good roads.

Mr. Speaker, Sir, this Bill will ensure that those people who have been telling us that roads have been bituminized and re-carpeted, whereas nothing has been done are stopped by this Board.

Thank you.

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Speaker, Sir, I also rise to commend the Minister and the Committee through its Chairman, for an excellent job which it has done. It is true that this Board is extremely important, not only to Kenyans, but to the East African region as a whole. Similar bodies have been created in the neighbouring countries to ensure that the roads are developed and maintained in order to boost the economic growth of this region.

I would also like to praise the Committee because I had the privilege of working with it while preparing the East African Community Treaty. Its Members were extremely useful. So, I would like to impress upon our colleagues in this House, that it is important to participate, in the Select Committees, even in the one which we have just concluded debating on which will work on the constitutional review process because it has a wonderful job to perform to ensure that Kenyans are served adequately. No hon. Member should feel inhibited or stop any other hon. Member from participating in Committees because they do wonderful jobs that enable Parliament to assert its own authority.

With those few remarks, I beg to support.

(Mr. Kariuki stood up in his place)

Mr. Speaker: Order! Order, Mr. Kariuki! Hon. Members must know that once an issue has been concluded in the House, you do not revisit it. The very last one, Mr. Kariuki.

Mr. Kariuki: Thank you very much, Mr. Speaker, Sir. I would like to commend the relevant Minister for Roads and Public Works for a job very well done, with the assistance of the Departmental Committee. We hope that

the Office of the President will now keep off from roads, particularly managing the *El Nino* Emergency Fund to give the Minister more work to do. We also hope that the Roads Board that has now been created, eventually will get more funding by increasing the amount from 40 per cent, to maybe, 60 per cent.

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

(Question put and agreed to)

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

MOTIONS

APPROVAL OF SPEAKER'S COMMITTEE REPORT

ON COMPREHENSIVE GROUP MEDICAL COVER/ PERSONAL ACCIDENT INSURANCE SCHEME FOR MEMBERS

The Minister for Finance (Mr. Okemo): Mr. Speaker, Sir, I beg to move:-

THAT, this House approves the Report of the Speaker's Committee on a Comprehensive Group Medical Cover and Personal Accident Insurance Scheme for Members of Parliament laid on the Table of the House on 16th December, 1999, and orders that the schemes be effective from 1st January, 2000.

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, I stand to second this Motion which seeks the approval of this House for the adoption of the Report of the Speaker's Committee on the Comprehensive Group Medical Cover and Personal Accident Insurance Scheme.

The Report is fairly detailed and I am sure that every hon. Member has had time on it. We only want to commend you because you sat on the Chair, and the other hon. Members of that Committee for having produced such a detailed and excellent Report in an area where hon. Members have not been enjoying the benefit before. I want to commend this Report to the hon. Members and also second it. Once it is adopted, I believe that hon. Members will now, at least, be assured that they will have some kind of full coverage of their medical services, including insurance, something which we have not had here before.

With those few remarks, I beg to second the Motion.

(Question proposed)

Mr. Keriri: Thank you, Mr. Speaker, Sir. I stand to support this Motion. First of all, I would like to congratulate you for having thought it fit to convene us to discuss this particular matter, which is a very important matter, as far as the welfare of the hon. Members of Parliament is concerned. This goes along way to enhance the welfare of the Members of Parliament.

In fact, at present, we are in a situation where if one of us, or many of us, get involved in an accident, he will impoverish himself, his family, relatives and friends because they will have to come to his support. The close relatives will lose the support they have had from him. This particular Motion, as hon. Members will have noticed, makes it very advantageous for them in that if one is completely disabled, hoping he will not die, he will get up to Kshs10 million. This will not just be to oneself, but also to enable one to support the family that one will have been supporting. So, this is a very important Motion.

Mr. Speaker, Sir, it is also important to note that this is among the cheapest group personal accident policies we could ever get anywhere. Those of us who have got into this type of thing have paid more than twice what the hon. Members of Parliament will pay for this accident policy. It also gives you a lot of other benefits, for example, weekly benefits and so on. Without tiring hon. Members on this for I know they have read it, I would like to say that we, on this side of the House, support this Motion and we would like it to be implemented immediately.

Mr. Obwocha: Thank you, Mr. Speaker, Sir. We shall be very brief on this. First, I would like the Press not to misquote us again. This insurance scheme will be paid for with money that will be deducted from our salaries. This is a scheme that we are making possible for ourselves because the money will be deducted from our salaries. We will contribute Kshs29,742, which will be paid to an insurance company so that we can have some little insurance scheme for ourselves.

Mr. Speaker, Sir, I am so grateful to the Speaker's Committee because in 1996, I was involved in a very serious accident along the Kericho route. I have not recovered even now because there was no insurance scheme in place for Members of Parliament. I hope this scheme will assist us.

The only comment that I want to make is that on page No.11 of the Information Document, they have said that the medical expense reimbursement is Kshs500,000 after the accident. I feel that this is on the lower side. If your Committee can negotiate so that it is slightly higher, it will be better. For example, my hospital bill, and even hon. Kirwa can confirm this, was about Kshs1.5 million. This included the medical bill, being flown from Kericho up to Nairobi by the African Medical Research Fund (AMREF) and the Kshs30,000 that one incurs when in the Intensive Care Unit (ICU) per day. Assuming you are there for 30 days only, that would amount to Kshs1 million. Where would you get that money? It is a lot of money.

Mr. Speaker, Sir, lastly, I hope that this scheme will be operated properly. I want to repeat to the Press: Please, report us correctly, because when we passed the pension scheme here, you said that we were going to destroy the economy now, yet the pension will be paid in another five years time. At that time, I will be in the Government and I will improve the economy.

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

Mr. Sungu: Mr. Speaker, Sir, as a Member of the Speaker's Committee, I am pleased to say that, I participated in the preparation of this document. May I start by clarifying a few comments made by hon. Obwocha.

The medical reimbursement that is indicated in the Personal Accident (PA) Scheme is in addition to the medical cover that we also intend to take with either the AAR or Medi-plus, when the House approves this Motion. So, it is not the only money that is going to be available to you, as far as this proposed insurance is concerned. The personal accident policy is meant to cover you for accidental injury, and not ordinary illness.

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. Since we already have a copy of this thing, and we can read it, may I move that the Mover be called upon to reply.

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

The Minister for Finance (Mr. Okemo): Mr. Speaker, Sir, I do not think I will go into details. First of all, the document is before every hon. Member. So, we all have had a chance to go through the details. There are two covers. One is the medical insurance cover and the other one is the group personal accident cover. Both are contributory; which means that the hon. Members will pay the premiums for both covers.

Mr. Speaker, Sir, as far as the group personal accident cover is concerned, we have already concluded negotiations with the ICEA, because of their reputation and claims record. We feel that even though they are not the cheapest, we will get good value for our money.

As far as the medical insurance scheme is concerned, we had presentations from two companies. We feel that we need to hear from more companies, so that we can make a decision. We are asking this House to give us the authority to go ahead and conclude that. We will take into account the sentiments by hon. Obwocha. There are a series of options. The better the benefit, the more premiums will be paid. So, if you want more than Kshs500,000, and opt for a Kshs1 million medical cover, then the premium will obviously be higher. So, that option will lie with the Members themselves.

With those few remarks, I beg to move.

(Question put and agreed to)

APPOINTMENT OF MEMBERS OF PARLIAMENTARY SERVICE COMMISSION

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, pursuant to the provisions of Section 45B of the Constitution of Kenya, this House appoints the following Members to be Commissioners of the Parliamentary Service Commission:-

(a) under sub-section (1) (e) (i) -

1. The Hon. Dr. Abdullahi Ali, M.P.
2. The Hon. Abubakar Badawy, M.P.
3. The Hon. Wycliffe Osundwa, M.P.
4. The Hon. Samuel Poghisiso, M.P., duly nominated by the party forming the Government;

(b) under sub-section (1) (e) (ii) -

1. The Hon. George Odeny Nguny, M.P.
2. The Hon. Daniel Khamasi, M.P.
3. The Hon. Peter Oloo-Arango, M.P., duly nominated by the parties forming the Opposition.

Mr. Speaker, Sir, I only have two comments that I feel fit to make here. First, the House will recall that it did pass the amendment to the Constitution unanimously, in order to set up the Parliamentary Service Commission. After that, the Act went to His Excellency the President for his assent and instantly, he gave it. It, therefore, became an Act.

As provided in the Constitution, the Speaker is the Chairman of the Parliamentary Service Commission. Then, again by the same Constitution, the Leader of Government Business is in the Commission. The Leader of the official Opposition is also in the Commission.

Secondly, the same Constitution stipulates that four Members of Parliament, who will not be Ministers or Assistant Ministers; and are Back-benchers from the ruling party, shall be nominated by the ruling party to be Members of the Commission. That is what is in part (a), one to four. Then, the Constitution also stipulates that, there shall be three Members of Parliament, who shall be nominated by the political parties in the Opposition. Then, Parliament shall appoint them.

I would like to say that from the ruling party KANU, there is a notification from the Chief Whip in respect of the four names from the ruling party. Therefore, this signifies the nomination by KANU of number one to four in the earlier section. There is also a letter signed by hon. N. Nyagah, the Whip from the Official Opposition party, signified to the effect that the three names; hons. Ngure, Khamasi and Oloo-Aringo, have been nominated from the official Opposition parties.

Having said this, the Constitution is very clear. There are only two options - and I hope Mr. Speaker will give his guidance - that, according to the Constitution's stipulation, to approve the list as presented here, or reject it in total! You cannot amend an individual name here.

With those few remarks, I beg to move.

The Minister for Tourism, Trade and Industry (Mr. Biwott) seconded.

(Question proposed)

Ms. Karua: Mr. Speaker, Sir, I support this Motion because the House Standing Orders have been followed to the letter. The Whips on both sides of the House have consulted as is required by the Standing Orders. We hope that this Parliamentary Service Commission will serve the House as is expected. Also, I hope that, as we move into the next millennium, in appointing committees, we shall strictly follow the Standing Orders.

Mr. Angwenyi: Mr. Speaker, Sir, I arise to support this Motion. Today is my happiest day in my three years which I have been in this august House. We have acquired this through the effort of every Member of this House. Today, we have appointed people of integrity to this Commission. We hope that they will meet our desires and they will show the way forward for the other Public Service Commissions in this country.

Mr. Kathangu: Mimi pia ninasimama kuiunga mkono Hoja hii lakini ninapofanya hivyo, ningependa kusema mambo mawili: Kwanza, kabla hatujaafikiana kuhusu majina ambayo yako hapa sasa, mambo mengi yaliendelea. Kulikuwa na mazungumzo baina ya vyama mbali mbali. Jambo nililoliona ni kwamba kuna wale wahe. Wabunge ambao walikuwa wanataka watu wengi sana watoke kwa chama kimoja na wengine walitaka watu watoke kwa mikoa mbali mbali. Lakini sisi kutoka Upinzani tulipoketi chini na kuzungumza, tuliona kwamba tungetaka watu waliokamilika na ningependa kuwarudishia shukrani Mrs. Beth Mugo na Mrs. Charity Ngilu. Ingawaje hatukuweza kuingiza mama mmoja katika kamati hiyo, akina mama hawa walisema kwamba ili kupunguza vita, tuingize mhe. Ngure na mhe. Oloo-Aringo ili Bunge hili limurudishie shukrani.

Mr. Kajwang: On a point of order, Mr. Speaker. I am not a very good listener of Kiswahili because I do not understand it very well, but I do not know where these gentlemen were meeting "kuingiza watu"!

Mrs. Mugo: Mr. Speaker, Sir, I also arise to support this Motion. I hope that this Commission will serve the interests of both women and men employees of this Parliament, as well as hon. Members. We wanted to keep peace and that is why we opted out of the Commission. However, I would like to record my sadness this day that all the political parties did not find it fit to nominate a woman to serve in the Commission. I support the Motion, but we would like that to be recorded because this Parliament belongs to all of us.

Mrs. Ngilu: Mr. Speaker, Sir, I stand to support the Motion. I would like to congratulate hon. Oloo-Aringo for having brought this Motion to its conclusive end. We all agree in this House that hon. Oloo-Aringo has done a good job to have brought this Motion this far. We did appreciate his work and it is for that reason that we in the Social Democratic Party gave our position to him.

Mr. Sungu: On a point of order, Mr. Speaker, Sir. Earlier on, in this House, you ruled that parties were supposed to be nominating Members. I do not know when hon. Oloo-Aringo became a Member of the Social Democratic Party.

Mr. Speaker: Order, hon. Members! I suppose, in retrospect, the House now comes to the same conclusion

that we had reached earlier. Proceed, Mrs. Ngilu.

Mrs. Ngilu: Mr. Speaker, Sir, I think the Act says that Members of the Commission will be nominated from political Opposition parties and not one party. Therefore, we had to agree that hon. Oloo-Aringo was the best. I would also have appreciated, when we talk about gender, if KANU, which has four positions, would have nominated one woman. We do wish that in future, KANU, since it always has more seats, will always nominate a woman. It is embarrassing for the ruling party not to take cognisance of the fact that they should always show the way forward by being more gender sensitive. In future, they should make sure that they are more gender sensitive in the House.

Dr. Omamo: Mr. Speaker, Sir, in a very serious class of sociology, a question was put to the students as to which is the greatest time saver in human relations. The students struggled to get the answer, but the one that stole the day said; "The greatest time saver in human society is love at first sight."

(Laughter)

Mr. Speaker, Sir, I would like it to go into the record of this House that when this Motion was moved by hon. Oloo-Aringo, the House fell in love with it. It took the shortest time. Now that it has come to the end, we are all of the same opinion. We love those whom we have nominated to the Parliamentary Service Commission. We have confirmed that they are hon. Members of integrity. We are in love with them and let us save time.

With those remarks, I beg to support.

Mr. Sambu: On a point of order, Mr. Speaker, Sir. Since we are all in love with this Motion, would I be in order to move that the Mover be called upon to reply?

Mr. Speaker: Yes, I will put the Question.

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

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

Mr. Speaker: Order! It is 6.20 p.m. So, for the next three hours, that is up to 9.20 p.m., we will be debating the Motion of Adjournment. I call upon the Leader of Government Business to move that Motion.

MOTION FOR THE ADJOURNMENT

ADJOURNMENT OF THE HOUSE *SINE DIE*

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, I beg to move:-

THAT, this House do now adjourn *Sine Die*.

In moving this Motion, I do so with the concurrence of all the Members of the House Business Committee who resolved that I do bring this Motion for the House to be asked to go into recess today.

Mr. Speaker, Sir, we have had important business transacted in the course of the business of the House since it opened. However, I do want to say one thing here. Of late, we, hon. Members, have, unfortunately, adopted behaviour which, at times, has caused the Chair a great deal of agony. Indeed, at some time, it has caused the Chair to even ask some of our Members to go out. It is also clear that we have also witnessed a situation where a number of Members have adopted the habit either of shouting down other Members, or booing them. I want to urge the hon. Members that this is the last Session of the 20th Century. Let us hope that kind of unbecoming behaviour will go down in the dustbins of the 20th Century. As hon. Members, I think we must be upright enough to agree to disagree, and to allow any hon. Member to express his or her own views, even if such views sound bizarre to you; allow an hon. Member to express his views since you will have your own opportunity to express yours. However, the habit of shouting down other Members and not allowing them to speak is most undemocratic, and we cannot allow it.

Mr. Speaker, Sir, the second point which I want to say here is that I think one of the most important business that this House has transacted is to amend the Constitution of Kenya to allow for the creation of the Parliamentary Service Commission. With the enactment of that law, this House can now be said to be totally independent and, indeed, the fulfilment of the separation of powers has now gone full cycle and is in place. While we do welcome that, we need to reflect what it really means. What does it mean when we talk of an independent Parliament and the

supremacy of Parliament? I want to set forth my own thought. It is this House which is mandated by the Constitution of Kenya to be the supreme authority in matters of legislation. It is this House, therefore, by its own independence as stated in the Constitution, that should be here to deliberate on legislation without being prevailed upon by sources from without.

I say this because we do have a Constitutional Review Process stalemate. A Motion was brought here and other Members did make their own views, and they believe that Parliament should not transact the business. I want to commend all the hon. Members who stood firm in defence of the supremacy of Parliament, and who also took the view that the reason why each one of us was brought here was to come and legislate on behalf of our constituents. I want to reject most vehemently those who expressed the views that hon. Members of Parliament cannot be trusted. We have heard that view stated outside. Those people who believe that Members of Parliament cannot be trusted to legislate have the option to get rid of the hon. Members at the time of election. I think it is a betrayal, if some of us believe that, indeed, we came here not to perform our duties.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, lastly, it is our duty to make sure that the constitutional review process is back on track. We also believe that all the stakeholders must be consulted.

I beg to move.

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I beg to second the Motion that the House do adjourn *sine die*. Basically, I will be supporting this Motion with one very clear view; that, right now, the country is at the crossroads. It is facing an extremely difficult time, particularly on the issue of the Constitutional Review Process. It is important that as we go into the recess period, we should, as Members of Parliament, and as leaders in our different areas of jurisdiction, and also as national leaders, try and foster a process that can help us come to some useful conclusion as soon as possible. In this way, this country can go through the process of the constitutional amendment as soon as possible, and also be able to provide a Constitution that would be satisfactory to Kenyans at large.

Mr. Deputy Speaker, Sir, I also want to support the sentiments expressed by the Leader of Government Business, that, indeed, we have concluded a number of Motions, Bills and other processes through the Departmental Committees which have been working on various Bills that have been brought to this House. Equally, we have also seen through issues like the Parliamentary Service Commission that, indeed, Parliament is re-asserting its role as the supreme legislating organ. It is doing this by ensuring that the laws of this country are amended and Kenyans are served more appropriately by this particular institution. It is, therefore, on the same note that I say that it is important that as we go out, we should realise that we, as elected representatives of the people, still have that most onerous responsibility of ensuring that any of the issues that are stalemates in whatever format can be addressed by this House.

Mr. Deputy Speaker, Sir, I want to come back again to the Constitutional Review Process, which is really at the forefront of the country's concern today. I think with the Select Committee that has been set up by this Parliament; and indeed, if there are any other views that can help the Select Committee to amend the Act or to bring proposals into this House on amendments that will go into the Constitutional Review Act, that will help make sure that the process, once started and once the Commission is in place, will now be smooth and will not be hampered any more by any kind of obstacles as we proceed to ensuring that in the next millennium, we will be able to have a new draft Constitution.

With these few remarks, I beg to second.

(Question proposed)

Mr. Kibaki: Mr. Deputy Speaker, Sir, in supporting this Motion, I would like to wish every Member a merry Christmas and a prosperous New Year.

Mr. Deputy Speaker, Sir, when we usually go on recess, there has always been a tendency for the Government to do some awkward things when Parliament is not sitting. May I, first of all, say that, we would expect that the respect which has been shown to Members of Parliament when they want to hold their meetings and to do any of the other normal activities of Members, be allowed freely and without serious intervention. The Minister should make more efforts to convey to the security officers or the police; and particularly police administration, which interferes with Members of Parliament, that we want to enjoy the freedom, which is ours in law, to operate as Members of Parliament and to have respect, so that we do not get little people interfering with Members of Parliament.

Mr. Deputy Speaker, Sir, there is a famine in the country. As it is, the prospects are that many more people

will die from famine. We are asking the Government to stop pretending that this is not a major crisis. It is a major crisis and we should appeal to everybody who can help us around the world to help us. This is because there are many people in many districts who are so handicapped and impoverished. When we talk about famine relief, the Government should announce that, when the first term begins in January, 2000, children from poor families, and in those dry districts where there is famine, should not be sent home for lack of school fees. They should be allowed to continue to learn, even if they have no school fees. This is because there is no way, even if you send them home, they are going to get school fees; they cannot because people are affected by famine. So, this is a serious request, and I am sure the Government will do very well to announce before the new year, that, that consideration will be taken seriously.

Thirdly, we have been promised that road works are going to begin. Already, we have wasted a year-and-half. Even in Nairobi, the Government has closed Kirinyaga Road. People have been impoverished! That road had been repaired previously when they repaired the road in sections. In towns where road construction was promised and money was negotiated for 26 municipalities, when will the exercise begin? We would like to see construction work on roads begin. We want to see tenders for *El Nino* Roads. We want to see things begin and action taken.

Fourthly, those of us that are very interested and involved with coffee and tea welcome the action taken by the Government, but the Government must act within the law. We have Coffee and Tea Acts, which were amended. In order for the Government to be respected, they must act within that law. That law gives a measure of independence to the farmers to be able to choose who they want to be their directors in the Coffee Board of Kenya. The law has not been amended by this Parliament, and we would expect the Government to respect the law. If they do not respect the law, who else will respect the law? We should also seek to apply the law strictly. For instance, the laws that we have in the tea sector stipulate very clearly that it is the individual farmers and shareholders of the tea factory who will be called upon to choose directors, and not some hand-picked delegates from various places. Let us call annual general meetings of those tea producers, so that they may themselves choose their own directors.

With those very few words, I support the Motion.

The Minister for Environment (Mr. Nyenze): Thank you very much, Mr. Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion. I beg to support that the House do adjourn.

Mr. Deputy Speaker, Sir, I would like to remind my fellow colleagues of a few things that I have observed for the period I have been here in Parliament. One has been lack of patriotism. Any country whose people do not love it, fight for it, protect it and promote it is bound to collapse. I am appealing to fellow legislators that more concern, love and more care for the country should be exercised at all levels because we have lacked it.

Mr. Deputy Speaker, Sir, today, foreign donors are not giving us adequate assistance, the way they used to before. It is not so much because of either economic mismanagement or bad governance, but because of some economic saboteurs in the persons of some of our colleagues, who try to paint Kenya as a very bad country. Tourists are not coming to Kenya today, not because there are so many killings, but because of such saboteurs. If you go to countries like Algeria or even South Africa, there are more killings than there are in Kenya. However, today, everybody fears coming to Kenya because some of the legislators; the people who should promote Kenya, are the ones who are painting it as a very bad country to visit.

When we suffer and when everything gets worse; when we do not get any foreign aid; when no tourists come to Kenya, it is not only hon. Nyenze who suffers, but everybody. These are the kind of things that I have considered, and I have said it is good to come and share with you so that we portray this country as a beautiful destination for tourists; as a good country to come and invest in and it is a very good country with hopes for economic growth. If we can just do this, I am telling you, Kenya is a beautiful country to live in and to do business in and, hence, attract all the foreign investments. Who does not want to live in a good country?

So, I am appealing to fellow legislators that, during this time when we are going for recess, please, for heaven's sake, this is your country. It is not only a KANU country, but also an Opposition country. We should promote it as a good country so that we live in a good place. Let us also promote brotherhood; the way Kenyans fought for Independence as one people. Surely, let us not go different ways. This is because you have seen parallel meetings taking place today about the Constitutional Review Process. Is this good for Kenya? What are we surely trying to show the world?

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Nyenze to say that there are parallel meetings about the Constitution, when we know that it is only one which is led by the churches?

Mr. Deputy Speaker: Order! Hon. Mwenje, which Standing Order has the Minister violated? Order! Proceed!

The Minister for Environment (Mr. Nyenze): Thank you, Mr. Deputy Speaker, Sir, for protecting me from my good old friend, hon. Mwenje.

I wanted to say that hon. Members have shown the supremacy of Parliament, and this is something which both sides of the House have always promoted and agreed that it will be respected. But let us also live above petty

politics, whereby we would move out of the House disrespecting the Chair and go to sing our beautiful National Anthem out there. These are things that not only the Press, but even those who are sitting in the galleries--- We are hon. Members, when they see us singing down here--- I have been wondering and praying to my God. Surely, why are people trying to ridicule themselves by singing the National Anthem there? I think it should not be repeated. Let us show that kind of respect because we are hon. Members. Let us never repeat it again, and it will be very good.

Thank you.

Mr. Deputy Speaker: Order! Order!

POINT OF ORDER

AWARD OF TENDER TO BULK MEDICAL SUPPLIES LIMITED

Mr. Ojode: Thank you very much, Mr. Deputy Speaker, Sir. Last year, I brought a Question here in regard to payments which were made by the Ministry of Health to Bulk Medical Supplies Ltd; and the Minister misled the House by saying that--

*(Mr. Nyenze crossed the Floor
without bowing to the Chair)*

Mrs. Ngilu: On a point of order, Mr. Deputy Speaker, Sir. Is hon. Nyenze in order to get out of that side and cross right through the Floor without bowing to the Chair?

Mr. Ojode: Mr. Deputy Speaker, Sir, after the Minister had misled the House that there were no payments made to Bulk Medical Supplies Ltd; and the deliveries were also made against those payments, I decided to go to court for prosecution. The Attorney-General has been frustrating my lawyer and he has refused categorically to allow the prosecution to go ahead. I have a letter which I will just read in part. This letter is addressed to me by my attorney. It was written on 8th November, 1999, and it headed: "Private Prosecution No.26 of 1999: Yourself vs Sam Mbova and others." It reads:-

"When we appeared in court on 8th November, 1999, the Attorney-General revealed that the fresh investigations he ordered the Commissioner of Police to conduct in May this year have been concluded. The Attorney-General has formed the opinion that there has not been any offence or offenses committed by the respondent." Mr. Deputy Speaker, Sir, we have saved the Government Kshs95 million which was going to be "eaten" by these guys. I asked these people if they wanted me to withdraw the case---

The Minister for Education (Mr. Musyoka): On a point of order, Mr. Deputy Speaker, Sir. As much as I really hate to interrupt my good friend, is it in order to discuss matters that are properly before court? It is *sub judice* and I do not think it is just fair.

Mr. Deputy Speaker: Order! Order! Hon. Ojode, is that matter still in court?

Mr. Ojode: No, Mr. Deputy Speaker, Sir, it has been withdrawn. We withdrew the case simply because we had got a letter from the supplier, saying that he is now ready to supply the drugs. He wrote a letter on 22nd April, 1999, which says in part, that he did accept that the drugs were never supplied---

Mr. Deputy Speaker: Order! Let us have those documents before you proceed.

Mr. Ojode: Mr. Deputy Speaker, Sir, I hereby table the document. They accepted liability that, in fact, they had not delivered the drugs then. They accepted that they are now going to deliver the drugs after registration. Now, that both the Minister and the Assistant Minister misled this House and the country, I will move that both Mr. Kalweo and Mr. Criticos together with the Attorney-General, should be named in the next Session. There is no way we are going to condone corruption. If the Government itself is supporting corruption, there is no way. We are not going to accept the Attorney-General, Mr. Wako, to keep on supporting corrupt individuals.

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

Mr. Deputy Speaker: Order! Order! If you want to discuss the character or the behaviour of the Attorney-General, one Mr. Wako, bring a substantive Motion.

Mr. Ojode: Mr. Deputy Speaker, Sir, I totally agree with you and that is why I said earlier that I will bring a

substantive Motion in the next Session, when we are still alive in this House to name the Attorney-General and Mr. Criticos for having misled the House. I should be congratulated by the Government side for having saved the Government Kshs95 million which was going to be shared.

Mr. Deputy Speaker: Meanwhile, what are you going to do during the adjournment?

(Laughter)

*(Resumption of Debate on the Motion
for Adjournment)*

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Deputy Speaker, Sir, I rise to support the Motion. It is time that we went home, having done a lot of work which is going to make a fundamental change in this country. First, is the deliberation on the East African Community Treaty which has now been signed and which incorporated this country into the Community. We have just passed The Kenya Roads Board Bill which will now become an Act and, hopefully, the problems of infrastructure which we have faced in this country will become a thing of the past. It will assist this country to develop in all sectors.

Mr. Deputy Speaker, Sir, we have also deliberated on the pension and, hopefully, hon. Members will find relief when they really need it. The suffering that Members get when they are faced with accidents and other calamities are very, very severe, indeed. This pension will assist quite a lot and more so, the passage of the Parliamentary Service Commission Bill. This has completed the separation of powers between the Executive, the Judiciary and the Legislature. It has empowered this House to assume its full responsibility as the supreme organ on the land, and the guardian of the interests of the community.

I hope that the Members we have just selected to work on the regulations of the Parliamentary Service Commission will deliberate and bring forward their recommendations, so that we can pass those very necessary regulations in order to make the service operational.

This House has also done a wonderful job today by breaking the stalled Constitutional Review Process and it has assumed that, because it is a supreme organ in the Constitution. The Constitution of this country empowers only this House to deliberate and pass constitutional amendments. In doing so, it will do it in full consultation with all the stakeholders. Therefore, the question of Parliament not involving stakeholders should not be used to mislead *wananchi*. That body which we have now formed as a Select Committee is the one that will assist in facilitating that process. With the process on, all those who were named as stakeholders will have a chance to offer their views and contributions in any manner they want.

Mr. Deputy Speaker, Sir, it is not proper for us, as Members of Parliament, to subordinate ourselves to other institutions which have different roles altogether. As Christians, the most we can do is to go to church and assist them if they want us to act as echoes on the Church's constitution. However, the Church will never replace Parliament. It is only Parliament which has the---

Hon. Members: Wind up!

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Deputy Speaker, Sir, no hon. Member should order me around in this House; they must be civilised.

Mr. Deputy Speaker: Order! Order!

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to continue misleading this House that the Church and other religious leaders have no business with the Constitutional Review Process other than conducting prayers, when he knows that he has consistently undermined the Constitutional Reform Process in this country since it started?

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Deputy Speaker, Sir, I am for the Church, civil society and all other stakeholders, to play their rightful roles in the Constitutional Review Process. However, the only machinery through which to go about this problem is Parliament's Select Committee. I hope that those hon. Members who have declined to take up their seats in that Committee today will, by the way, agree to do so.

With those few remarks, I beg to support.

Mrs. Ngilu: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion of Adjournment. I think, as we come to the end of this millennium, certainly, there are gains that we can say that, as a Parliament, we have made. Also, there are areas we can look into and say that we have not fared very well. It is with sadness that we talk about the Constitutional Review Process that has stalled, and which has taken this country many days, sitting and trying to find the way forward. I think the ruling party, KANU, and its sister co-operators have come out at their best, and I think this is what the nation was expecting of them. This is not the first time KANU has made an about-turn, away from promises it had made to Kenyans. In 1995, the National Chairman of the ruling party promised

Kenyans that he would do a comprehensive reform of the Constitution, only to say "no" a year later. It was through a lot of work, and what Kenyans called "mass action", that he---

The Minister for Education (Mr. Musyoka): On a point of order, Mr. Deputy Speaker, Sir. I hate to interrupt my sister, but is she in order to suggest that the President had at one time said "no" to the review of the Constitution? It is good to be decent.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I would say so because, in 1995, the President promised that he would initiate the review of the Constitution. However, it was not until 1997 that Kenyans opted to take up the Constitutional Review Process. This is exactly what Kenyans still have to do today. We had all along expected that he was never going to come up with anything substantive. It is for this reason that all the stakeholders named in the Constitutional Review Commission Act yesterday came together, having realised that, once again, KANU has failed them. The stakeholders have now constituted themselves into a review body, and are now going ahead with the Constitutional Review Process. This is a constitution making process. The Parliamentary Select Committee that was created here yesterday is nothing other than cheating Kenyans on what constitution they can make.

Mr. Deputy Speaker, Sir, I would like to say that, at this point in time, the Members of Parliament from KANU believe that they are able to give Kenyans a constitution.

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir. It is this House that has appointed the Parliamentary Select Committee this afternoon. It is also this House that hon. Ngilu said has cheated Kenyans. The word "cheating" is not parliamentary. So, would I be in order to ask her, through the Chair, to withdraw that word and apologise to the House?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, it would take all of us to be fair to Kenyans. When one sits on the Government side, one never imagines that, one will one day sit on the Opposition side.

Mr. Deputy Speaker: Order! Mrs. Ngilu, be reminded that the word "cheating" is not parliamentary. Proceed.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I meant "not keeping to their word". We are going to make laws for Kenyans. We have known Ministers who have made laws and regretted later on when they faced those same laws. I would like to remind my brothers and sisters on the Government side of this House that, next time, they might find themselves on the Opposition side. However, they should not worry. All is not lost; we will make good laws for them.

I believe that next year, we will debate the National Poverty Eradication Plan that has been put by the Government. Poverty has hit every Kenyan. Leaders have decided to take advantage of poor Kenyans to "use" them now and then---

Mr. Deputy Speaker: Order! Mrs. Ngilu, your time is up. Proceed, Mr. Musila.

Mr. Musila: Mr. Deputy Speaker, Sir, thank you for giving me the Floor. I would like to associate myself with the sentiments that have been expressed by my colleagues in supporting this Motion. It is very important that after such a long and hectic time, hon. Members find time to go and be with their constituents.

Mr. Deputy Speaker, Sir, a lot has been said about the Constitutional Review Process. All I want to say is that all of us must ensure we do nothing that can jeopardise peace and security in this country. All of us should co-operate in ensuring that whatever we do is for the good of this country.

Having said that, and in view of the fact that I have only a few minutes, I would like to mention two things which affect my constituents. I have raised the issue of land adjudication in my district many times in this House before. Without risking repeating myself, I would like to inform the House that the land adjudication exercise in Mwingi District started in 1975; that is, some 25 years ago. So far, only three adjudication units have been completed, leaving over 20 units in various stages of completion and many others which are not open. As we go on recess, I would like to appeal to the Minister for Lands and Settlement to ensure that, during the coming year, everything is done to open up more areas and complete the land adjudication exercise there. Of more concern is the fact that Mwingi Town, which, in my view, should have been a municipality, has not been surveyed. Because of this, investors and all other businessmen in that town have no title deeds and, therefore, have no access to credit facilities.

Once more, I would like to take this opportunity to appeal to my good friend, the Minister for Lands and Settlement, to give the surveying and registration of Mwingi Town the priority it deserves. This is because there is no way we can talk of eradicating poverty when some of our areas in this Republic have no access to credit facilities. So, I would like to appeal to the Minister to ensure that he addresses the question of registration of land not only in Mwingi Town, but in all our urban areas.

Mr. Deputy Speaker, Sir, I would like to talk about water. In February this year, Mwingi-Kiambere Water Project was launched. All of us were very grateful when this was done because we thought that the chronic water shortage of Mwingi would be eradicated. Unfortunately, wananchi in this area have been disappointed. This is because this water project has continued to be grossly mismanaged by the Tana and Athi Rivers Development Authority (TARDA). Secondly, this water is very expensive. The minimum charge that TARDA demands from the people who

want to get this water is Kshs1,600. I would like to inform this House that some households have even been billed Kshs10,000 every month, which is incredible. I think that water is more expensive in Mwingi District, compared to the rates charged in Nairobi, Mombasa, Kisumu and elsewhere. It looks like the TARDA is overcharging the people of Mwingi District. Besides that, ordinary people who have access to water at kiosks are being charged Kshs5 per 20 litre jerry can. This is so, despite the fact that the Government issued a directive that those people be charged Kshs2 per 20 litres jerry can. To me, this is exploitation, and the Government must intervene and save the people of my constituency from being exploited by TARDA. Unless this is done, this water project will remain a white elephant project, because people will stop using it.

Mr. Deputy Speaker, Sir, I would like to take this opportunity to wish all hon. Members a merry Christmas and a happy new year - 2000.

Mr. Mwenje: Thank you, Mr. Deputy Speaker, Sir. I will straightaway say that I also support the Motion of Adjournment. This is because we should go and do some work in our constituencies as it is quite important now. I would also like to take this opportunity to thank all those people who attended the Kamukunji Rally on Sunday this week. This rally was very important. This is because they now understand what the country needs and, precisely, what we have been telling them. We hope that the churches will hurry up their business and come to the conclusion of the Constitutional Review Process. While we go on recess, we hope that all the Private Members' Motions which have been passed in this House will be implemented by this Government, so that we can move forward. But more so, I would like to appeal to the Minister for Finance--- All of us are talking about lack of money. The major problem in this country is lack of money, besides the other problems which have been created by some people who are known to us. All of us are looking for money.

Sometime back, the names of all those people who owe the National Bank of Kenya (NBK) money were tabled in this House. Those people were ordered to pay the money because it belongs to the public. This is the money which we, as shareholders and the country, are entitled to enjoy. But the other day, the Managing Director of the NBK, Mr. Reuben Marambii, wrote a letter to the Board of Directors, asking it to write off a number of loans which were mentioned in this House. Instead of that money being paid so that it can circulate among Kenyans, they are now asking that it be waived. This applies

to those people who are politically-correct and have messed up the economy of this country.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, hon. Mwenje has made a very serious allegation in this House. Could he substantiate by tabling the letter that was written by Mr. Marambii?

Mr. Mwenje: Thank you, Mr. Deputy Speaker, Sir. I have come here ready to table all those names. If the Assistant Minister wants me to read them out, I can do so.

(Applause)

The total amount of money that is supposed to be written off is Kshs2.27 billion. The list of those people whose loans are supposed to be waived is here.

Mr. Deputy Speaker: Order! Hon. Mwenje, table the list.

Mr. Mwenje: Mr. Deputy Speaker, Sir, I will table it after making reference. They are saying that these are people who cannot repay their loans. Some of these people are Abraham Kiptanui, Arap Ngeny and some Ministers who are here---

Mr. Deputy Speaker: Order! Hon. Mwenje, before you proceed any further, I want to have sight of that document.

Mr. Mwenje: Mr. Deputy Speaker, I will give you the document after I have finished, because it is a big document.

Mr. Deputy Speaker: Order! Pass it over to the Clerk at the Table.

(Mr. Mwenje laid the document on the Table)

Mr. Mwenje: Mr. Deputy Speaker, Sir, I have another document here. In fact, these documents are very many and I am prepared to table them. It is only the politically-correct people whose loans are to be written off. The Treasury and the Minister for Finance continue to protect these people. We must tell them that the money in the NBK belongs to the members of the public in this country, shareholders and depositors. We should not allow this kind of thing to happen.

We would like to tell this Government, and the Minister for Finance, that this money will not be written off. If they try to do it, we will go to court and stop them from doing so. I am a shareholder of this bank and I will not allow

money to be written off just like that. I have been a banker and I know that it is possible to follow up all these people. I would like to inform this House that some of them are only asking that interest be waived and, yet, they will not allow your loan to be waived.

Mr. Deputy Speaker: Order! Table that other document.

(Mr. Mwenje laid the document on the Table)

The Minister for Education (Mr. Musyoka): Thank you, Mr. Deputy Speaker, Sir. First of all, I would like to join those colleagues who have sent Christmas greetings to all of us and the families in this country. I also want to take this opportunity to congratulate the Chair; that is, you, Mr. Deputy Speaker and the Speaker, for the manner in which you have presided over the deliberations of this House. We also wish you well over this season and, indeed, a happy millennium.

I want to be very brief in addressing some of the issues that have also been raised. The Leader of the Official Opposition, hon. Kibaki, did ask the Government to address the question of school fees of families in this country that have difficulty in paying school fees. As we begin a new term in January, 2000, I would like to assure this House that my Ministry will continue to be very sensitive to those families that cannot afford to pay school fees. Indeed, the Minister has been consistent in asking all the officials at the Ministry of Education, especially the teachers and the head teachers, not to send children home simply because they are unable to pay school fees. May I also thank the good Lord because, contrary to the prediction by the Meteorological Department that there would be total rain failure in this country, in the eastern part of this country, we are fortunate that He has blessed us with some rainfall. If this continues, we will certainly get a good crop, and if that happens, of course, it will be expected that parents will be able to pay school fees as is required.

Mr. Deputy Speaker, Sir, may I very quickly jump on to the very important matter of the supremacy of this House. Indeed, by passing the Parliamentary Service Commission Bill, and what we have also done today, putting in place the Commission in terms of the requirements following the constitutional amendments, this House has, indeed, put in place the very important concept of separation of powers; an independent Judiciary, a Legislature that is supreme and, of course, an Executive that also works as it ought to. I have been at the forefront since the conference at the Bomas of Kenya when His Excellency the President challenged this House at the beginning of this Session, that we should do something about the Constitutional Review Process. It was then felt that we could go to Bomas of Kenya and subsequently, to Safari Park. I remember at the Bomas of Kenya, I am on record as having argued for the supremacy of this House. It is important for us as hon. Members of this House, to hold dear those principles that have served this country well, and to be honourable enough to say that this is the way forward. None of us on this side has any problem with the role of the churches in this country. All we are saying is that, we should avoid the situation as pertains in Zimbabwe today, where President Mugabe put in place a commission. The commission was not, in fact, one put in place by Parliament like you have attempted to do today, but, in fact, when he did that, there was also another parallel commission put in place.

Mr. Deputy Speaker, Sir, we know that today, the Parliamentary Review Commission appointed by President Mugabe has been able to present its findings. Right within our neighbourhood, President Mkapa was able to appoint a commission. In exercise of the supremacy of this House, we have deemed it necessary to guide the process. We are saying it will be people-driven. In fact, I am amazed at the fact that Kenyans have come out so openly, to disagree over what everybody agreed on. We are talking the same language, but for some very strange reason, we seem to have taken separate ways. Hon. Kibaki, for instance, on 11th November, stood in his place and actually said: In order to continue demonstrating this spirit, let us now move and put in place a commission". This is what we seek to do together as a House.

Mr. Deputy Speaker, Sir, therefore, my appeal is that we all stop giving the impression to this country that we are not clear in our minds about what Parliament should do. Otherwise, if I was the President today, I would be tempted to operationalise what is contained in Section 59 of the Constitution, and the consequences would be very interesting. I am not, of course, suggesting that, that be so, but if this House cannot live up to the expectations that the country has in all of us, then one would not blame the President for doing what I think he should do.

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

Mr. Kathangu: Asante sana, Bw. Naibu Spika. Nitaanza kwa kusema kwamba ingawa Kiswahili kinasema kwamba "subira huvuta heri, lakini Kiswahili hicho pia husema kwamba "ngoja ngoja huumiza matumbo". Tumemaliza mwaka mmoja sasa tangu tuanze kuzungumza juu ya mambo ya Katiba. Ninakumbuka wazi kwamba baada ya Rais kuweka kidole chake kwa hiyo sheria, Rais huyo huyo baadaye muda mfupi sana, alisema kwamba hiyo sheria haiwezi kufanya kazi. Mshangao wangu na wa kila mwana Kenya ni kwamba itakuwa namna gani Rais aweke kidole chake kufanya Mswada huo uwe sheria na baadaye, aanze kuupinga mwenyewe. Hiyo ndiyo shida ambayo

tumekuwa nayo katika nchi hii.

The Minister for Education (Mr. Musyoka): Bw. Naibu Spika, ninadhani kwamba sio ukweli kwa Mhe. mwenzangu, mtumishi Kathangu, kumlaumu tu kiongozi wa nchi pekee yake, ilhali kila mmoja wetu, hata yeye mwenyewe, anajua kwamba sheria hiyo haifanyi kazi. Hata makanisa yanakubali hivyo. Kwa nini anamlaumu Rais peke yake?

Mr. Kathangu: Asante sana Bw. Naibu Spika. Baada ya Rais kusema kuwa sheria hii haiwezi kufanya kazi, mhe. Musyoka, ambaye ni Waziri wake, alikuwa wa tatu kuongeza sauti yake kwamba sheria hii haiwezi kufanya kazi. Kwa hivyo mimi ninamlaumu Rais na Mawaziri wake kwamba sheria ile ile ambayo tunataka ituwezeshe kubadilisha Katiba, ndio wameanza kuipinga wenyewe. Mapenzi ya Waziri wetu, mhe. Musyoka, ambayo ameyataja hapa sio mapenzi ambayo Mungu anatakiwa aangalie kwa sababu si ukweli kwamba wanataka Katiba ibadilishwe. Kwa hivyo, msimu huu wa mwaka ni ule wa kuelewana na kuzungumziana. Huu ni msimu ambao tunakumbuka kuzaliwa kwa Mwokozi; kwa hivyo, kuna maana kwamba kila mmoja wetu ajitoe mhanga kuzungumzia na kuona kwamba Katiba yetu imerekebishwa ipasavyo.

Kuna shida moja ambayo tunayo. Tukikumbuka miaka ambayo imepita, ambapo Nairobi kumekuwa na shida; maduka yamevunjwa, watu wametupiana mawe, wengine wamepigana na mijeledi kama polisi, pale ndipo tupo sana. Ni lazima Rais wetu aone kwamba tunajaribu hayo maafisa yasiitokee katika nchi yetu hii. Shida hiyo italetwa na mng'ang'ano ambao uko sasa, upande wa KANU na Serikali ukisema kwamba kutakuwa na Kamati ya Bunge, na upande wa makanisa na watu wengine wa Mungu wakisema kwamba wataunda kamati yao. Kutafika wakati, na wakati huo haupo mbali, ambapo watu hawa wataanza kuonana kimkono. Hakuna aliye muoga. Ikiwa kuna yule anayefikiria kuwa sisi hapa ni waoga na hao ndio hodari, tutaonana kwa sababu nchi hii ni yetu. Ikiwa wanataka vita, ni lazima pia waambiwe kwamba watapigana na watu wanaojua vita pia.

Mr. Deputy Speaker: Usilete mambo ya vita hapa.

Mr. Kathangu: Asante, Bw. Naibu Spika. Kwa hivyo nilikuwa ninasema kwamba kuna wale ambao wanapenda vita, lakini sisi hatutaki vita. Maombi yangu ni kwamba upande wa Serikali na upande wa Upinzani wakati huu waanze kuzungumziana, ili tujaribu kumaliza mambo ya kutoaminiana. Heri ya Krismasi huzungumziwa na kila mmoja, lakini ni lazima tukumbuke kwamba kuna wale walio na njaa. Kama katika Bunge hili tungejua ni watu wangapi wanaokufa kwa njaa, hatungekuja hapa kuzungumza na kuulizana. Tunaweza kutoa hata shilingi mbili kama wabunge ili pesa hizo zivasaidie watu wa Turkana. Tumewaachia watu wengine ambao labda hawana nafasi ya kuzungumza kama sisi na kutoa fedha. Ningeomba, kama itawezekana, tujaribu kuwasaidia watu wa Turkana na wale ambao hawana nafasi ya kupata chakula, kama watoto mayatima walio barabarani.

Asante sana, Bw. Naibu Spika.

Mr. Kirwa: Thank you, Mr. Deputy Speaker Sir, for giving me the opportunity to make a contribution to this Adjournment Motion. There are a number of issues that this House has deliberated on in the past three months, one of which is the question of security throughout the country, and particularly, in the North Rift Valley.

Mr. Deputy Speaker, Sir, I have a number of suggestions to make to the Government; that, as we go for recess, it should seriously consider the question of mushrooming of illegal arms in the Rift Valley and also the question of Kenya Police Reservists that are being given ammunitions. Why I am saying so is that, quite a number of ammunitions have strayed into the wrong hands, to the extent that some of them have been found to be doing the wrong job. Instead of arms being used in protecting the people, they have been used to arm the people in the neighbouring district. So, what I am saying is that the question of security should not be shrouded in mystery. The Government should be clear on that particular issue, and tell the country what specific measures it is taking to combat the mushrooming of illegal arms, particularly in the North Rift. Secondly, what measures is it taking to reduce the number of homeguards and, instead, to step up proper security measures for the people of that particular region. This is an issue we have mentioned in this House, but the Government, for very unexplained reasons, seems to believe that the present state of affairs is the best. This is an issue that has pervaded the region for quite a number of years, and we want the Government to do something about it.

Mr. Deputy Speaker, Sir, the other issue is the question of discipline which we have mentioned here, particularly among leaders and public servants. As we go for recess, just because there is no pressure from this House, hon. Members of Parliament will be harassed left, right and centre in their own constituencies with the full supervision and encouragement by the State. This is the situation that is totally retrogressive with the new world order. This Government should realise that it has to try to be compliant with the new situations that are evolving all over the world. This is because any indiscipline that is encouraged by the Government is likely to do more danger than indiscipline amongst ordinary people.

We also want the Government to tell us what the Recovery Team has been doing for the last 150 days. We should not just sit and wait for this team to turn around the economy. They should give us the report on what they have done for the last 150 days because they are spending public money and they must account for it. We are made to

realise that they are drawing fat salaries. So, they should be doing some work commensurate with the salaries they are getting. This is because we have seen so many other projects, and when there is a team like this, we get worried. It could be one of the many projects that have failed this particular country. These projects have been presided over by this Government. So, we want this team to tell us what it has been doing, what it is planning to do, and to justify the money they are getting from our taxpayers.

Mr. Deputy Speaker, Sir, having said that, I want to mention one thing about what is going on. I have just mentioned the question of indiscipline. It is us, the leaders of this country who are encouraging indiscipline in this country, and when it is among the leaders, it is very dangerous because it has a multiplying effect. This is because when leaders choose to be undisciplined and go on a course that they know is taking them nowhere and they pretend that is the right course, that is a very dangerous trend. The Select Committee that is going to review the Constitution knows very well that for the Constitution to be passed in this House, it needs a majority of two-thirds. They know that they will not attain that without the other side of the House, yet, they are pretending that they are doing something for this country.

Mr. Deputy Speaker, Sir, with those few words, I beg to support.

An hon. Member: They are very wrong!

(Applause)

Mr. Kariuki: Mr. Deputy Speaker, Sir, thank you very much for giving me the opportunity to support this Motion. My two years in this House have been a major disappointment because we have a Government that does not listen to this side of the House; a Government that is made up of poachers; people who are good at poaching supporters of SAFINA. The other day, they poached Dr. Richard Leakey. Today, we saw them poaching hon. Keynan to be among Members of the Parliamentary Select Committee. This is a very irresponsible Government that does not take care of its own people. People in Turkana District are suffering without food, but this Government is just sitting there idle, without addressing the plight of Turkana people.

Mr. Deputy Speaker, Sir, I see the Minister for Local Government, hon. Kamotho, in this House. He knows very well that the sewer system of Murang'a Town is being poached by either himself or hon. Ongeru, whereby the cost has been inflated from Kshs60 million to Kshs641 million.

An hon. Member: Shame! Shame!

Mr. Kariuki: I hope the Minister will take time during the forthcoming recess to go to Murang'a and check for himself on his way to Mathioya, who is poaching Murang'a people's money because this is very serious.

Mr. Deputy Speaker, Sir, it is unfortunate that whenever we go for recess, this is the time that a lot of ill things are done against our own people and hon. Members of Parliament, and also within the City of Nairobi. That is when the City askaris go breaking into kiosks and harassing women as they sell their small hardware and software. I believe this will be a time that the Government will realise we want peace and tranquillity during the Christmas time. Please, leave our people in peace during Christmas time. Mr. Deputy Speaker, Sir, when hon. Nyanze was talking about tourism having gone down, he should have asked himself: Who killed our people at Likoni two months ago? Is that not a demonstration that this Government has failed to protect its own people? I hope the Minister in charge of internal security will take time during the recess, to address various issues raised by this House about killings by police. They have become so prevalent that we do not know whether we are at peace any time because of the irresponsibility on the part of the police. Life is very important, and its sanctity should be protected at all costs. It is important, therefore, that the Government, particularly the Office of the President, addresses this big issue of security.

Mr. Deputy Speaker, Sir, our people are becoming poorer by the day. They have been impoverished by this Government. The Kshs580 billion reported by the PAC as having been misappropriated by this Government is a matter of major concern. That is about Kshs20,000 for every Kenyan, if you distribute it among the 30 million Kenyans. It is a pity that, that money went to individual pockets on the Front Bench here and, maybe, a few on the Back Bench. We are wondering why you have been blaming this side about irresponsibility and not supporting the Government when you, yourselves, are not addressing the issue as to where that money went, and how we can fight corruption in this country.

Mr. Deputy Speaker, Sir, it is important that when we go for recess, Ministers take time to travel throughout this Republic to address issues like roads, health, agriculture and other issues that have been raised by hon. Members, so that by the time we come back again, they will give us a true report about the issues raised in this House. It is very unfortunate that whenever hon. Members raise questions in this House, they are not adequately addressed. You get very shoddy answers. To some of us who are new in this House, we wonder whether this has been the same trend. We are very disappointed. I hope that next year, hon. Members on the other side of the House will address issues and questions raised in this House more seriously, so that we can satisfy our electorate out there, who are waiting for

elaborate answers to our questions.

Mr. Deputy Speaker, Sir, I also hope that when we go on recess, the public address system in this House will be addressed. This is because we do not hear some of us on this side. I do not know whether it is the machines out there which discriminate against this side of the House, but it is important that money is set aside to bring in a new system. I was in Uganda the other day, and I also went to Germany, and found that their public address systems work. Here, we have rotten systems that were set up during the colonial days. They do not work and hon. Members cannot hear what is going on. Could this public address system be given priority during the recess, so that we can come here, listen and understand each other?

Mr. Deputy Speaker, Sir, this House is going to adjourn *Sine Die* and I hope that our new Parliamentary Service Commission will have a specific timetable next year.

Mr. Angwenyi: Thank you very much, Mr. Deputy Speaker, Sir, for giving me an opportunity to contribute to the Motion. I think in this Session, we have done a good job. Now, we are going to go home and join our constituents, so that they can tell us what they would like us to do in this House. As we go home, I urge hon. Members of this august House to go and think over what their functions and responsibilities are in this country and in this House. We should think much about how we can manage the affairs of this country and regain our integrity. These days, the integrity of hon. Members has really declined, so much that people question whether we have got intellectuals in this House or not. As we go home, we must find out how we can regain our integrity. I can suggest one or two ways of maintaining our integrity. We can do so if we look at the issues of this nation from a national point of view. When we see people dying in Turkana, or people in Wajir or Garissa going without water for six months and the Minister for Water Development stands up in this House and says that he cannot get Kshs2 million to immediately go and dig a borehole in order for them to get water, then it is wrong. And that Minister will actually have confidence when he comes with the Ministry's Supplementary Estimates in March, or April, next year, and we will pass them. This House must stand up and speak for the people of Kenya.

We have said that we are going to eradicate poverty in the country. In that case, how are we going to do it when our national and local debts take 57 per cent of the nation's revenue every month? We are just enriching the banks and the investors in the Treasury Bills. We are removing money from the public of Kenya and giving it to the few investors in the banking sector; the people who are capable of buying those Treasury Bills. We are now paying them between 25 to 26 per cent interest rate. In the last three months, interest rates have moved up from a 9 per cent to 26 per cent on Treasury Bills. That means we are removing that margin from the people of Kenya. No wonder, we cannot even pay salaries for our public servants, dig a borehole costing Kshs2 million, or handle highland malaria in Kisii. We cannot construct that small road of eight kilometres in Kitutu Chache Constituency, so that we can deliver our tea and coffee to factories and earn money to pay these debts that this country has incurred.

Mr. Deputy Speaker, Sir, I would suggest to the Government that the way to eliminate poverty is to make sure that there is security in this country, and that our produce gets some market. We should also have fiscal discipline and ensure that if a Minister or Permanent Secretary plunders our resources, they are wholly recovered from that individual. That is the only way we can eliminate poverty. We can only eliminate poverty if the Kshs3 billion that we vote for the provision of water in the country is utilised well. For example, we must set aside Kshs1 billion to provide water in Ukambani this year, and in Garissa next year. The same amount could also be used to provide piped water from Budalangi to Turkana.

(Applause)

That is the only way we can eliminate poverty. We can eliminate poverty by doing small things. For example, the Ministry of Education, Science and Technology could come up with a list of books which parents are going to buy for their children and remain with them for about 15 years, so that we do not produce another list every year. The purchase of textbooks by parents is becoming a big cost.

Mr. Deputy Speaker, Sir, we want to have transparency and accountability in this country. Recently, there was a recruitment exercise of police officers in the country. I do not know the number of police officers who were recruited, but I am sure there was nobody who was taken from my constituency. I am sure that they recruited more than 210 police officers, but how many did they take from your constituency? The recruitment is done in a secret manner.

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

Mr. Wanjala: Thank you, Mr. Deputy Speaker, Sir, for giving given me this chance to support this Motion of Adjournment. I stand here to plead with this Government to come to its senses and consider assisting the citizens of this country. The people of Budalangi, as you are aware, have had floods for the last two years, which have destroyed their houses and other properties. But after the repair of the dykes, which is done at the cost of Kshs30 million, the victims need to go back to their homes, but this Government has not tried to organise how they will recover their losses

when they go back to their homes The Government has not even organised a way of building houses for them as part of the resettlement measures. So, this Government should do something to resettle the people of Budalangi who were affected by floods.

Mr. Deputy Speaker, Sir, in the area, we have Bunyala Irrigation Scheme which grows rice. That is a scheme which was introduced in 1969, and it has been reclaimed by Yala Swamp. We even passed in this House a Motion stating that the Yala Swamp should be reclaimed. This Government has not considered anything to that effect. We wonder why we should be passing Motions in this House which are never taken seriously. Those are some of the things that make us import rice from other countries. We have enough land in Budalangi to produce enough rice to feed Kenyans; even in Alego-Usonga and Bondo and Teso districts. The Government did start a small irrigation scheme for rice, but has not considered expanding it. That is why we are having problems of importation of rice, and Indians causing crises to Kenyans, because they have to be paid from the taxpayers' money. So, the Government should consider that issue of agriculture seriously.

Mr. Deputy Speaker, Sir, the people of the western region are suffering. We have Lake Victoria, which we should be using to export our products to Uganda and Tanzania. Now in Kisumu, people have been prevented by the Provincial Administration from exporting goods through Lake Victoria to Tanzania, and even to Uganda. Why is it that we are able to import goods through the Indian Ocean and not to export through Lake Victoria, as a means of transport and communications for the people of the western region? Those people are being treated in this country as second-class citizens. We should be told why we are not allowed to use our own boats to export our goods. The boats industry in the area has employed more than 300 youths, and even the owners have been earning their living through exporting goods through Lake Victoria. Why should they be denied to export goods through Lake Victoria by the Provincial Administration? Who is telling the Provincial Administration to prevent people of the western region to export their goods through Lake Victoria? We should be told the reason behind that because not all of us can afford to buy lorries in order to use them to export our goods to Uganda or Tanzania, unless we use Lake Victoria. So, that should also be considered.

People of the western region are also fishermen, and there is not time this Government has considered duty-free importation of fishing materials. Most of our industries are collapsing because of this. We cannot be able to compete with those goods that are imported from Korea, and even from Uganda. It is cheaper to purchase fishing nets from Uganda, even after paying taxes. The Kenya Fish Net Company in Kisumu is almost closing down. The Government has not even considered putting up cold storage facilities for fishermen. The European Union has imposed a condition on this Government, that they want only nine beaches in this country, of which, five should be in South Nyanza and the rest on the other side of the lake.

I beg to support.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, the Session that is just closing has seen a lot of change of good law. This time, Parliament has made a resolution to ensure that those who are injured as a result of wildlife rampage are compensated to the tune of Kshs1 million. While we shall be on recess, various wildlife areas are going to be addressed, beginning from the Aberdares, Loitokitok and Amboseli. Most roads leading to these national parks are now going to be done because we have sent out tenders so that they can be done for the good of wildlife areas.

Mr. Deputy Speaker, Sir, we have also very gender sensitive policies which have been undertaken by the Government, including the abolition of the Women Service Corps of the Kenya Army. Now, our ladies are fully integrated into the armed forces. They are no longer restricted to be single. They may be married and, in fact, that in itself is a great step towards gender sensitivity.

Mr. Deputy Speaker, Sir, if we want to write a good Constitution for this country; a people-driven Constitution, we must understand that Kenyans are divided into tribes. They are not divided into NGOs or churches. If we only understand that, we are going to have justice in this country. That is why many of us know that there is nothing just you can do, if you do not pay attention, not just to the centre of Kenya, but also to the periphery of Kenya. The centre and the periphery of Kenya are represented by hon. Members of Parliament. That is why there is no other imaginable way of writing a good Constitution, and yet disregard these hon. Members of Parliament. Each one of us here represents many, many people who are not here. The Select Committee which has been appointed by the House, is going out to think of how to make the process people-driven. We want a people-driven constitutional process. When the Commission eventually is appointed by whatever authorities, it will go to the breadth and length of this country to collect the views of the people wherever they shall be, because we intend to have a people-driven forum.

Mr. Deputy Speaker, Sir, I personally, have no serious worries about what happened in Ufungamano, that has been described as a parallel system for amending the Constitution. Apart from being a tall order, I only grin and smile because I can calculate the distance that, that kind of initiative can travel. The only advantage that the Ufungamano initiative can have is that it will use very little fuel, because it will not travel very far. Anything that excludes the

majority of communities in this country is bound to fail. When you go to a meeting where the person who represents the women, the church and the politicians are all talking from one area of Kenya, where do you think that kind of process will ever end?

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. We appreciate that hon. Sunkuli did not go to Ufungamano, so he did not know who was there. Is he in order to mislead this House that the people at Ufungamano, who came from all over Kenya and represented all the religious groups in this country, only come from one region in this country? Is he in order to talk about things he does not know?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, maybe, if I can apologise to hon. Murungi; maybe, it was a misreporting by the newspapers that the politicians were ably represented by the Leader of the Official Opposition, and that the meeting was that attended by Mr. Matiba;

For the women, hon. Mugo, Dr. Kabira and Mrs. Jane Kiano spoke on their behalf; and that Bishop Gitari and Bishop Njue spoke for the churches. That is what was reported in the newspapers. My understanding is that, they all come from the same region of Kenya.

I support.

Mr. Murungi: Mr. Deputy Speaker, Sir, let me start by thanking all those Kenyans who went to Ufungamano yesterday and today, and set up a steering committee led by the religious organizations, to start a people-driven constitutional review process. At the conclusion of the meeting today, it was decided that the steering committee would work out structures and modalities for collecting the views of Kenyans from every village in this country. As far as I know, there is no village where we do not have a church or a mosque. We have no doubt that, that machinery will reach Kenyans in every corner, and they will bring their genuine views in the constitutional review process.

We are appealing to hon. Members of Parliament who belong to various religious organizations to give their views to religious leaders in their homes. Now that we are going on recess, I would like to appeal to them to go to their local churches and give their views there. We also need your views because you are good Christians and Muslims. Please, give your views to your respective religious organizations.

The Minister of State, Office of the President (Mr. Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. I would like guidance, because hon. Murungi is saying that each one of us should go to his church. The church in my village is the Seventh Adventist Church, and they do not want that process. Who do I give my views to?

Mr. Murungi: Mr. Deputy Speaker, Sir, there is no point of Mr. Sunkuli trying to mislead the House, because the two of us go to the same church, at St. Paul's Catholic Church near the University of Nairobi. So, he should go and give his views there.

Mr. Deputy Speaker, Sir, we know that the deadlock in the constitutional review process did not just happen. This deadlock did not fall from the sky. The deadlock was deliberately created by politicians who are in this House. The constitutional reform process is not just legal procedures and technicalities. For politicians, the constitutional reform process is very real. It affects their lives in a very personal way. The outcome of the constitutional review process might mean somebody who has acquired wealth illegally losing all that wealth and ending up in jail at Kamiti. We know that those people who have adjusted to the unjust political structures for the last 35 years are very much afraid of a people-driven constitutional reform process because they do not know what the outcome would be. They would like to control this process, so that, at least, their own economic privileges, which they have enjoyed over the years through these unjust structures, are not affected. We know that these moves to form a Parliamentary Select Committee are engineered by a certain tiny, powerful and conservative force within KANU, which does not want genuine comprehensive constitutional reform because it wants to protect its own interests. We know these characters. We know that there is a secret plan by some KANU Members, some of whom were here a few hours ago, to create a situation where President Moi continues to rule after the year 2002 because that is the only way their interests can be protected.

Mr. Deputy Speaker, Sir, I want to announce here that those people are day-dreaming. Mr. Kihika Kimani was here in 1976 trying to create what was called "Change the Constitution Group", to prevent President Moi from taking over power. Those schemes do not work, and I have no doubt that we will have a genuine constitutional review process at the end of the day. Those scheming at night might end up where Mr. Kihika Kimani ended up; in exile in Tanzania. We might forgive them to come back. So, I am appealing to our colleagues: Please, look ahead; be broad-minded; have the interests of this country at heart, and forget about yourselves and your families.

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Mr. Deputy Speaker, Sir, I stand to support this Motion. I would like to join my colleagues in sending to all men and women of goodwill this season's greetings. It is very easy for Kenyans to appreciate the gravity of the famine situation in this country when they read the newspapers and watch the television, but when those images are off the screens, it is also very easy for Kenyans to conveniently forget that this tragedy is still going on and getting worse. I have just returned from Turkana, and there are about 250,000 people affected by famine in that particular district. Before I go very far, I

would like to take the earliest opportunity to thank Kenyans for showing magnanimity and responding to the plight of fellow Kenyans. For the first time in many years, the people from Turkana have felt part and parcel of this great Republic. Many times, we deny the obvious and we also deny an opportunity for those who may offer help to help. I am very pleased, but the response is not adequate to solve the kind of problem we have in Turkana.

Mr. Deputy Speaker, Sir, given the nature of the pastoral economy, these places are not like places where one can grow short-term crops for three months. The pastoral economy requires a minimum of six months. So, we are talking of a problem that is going to be there for the next nine months, if the pastoralists will produce their own food in terms of availability of milk.

I was pleased to hear that the Minister for Education promised this House that in the new year, children going to school will not be chased away because of lack of school fees. This is a big problem affecting the area that I come from. The pastoralists rely on livestock, and when we have drought and famine as the situation is now, they lose their purchasing power. Then, it becomes very difficult for them to pay school fees. We have a practise in the Ministry of Education where bursaries are allocated not on the basis of need, but on the basis of the numbers. I would like to appeal to the Minister to give special consideration to all pastoralist districts where famine has affected learning, so that in the new year bursaries should be allocated on the basis of need and not on the basis of numbers. The previous bursary allocation of Kshs0.5 million to a district like Turkana is not adequate. I have seen places like Nakuru District receiving a bursary allocation of Kshs4 million. I have even seen in the Press, one constituency, which I will not mention, getting Kshs2 million. This is a constituency that is endowed naturally and people there can grow all these other crops. We believe that the farmers' income levels are pretty high. This is a good point--

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to continue misleading this House that there is a constituency which has received Kshs2 million which it does not deserve? Which constituency is he taking about? Can he substantiate?

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Mr. Deputy Speaker, Sir, I am not misleading the House because I did not mention that Constituency in an adverse way. I was only mentioning it as an example of what could be done. I was going to say that in places like Turkana District, we deserve more bursary allocation than that Constituency would have deserved. I do not think that I need to substantiate.

Mr. Deputy Speaker, Sir, I am happy to be in this Parliament because we have witnessed a great Session, during which hon. Members of this House across the board have come together. It is unfortunate that as we come to the end, we are being put asunder by small differences. The constitution review process is an important one. It is unfortunate that it did not take off as planned, but I do not believe that there is a good enough reason to take the process out of Parliament. Remembering what hon. Murungi said, that is not enough reason to take the process out of Parliament. The good Bible says: "Give to Caesar what belongs to Caesar, and Give to God what belongs to God". The Churches should be leading us on spiritual front. But it is the same politicians also who are misusing the churches now. It is equally true that if there are politicians who are misleading us on this process, they are doing so outside the House.

Mrs. Mugo: Mr. Deputy Speaker, Sir, I stand also to support this Motion. In supporting this Motion, I would like also to reiterate the importance of the constitutional review, which many people have decided to interpret the way they like.

I would like to remind this House that we went to Safari Park and all those other areas involving other stakeholders. It will be very unfair if, all of a sudden, just because a small group realises that it can no longer control the process, now to try to take it away from the other stakeholders. I believe it is for that reason that the religious leaders came in to rescue the situation. Indeed, if the law was so wrong - the law was passed here and signed by the President - the Attorney-General should have been a gentleman enough actually to resign because he should have advised that the law was wrong. We should not have passed through all those stages because what was wrong would have been taken care of.

Mr. Deputy Speaker, Sir, I would like to remind the Minister of State, Office of the President, hon. Sunkuli, that in case he has forgotten; or if he only read what he wanted to read, the General Secretary of the National Development Party (NDP), Dr. Maranga, was yesterday at Ufungamano House, and he spoke. The Treasurer, the Deputy Treasurer and the Executive Officer of NDP were at Ufungamano House and they all spoke. It is only the Chairman of NDP, hon. Raila, who was here, but his party was at Ufungamano House. So, hon. Sunkuli cannot rightly say that the Ufungamano meeting was attended by people from one part of the country. Many people spoke during the meeting, including Muslims from North Eastern Province and everywhere else. But, of course, hon. Sunkuli is entitled to his opinion.

We are, many times, thought to be unpatriotic. I would like to say that this is because we stay with our people and listen to them. If you only took time to listen to the cries of Kenyans, even the religious sector would not have taken charge. You heard them praying and it was not just one religion, but the whole religious sector.

May I remind you that in the Philippines, when the Government refused to meet them, the church delivered

that country from tyranny. So, I hope you will take the cotton wools from your ears as a Government, and listen to the needs of this country and of the people.

The Assistant Minister for Tourism, Trade and Industry (Mr. ole Sankori): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Mrs. Mugo to say that we should remove cotton wool from our ears? Do we have cotton wool in our ears?

Mr. Deputy Speaker: If you do not have, then why bother?

Mrs. Mugo: Mr. Deputy Speaker, Sir, he is wasting my time! Having said that, I would like just to sympathise with the hon. Member from Turkana. I would like to ask the Government: Where was the Provincial Commissioner (PC), District Commissioner (DC) and the District Officer (DO)? How did we get to the situation of seeing the malnourished children? I have cried many times whenever I see this child on the television---

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): Uwongo!

Mrs. Mugo: Yes! I am a mother first of all! You should be ashamed of yourself! When I see a child like that, I ask myself: Where were the leaders? Where was the PC? Does this Government not plan for its people and have priorities? Yet, we read of billions of shillings which have been stolen. Even now, a lot of money is being stolen, and the people are dying out there. It beats all reason, because the Government takes Kenyans as fools, and for granted. But they know they can see behind what is said and action.

Mr. Deputy Speaker, Sir, the water in my constituency is undrinkable. In fact, we have no water. In November last year, through a Ministerial Statement, the Minister for Local Government promised the people of Dagorretti that they shall have water. He even specified that it was to be done within three years. A year later, there is still no water. Mr. Deputy Speaker, Sir, I hope the Minister for Local Government is listening. I hope he will give water to the people of Dagorretti for Christmas. Also, the roads are impassable. Kinyanjui Road is impassable! With those words, I beg to support.

The Minister of State, Office of the President (Maj. Madoka): Thank you, Mr. Deputy Speaker, Sir. I have waited for a long time. In contributing to the Motion of Adjournment, I would like to say that during this Session, a lot of things have happened. I would like to join many of my colleagues who have talked of the need to maintain the dignity and respect of this House. One thing which has come out very clearly is the question of mistrust amongst us, as parliamentarians and parties as well. In fact, it is this mistrust which led to the deadlock in the constitutional review process. If there was no mistrust, I am sure we would have gone a long way.

I would like also to emphasise the importance of the supremacy of Parliament. Never again should we abdicate our role as legislators and allow it to be usurped by some amorphous body in the name of civil society. If we had not involved the civil societies, I am sure we would have made progress. So, it is important that we ensure the supremacy of Parliament is protected and preserved.

Many of the Members here, particularly from the other side of the House, come here and say: "We should know what Kenyans want!" Are they implying that we do not represent Kenyans? If anything, being the majority in this House, we represent more Kenyans than they think they do. So, it is all wrong for them to say that we do not know what Kenyans want. I know what my constituents want. They certainly do not share the views of some of the Members from that side of the House. So, it is wrong for them to say that we do not know what Kenyans want. We know what Kenyans want.

Mr. Deputy Speaker, Sir, I would like to clear one or two things. The other side of the House is misleading Kenyans. The system we are putting in place; the role of the select Committee, is very clear. It will review the present Constitutional Review Act and amend it where necessary. We went further to state that we want a Commission. The role of the Commission will be to go round and collect the views of Kenyans. This encompasses the whole concept of a people-driven constitutional review. So, when they go out and say that we are not for people-driven constitutional review, they have not understood what the ruling party and other Members in the NDP are saying. Let us give Kenyans a chance. Let us give them this opportunity to see what will happen during this process.

As we go for recess, many hon. Members have talked about insecurity. I agree that we have had problems of insecurity. I want to assure the House that we will do our best to ensure that we maintain security. I would also like to plead with the hon. Members that they, as leaders, should also obey the law. We will ensure that we maintain law and order, and hon. Members should also obey the law. I know many hon. Members will take the opportunity to make meet-the-people tours. They should do so, but they should make sure they do not use inflammatory language or inciting speeches to get wananchi to fight. It is we, as leaders, who have failed by inciting Kenyans into taking some action, which has led into deaths and so on. We will do our best. I am appealing to hon. Members to preach the message of peace during this festive season of Christmas. As we go into the new year, we should enter it peacefully and move forward.

With those few remarks, I beg to support.

Mr. Wambua: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to support the

Motion. I am very pleased to speak after Maj. Madoka, the Minister incharge of the internal security of this country. When hon. Members of Parliament say that there is insecurity, they do not accuse the Government. I wish a Minister like Maj. Madoka, could take this seriously. Many people have been killed, and the killers have not been brought to book. We have to say that! When we say that, we do not accuse the Government. It is the responsibility of the Government to make sure that our people are secure.

We have famine, and we have been talking about chiefs, assistant chiefs, DOs and DCs who have been stealing relief food. When we say that in this House, Maj. Madoka who should be assisting the Government, has been protecting them. We should understand that when hon. Members of Parliament say anything here, it is the truth. We, in the Opposition, are supporting the Government more than the people in the Government, who, sometimes, say that things are good when they are bad. So, we should be taken seriously. Wananchi keep on saying that the Government is not serious! When hon. Members of Parliament from Ukambani join hands, some hon. Members call us rebels. When we deal with the problems of the Akamba people, we are called rebels. For instance, we should tell the Government to plan for water provision in Ukambani. That is what we want. We do not want to be given relief food. We are not hens to be given maize from the Government.

The other thing is that many people have been killed, especially in Machakos. This has been reported, and I wish hon. Madoka could take what I am saying seriously because the people who killed one person are known. They were arrested but when they were taken to the police, money changed hands and they were released. We should take things very seriously.

On the issue of relief food, I would like to inform hon. Madoka that there is an Assistant chief who has been collecting money from the public and those who refuse to part with Kshs5 are not given the food. He collected the money, purporting to buy lunch and a present for the District Commissioner, Machakos. The Assistant Chief who was doing this came from Kululuini Sub-location in Matuu Location. I would like the Minister to follow up this issue because it is spoiling the good name of the Government. I am even prepared to table evidence so that he can take this matter seriously. I hope the Government will take this matter seriously because we are not here to accuse the Government, but to support it.

With those remarks, I beg to support.

The Assistant Minister for Local Government (Mr. Affey): Thank you, Mr. Deputy Speaker, for giving me the opportunity to contribute on the Motion of Adjournment. I will also join my colleagues who had contributed before me in advising that as we go back to our constituencies in the rural areas, we preach peace. We do operate from Nairobi but all Kenyans do not live in Nairobi. So, when Members of Parliament speak about Kenyans while addressing a section of the residents in Nairobi, sometimes we feel very bitter because most of us represent rural constituencies. So, as we go on recess, I would like to advise my colleagues that we do preach tolerance and peace. Peace is a very expensive commodity. For those of us who come from border towns in this country and who neighbour some countries which collapsed several years ago due to the recklessness of a section of the leadership in those countries---

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): On a point of order, Mr. Deputy Speaker, Sir. I think we have had adequate discussion on this Motion---

An hon. Member: No! We should continue to discuss this Motion!

Mr. Deputy Speaker: Order, hon. Sankori! If you look at our Standing Orders, this is a Motion which is supposed to go on for a maximum of three hours. It also means that it can go on for less than that time, but I can see that there are still a few

Members who are interested in contributing, and this being the last day of this millennium, I think it would be very unkind for me to stop hon. Members from expressing their opinions. I will not accede to your point of order.

The Assistant Minister for Local Government (Mr. Affey): Mr. Deputy speaker, Sir, I was saying that as we go out to our rural constituencies, what we need to do now, more than ever before, is to preach peace and tolerance. What we witnessed in this House, yesterday and today goes completely against the spirit of tolerance. It is common knowledge that Kenya is the envy of many countries in Africa, and it will be the envy in the years to come. Kenya has great potential but I fear that this potential might be destroyed by recklessness on the part of our leaders.

Mr. Deputy Speaker, Sir, what was shown today by a section of the Opposition in this House, especially the Democratic Party of Kenya (DP), is despicable, and I think it is a clear example of reckless leadership, and this country cannot trust leaders who cannot listen to the views of others. My constituents have no place for a leader who has no patience to listen to the views of his colleagues in this House. We know that we come from different backgrounds and we hold different opinions, but what is important is that all of us should rise up to the occasion as Kenyans expect us to.

Mr. Deputy Speaker, Sir, the constitutional reform process is not the preserve of one political party, one particular community or any particular religious group. It is the preserve, responsibility and business of each and every

Kenyan. We are not operating in a constitutional crisis; we have a Constitution which has kept us together as a nation for many years. I would like to appeal to my colleagues to guard against destroying what we have held for the last 36 years.

Mr. Deputy Speaker, Sir, as we go on recess, I would like to address one aspect that is of particular interest to my constituents - security. I did say that I come from a border town, and we have appealed to the Minister in the Office of the President - I would like to repeat that appeal - that because of the Somali problem, which is going to be with us for many years to come, we would like the Minister to urgently intervene and establish a liaison office for the people of North Eastern Province, so that we can have diplomatic relationship with the communities that live on the other side of the border. If that is done, I am sure we will greatly enhance security, and the people of my constituency and the entire North Eastern Province will be very happy.

With those remarks, I beg to support.

Mr. Mwiraria: Thank you very much, Mr. Deputy Speaker, Sir. Let me start off by saying that some of the remarks made by hon. Affey are rather unfortunate. In this House, we come to express our views and opinions. The DP did one thing this afternoon; they stated clearly that, as a party, they do not support the Select Committee that was appointed by this Parliament yesterday. We went further and stated that we do not want anybody else to decide who represents the DP on any Select Committee. We have a practice in this country whereby parties have been responsible for nominating their representatives into Select Committees. We do not see any reason, not even when we are talking about the Constitution, for other parties to choose representatives for our party. We still maintain that position.

Since I have touched on the Constitution, let me say that it is with regret that I note what happened yesterday. Quite candidly, and as a Kenyan who cares for this country, I thought we would let the efforts being made by His Excellency the President - after appointing his team of technocrats - work. The events which took place in this House yesterday, and those which took place at Ufungamano House yesterday, are really doing no good to that effort. We are having a team of IMF which is supposed to be giving Kenya a clean bill of good governance, efforts to finish corruption, removing dead wood from the Civil Service and of reducing people who have not really lived up to the morals expected of them in the Civil Service. So, when we do what we did, quite honestly, we are pulling the rug from under the seat of Richard Leakey and his team. This, to me, is really regrettable.

Mr. Deputy Speaker, Sir, as we go into recess, I cannot forget problems which I am going to grapple with. The first one is that there are pockets in my constituency where people are starving in Timau and Bori divisions. Unfortunately, we have spoken about this at the DDC in Meru, but the DC tells me all the time that he is only getting 500 bags of maize a month, and the population in these two divisions is more than 100,000 people, half of whom are faced with hunger. I would appeal to the Office of the President to really give this matter another look and increase the food aid they are giving to Meru Central.

Mr. Deputy Speaker, Sir, the second problem, and I am glad that the hon. Minister for Local Government is here, is that Meru Municipal Council, like many other councils around the country, cannot pay its workers and councillors. The councillors in Meru have not been paid since April. The workers are also in arrears for about three months. The problem here, and I am really appealing to the Minister, is that we have got rotten heads of these local authorities. Whatever money is collected does not go to the coffers of the local authorities. It is shared between the top three or so officials and the county council or the municipality.

Mr. Deputy Speaker, Sir, I think the time has come, Mr. Minister, through the Chair, for you to rid some of these organisations of those civil servants.

Mr. Deputy Speaker, Sir, let me take the opportunity to wish my colleagues a very good end of the century and beginning of a new one. Thank you.

Mr. Muturi: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity. Being the latest addition to this august House before the close of this millennium, and as we enter into the new one, I am gratified to have noted from you that you hinted that we are closing a millennium and we are entering into the other. For the last two months and twelve days that I have been in this House, I have been able to note the moods in the House. At times, it pains me to observe that we are either too eager to unite for certain purposes, or quite strictly as is happening currently, to refuse or to fail to unite when, indeed, it should be imperative that we do so. I say this because it was just the other day that we did pass, with agreement from both sides of the House, the Constitutional (Amendment) Bill that allowed this House to create a Parliamentary Service Commission, whose Commissioners we have just appointed a few hours ago.

Mr. Deputy Speaker, Sir, it is just the end of the other month that, again, as a whole House, we united in travelling down to Mombasa to go and address the issue of the looming disaster of the HIV AIDS epidemic in this country. I fail to understand why we are not able to similarly bring our minds together in addressing this issue of constitutional reform as we close this millennium. Just a few hours ago, again, we were able to unanimously pass the Roads Bill which among other things, has captured the mood of the House because it had a section in it which gives this House the power to dissolve the board that is going to be created by that Act if, in the opinion of the House, the

board is not functioning properly. I would only wish, like I said earlier, that this House had the power to deal in a similar manner with other parastatals such as the Kenya Power and Lighting, Ken Gen, TARDA, Kenya Re, Kenya Airports Authority and, of course, last but not least, and most importantly, the Kenya Revenue Authority. This is so that if in the opinion of this House, the boards of those parastatals are found not to be functioning like we have noted from the reports that have come into this House from both the PAC and PIC, this House gets the teeth to bite and as a result of which, it will be taken more seriously by those Government parastatals.

Mr. Deputy Speaker, Sir, I have chosen to deliberately deal with that area because I think we have dealt quite at length with the issue of constitutional reform. I cannot feel satisfied to sit down before I bring my mind to the problems that I know face various parts of this country. One of these is the question of understaffing of schools in many parts of this country, and yet we have teachers who have been trained in various private colleges which are accredited and acknowledged by the Government; yet, those graduates of those colleges are languishing in their homes with no word from the Ministry of Education. I would wish to appeal to the Ministry of Education to reverse its current trend and consider the plight of not just those teachers, but the parents of this country who are in areas which are so grossly understaffed with teachers, so that, at least, the situation may improve.

Mr. Deputy Speaker, Sir, I do know also for a fact that in very many parts---Thank you.

Mr. Kitonga: Bw. Naibu Spika, asante sana kwa kunipatia fursa hii. Kwanza natoa shukrani kwa Bw. Spika, Bw. Naibu Spika na Wabunge wote kwa muda huo ambao tumekuwa hapa tukija kufunga huu mwaka. Nadhania ni vizuri, na kwa wale Wabunge waliotuwacha, pia napeana rambirambi kwao. Ningependa kusema machache.

Bw. Naibu Spika, vile tunajua tunaenda katika likizo tutakuwa na maswali mengi ambayo tutaulizwa na wananchi. Maswali yenyewe ni kama hivi: "Wakati mlipokuwa Bunge, mmefanya nini?" Sisi tunajua mambo mengi ambayo tumeongea na kupitisha hapa hayafanyiki. Mara kwa mara, ukiuliza swali hapa, utapata Mawaziri wengi labda hawajui ama hakuna fedha, ama wakati mmoja itafanyika. Wanajibu eti: "When funds will become available". Hiyo inarudisha maendeleo nyuma katika taifa letu la Kenya, hasa katika upande wa kwangu kule Mutitu. Na ndio ningependa kujua kutoka upande wa Serikali, je, kweli, kama vile Mtukufu Rais alikuja kwangu Mutitu na akasema watu wa Mutitu watapatiwa maji, mbona haijafanyika? Ilikuwa tarehe saba mwezi wa sita, na mpaka leo hakuna maji. Ni kupuza munapuza maagizo ya Rais ama munapuza Bunge hili?

Bw. Naibu Spika, lazima mambo yatendeke. Tuna taabu ya barabara ambazo zimeharibika, na sasa vile tunafunga Bunge kuelekea kwetu, hatujui vile tutaenda kwa sababu barabara zimezoroteka kabisa. Tunataka tutengenezewe hizi barabara. Kandarasi zinazotolewa Wahindi ambao hawajahitimu kusimamia ujenzi wa barabara. Wanapopatiwa pesa hizo, hawafanyi kazi yao vile wanavyopaswa kufanya kwa sababu ya magendo.

Naiomba Serikali yetu kwamba, tukiingia katika karne mpya, tuangalie vitu kama hivyo. Upande wa Ukambani kuna shida ya ukosefu wa maji, sio chakula cha misaada! Tusaidiwe na ujenzi wa barabara katika sehemu za Ukambani.

Jambo lingine ambalo ningepomba Serikal ni kwamba, yafaa ikumbuke Wilaya ya Kitui kuhusu malipo ya hardship allowance. Hii ni kwa sababu tunajua Wilaya ya Mwingi ni "mtoto" ambaye amezaliwa na Wilaya ya Kitui, lakini wafanya kazi katika wilaya hiyo wanapatiwa malipo ya hardship allowance, lakini kule Kitui hawapewi!

Sijui kama Bw. Kalonzo Musyoka ndiye aliye na nguvu kumshinda Bw. Nyenze, ama Mawaziri katika Serikali ni sawa. Kwa hivyo, tafadhali, ningependa kuiambia Serikali iangalie jambo hilo.

Kuhusu chakula cha misaada, lengo si kusaidia wakongwe pekee. Watoto wametoroka shule kwa sababu ya ukosefu wa chakula. Serikali imejaribu kuleta chakula, lakini chakula hicho hakifiki kwa sababu ya "Mburukenge" walio katikati, nao ni machifu na wakuu wa wilaya. Chakula kinatolewa lakini kinapotelea njiani kwa kuuzwa hata katika maduka. Hii inafanya watu waendeleo kuumia.

Bw. Naibu Spika, jambo lingine ambalo ningemuuliza Waziri Kamotho ni kuhusu mambo ya madiwani. Tafadhali, nauliza jambo hili nikiwa Waziri wa Serikali za Wilaya wa Chama cha SDP. Tafadhali, yafaa tuangalie mambo ya madiwani ili mishahara yao iongezwe kama vile yetu ilivyoongezwa. Tunawaumiza madiwani, na wao ndio wanafanya kazi nyingi. Wao ndio wanaenda mazishi and Harambee ndogo ndogo. Vile vile, wao ndio uti wa mgongo wa Wabunge. Tukiwaachilia hivyo, wataendelea kuteseka.

Jambo lingine ambalo ningependa kuuliza Serikali ni kuhusu hongo. Mambo kuhusu hongo yafuatwe kikamilifu. Watu wengi wanapokea hongo, lakini hakuna anayefuatilia jambo hili. Yule anayekula rushwa ni mdogo; karani anafaa kutoa kwa mkubwa wake; mkubwa wake ampatie chifu ampelekee DO; DO ampelekee DC, na itaandamana hivyo hivyo mpaka kwa Mudavadi. Sio Mudavadi Waziri, bali ni Mudavadi mwingine wa kwetu. Kwa hivyo, ninaomba msamaha.

The Minister for Information, Transport and Communications (Mr. Mudavadi): Jambo la nidhamu, Bw. Naibu Spika. Tafadhali, kwa mfano huo, usitumie jina langu. Endelea!

Mr. Kitonga: Bw. Naibu Spika, hili ni jina linalotumiwa na watu wengi; si lake Bw. Waziri peke yake. Kwa

sababu umedhania kwamba nilikuwa nazungumzia jina lako, naomba msamaha.

Jambo la mwisho ni kwamba, tukienda likizo, tufikirie na kumwomba Mungu ili atujalie, tukirudi hapa tuwe wazima na tukiwa kitu kimoja.

Kwaherini.

The Assistant Minister for Energy (Mr. Chanzu): On a point of order, Mr. Deputy Speaker, Sir. Over this time we have had very lively exchanges and the debate has been very encouraging. I think it is now time to call upon the Mover to reply.

Mr. Deputy Speaker: Order! Order! Hon. Members, it is not usual, when such a request is put, for the Speaker to deny the House the opportunity to decide whether they want to continue to or not.

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

The Minister for Information, Transport and Communications (Mr. Mudavadi): Thank you, Mr. Deputy Speaker, Sir. I would like to take this opportunity to commend hon. Members for having gone through a very rigorous Session.

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

The Minister for Information, Transport and Communications (Mr. Mudavadi): No, no! I am on the Floor. I beg to reply.

Mr. Kitonga: Mr. Deputy Speaker, Sir, it is completely out of order to start fluting the standing orders when we are about to enter the next millenium. There is no quorum! Why do we not meet on Tuesday? There is no quorum! The Standing Orders are very clear about this!

Mr. Deputy Speaker: Mr. Kitonga, if you want to draw the Speaker's attention to the fact that there is no quorum, just do it properly, but you have not. What is the proper way? Look at your Standing Orders, on page 13. So, if you want to draw my attention to the fact that there is no quorum, just do it properly.

Hon. Members: We have already done it.

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Deputy Speakers, Sir, I beg to move.

Mr. Deputy Speaker: Order! Order! Hon. Members, let me, on behalf of the Speaker and on my own behalf, firstly, wish Muslim sisters and brothers, Members of this House and elsewhere, a happy and holy month of Ramadhan. I hope, when it will come to an end, they will feel rejuvenated, recharged and renewed and better to serve their fellow Kenyans. Secondly, may I wish those ones who profess the Christian faith a very merry Christmas and happy New Year.

We now come to the end of the Third Session of our Eighth Parliament, which also happens to be the end of 1999, and the end of the 20th Century and the Second Millennium. We have gone through a lot of work, including that epochal occasion when we unanimously passed the Constitution of Kenya (Amendment) Bill, which saw the creation of the Parliamentary Service Commission, which, today, you gave form to. I want to join the Speaker in congratulating you all for having worked with dedication and with a forward-looking vision. Our work has been thorough and our lives joyful.

May we go into the next Millennium united as a nation and as a Parliament, always ready to serve our fellow Kenyans.

Thank you.

(Applause)

(Question put and agreed to)

ADJOURNMENT

Mr. Deputy Speaker: Order, hon. Members! The House now stands adjourned *Sine Die*.

The House rose at 8.40 p.m.