

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 30th November, 1999

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.259

DELIVERY OF GOVERNMENT SERVICES IN IJARA

Dr. Ali, on behalf of, **Mr. Weyrah**, asked a Minister of State, Office of the President:-

- (a) if he is aware that, out of the existing fifteen Ministries, only Education, Health and the Office of the President are operational in Ijara Constituency; and,
- (b) how the Government intends to offer services to wananchi without offices and officers of the other Ministries operating within the constituency.

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

- (a) It is not true that there are only three Ministries represented in Ijara Constituency.
- (b) Government services are offered effectively through the three divisions, that is, Sangailu, Ijara and Masalani. Some of the officers stay outside Ijara due to lack of accommodation, but they serve the whole area.

Dr. Ali: Mr. Deputy Speaker, Sir, that is not true because this is not only common in Ijara, but it is common in many of the constituencies in North Eastern Province. We only have the Ministry of Education because there are schools there and the Ministry of Health because there is a health centre or a dispensary which is manned by a nurse. How are these areas going to be served if there are no Government officers there? The Minister has said that there are some officers in Masalani, which is 20 miles away from Ijara. How fast can the Minister provide the officials of all the other Ministries because the Office of the President is concerned with co-ordination? When will he do that instead of denying?

Maj. Madoka: Mr. Deputy Speaker, Sir, as I said, most of the Ministries are represented. In fact, in Ijara, we do have officials of the Ministries of Agriculture, Rural Development, Environment and Natural Resources. Sometimes, it depends on the activities of the area. You may find that there are officers who may be lacking because the activities of that particular area do not require their services.

Dr. Ali: Mr. Deputy Speaker, Sir, there is no officer for the Ministry of Water Development there and water is life. A water supply is supposed to be in Masalani, but there are no officers there. Which particular Ministries are represented there and which are not? We do not expect the Department of Fisheries to be there because we do not need that one, but we need people from the Ministries of Agriculture and Rural Development, Water Development and Health. Which ones are a must and which ones are not?

Maj. Madoka: The ones he mentioned are, in fact, represented in the area.

Mr. Shakombo: Thank you, Mr. Deputy Speaker, Sir. Can the Minister tell us who creates those activities, as far as human life, is concerned? The impression he has created is that what the people want is what is availed. They are all human beings and we assume that it is the responsibility of the Government to create all those facilities for those human beings there. Can he tell us now, in his view, which should come first?

Maj. Madoka: Mr. Deputy Speaker, Sir, as the Questioner knows, in fact, said, they do not need a fisheries officer at Ijara because the facilities are not there.

Mr. Kathangu: On a point of order, Mr. Deputy Speaker, Sir. I would like to know whether it is in order for both the Minister and the Questioner to intimate in this House that we cannot have fisheries in North Eastern Province when we know that the best fisheries are in ponds and not rivers?

Maj. Madoka: Mr. Deputy Speaker, Sir, it is true that we can create ponds, but at the moment when they are not there. We have no officers there due to the limited resources, that has not been done.

Mr. Deputy Speaker: Next Question, Mr. Michuki?

Question No.639

ELECTRONIC LOCKING OF MINISTERS' OFFICES

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

- (a) why the Government has allowed Ministers and senior civil servants to have doors to their offices electronically locked;
- (b) in addition to creating a negative perception, if he agrees that this practice is a hindrance to the public as it denies them easy access to the service expected from such Ministers and senior civil servants; and,
- (c) when this practice is going to be abolished.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, the hon. Member is looking at me because I think when he was a Permanent Secretary, also had his doors electronically controlled!

(Laughter)

However, I beg to reply.

- (a) Electronically locked doors are installed to facilitate smooth and orderly access to the concerned officers.
- (b) The facility does not create a negative impression as alleged.
- (c) Arising from my reply in "a" and "b" above, part "c" does not arise.

Mr. Michuki: Mr. Deputy Speaker, Sir, we have through monies provided by this House, security personnel guarding Ministries. Above that, the Ministers themselves have personal guards in addition to a host and string of secretaries who fill the outer part of the offices. That being the case, could the Minister rethink about his reply and tell us precisely why these areas are locked? Incidentally, when I was the Permanent Secretary, Treasury, we never had that kind of thing because the offices were free to see every citizen who came to seek services, personally and not through the Personal Assistants (PAs) and the rest.

Mr. Deputy Speaker: Order! Order, Mr. Michuki!

Maj. Madoka: Mr. Deputy Speaker, Sir, one of the reasons for having electronically-controlled doors is that some people are very impatient. For instance, when the secretary of a particular Minister or senior civil servant tells them that her boss is busy in a meeting, they gate-crash into the office. So, that is one way of controlling such irate members of the public.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, those doors are fitted with electronically-controlled locks, so that Ministers and senior civil servants can have privacy to enable them have negotiations on deals.

Hon. Members: Yes!

Mr. Deputy Speaker: Order! Order! Hon. Members, this is Question Time. Hon. Mwakiringo did not ask a question.

Mr. Mwakiringo: Let me now ask the question, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! You cannot sit down and then rise again to ask the question. Hon. Members, you must not take Question Time lightly. If you stand up to ask a question, please, do so. If you want to debate, wait for a Bill or Motion to come up during Debate Time. So, I will not allow Mr. Mwakiringo to ask his question. Mr. Michuki, proceed.

Mr. Michuki: Mr. Deputy Speaker, Sir, as has been stated here, does the Minister not think that this practice raises suspicions in terms of the operations of the Government, particularly in these days when corruption has become rampant?

Maj. Madoka: Mr. Deputy Speaker, Sir, I am not sure whether I can respond to those insinuations.

Mr. Kamolleh: Mr. Deputy Speaker, Sir, if the Minister cannot respond to hon. Michuki's question, then another question comes in. When is this practice going to be abolished, so that *wananchi* can see their Ministers and Permanent Secretaries whenever they feel like doing so?

Maj. Madoka: Mr. Deputy Speaker, Sir, I said that I was not going to respond to insinuations. I, really, do not think that those doors stop people from getting into the offices to see Ministers and Permanent Secretaries. Our doors are wide open, and anybody is free to come and see us. Of course, if I am in a meeting, nobody will be allowed into my office. Many people come to see us; I do not think that those doors are a hindrance to members of the public wanting to see these officers.

Mr. Sambu: Mr. Deputy Speaker, Sir, democracy came when the Berlin Wall and others were demolished. If

the Government is democratic, why does it have to lock itself in offices fitted with electronically-controlled locks?

Maj. Madoka: Mr. Deputy Speaker, Sir, I think we are reducing this House to dealing with petty issues, and I am not prepared to deal with that.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. You heard the Minister impute improper motive on me by implying that I am speaking nonsense. Democracy came to this country [**Mr. Sambu**] following the introduction of multipartism. That is why some of us are in this House. Could the Minister withdraw that statement, apologise and answer my question?

Maj. Madoka: Mr. Deputy Speaker, Sir, I have nothing to apologise on that matter.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, instead of installing electronically-controlled locks on those doors, could the Government, instead, consider giving internet access to all Ministers and PSs, and making public their E-mail addresses for *wananchi* to access them easily?

Maj. Madoka: Mr. Deputy Speaker, Sir, that is a wonderful suggestion, and we will look into it.

Mr. Deputy Speaker: Very well; let us go to Dr. Awiti's Question.

Question No.547

ELECTRICITY SUPPLY TO KENDU
BAY MISSION HOSPITAL

Dr. Awiti asked the Minister for Energy:-

(a) whether he is aware that there is high demand for electricity in Kendu Bay Mission Hospital, Homa Bay Hills Community Organisation Centre and Kendu Bay Town, and other markets in the constituency; and,

(b) when he will supply electricity to the area.

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

(a) I am aware that there is high demand for electricity in Kendu Bay Mission Hospital, Homa Bay Hills Community Organisation Centre and Kendu Bay Town, and other markets in the constituency.

(b) The area will be considered for the supply of electricity on the recommendation of the Rachuonyo District Development Committee (DDC), confirming the project to be a priority within the district under the Rural Electrification Programme, and subject to availability of the requisite funds.

Dr. Awiti: Mr. Deputy Speaker, Sir, it is common knowledge that in 1995, the electricity poles that were meant for the supply of electricity in Karachuonyo Constituency were withdrawn. Secondly, in July this year, the area DDC recommended the project to be a priority and that electricity should be supplied in the district. Could the Assistant Minister tell us when the Ministry will supply electricity to that area through the Rural Electrification Programme?

Mr. Chanzu: Mr. Deputy Speaker, Sir, on the first aspect, I would like to say that the re-routing of the electricity line was adopted by the residents of the district themselves. Also, I would like to say that there is a provision to provide electricity to the district this year, and already we have in mind the areas that are to be covered by this exercise. It is up to the DDC to bring up this particular aspect.

Mr. Ojode: Mr. Deputy Speaker, Sir, the Assistant Minister is misleading the House. He has just said that the DDC had not recommended the provision of electricity to Rachuonyo District under the Rural Electrification Programme, as a matter of priority. Now, he is telling us that some places have already been identified for the supply of electricity. So, could he tell us the places that have already been identified for supply of electricity and the amount of money that has been allocated for that programme?

Mr. Chanzu: Mr. Deputy Speaker, Sir, I am not misleading the House. This Question is, specifically, asking about the electrification of three or four places. I would like to inform the House that the areas that have been recommended for electrification are not among those mentioned in this Question.

Mr. Deputy Speaker: Mr. Assistant Minister, even if the places that have been identified for electrification do not include those mentioned in this Question, the Question is also mentioning "other markets in the constituency".

Mr. Chanzu: Mr. Deputy Speaker, Sir, electricity has been supplied to Oyugis, Ringa and Kadong'. The Rachuonyo DDC has identified a number of priority projects. I have the list of those projects with me here, which include Got Rateng, Ajiedo, Kadel and Nyangweso. The amount of money allocated for those project during this financial year is K£980,000.

Mr. Ochillo-Ayacko: Mr. Deputy Speaker, Sir, it is common knowledge that in areas where there are by-elections, electricity and electric posts are taken there. Could the Assistant Minister tell us the political sin the people

Karachuonyo have committed so that they cannot be provided with electricity on a priority basis?

Mr. Chanzu: Mr. Deputy Speaker, Sir, I have said that K£980,000 has been allocated for electricity supply within the district. This has not been done because there is a by-election there, but rather because the DDC has recommended the programme.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, it seems that the Assistant Minister does not know the difference between Rachuonyo District and Karachuonyo Constituency. Ringa, Kadongo and all those other places that he has mentioned are in Kasipul-Kabondo. Last week, the same Assistant Minister tabled a list of on-going electricity projects in that area. However, neither Rachuonyo District nor Homa Bay District has been listed as having any on-going electricity projects. Now, is that the list the Minister is reading? Under what conditions does the Ministry take electricity poles to places and, later on, remove them before prioritisation by the DDC?

Mr. Chanzu: Mr. Deputy Speaker, Sir, in this particular case, I said that the re-routing of the electrification programme was adopted locally. As I said, there is an allocation which will cover those areas; we only require prioritisation by the DDC.

Mr. Ojode: Mr. Deputy Speaker, Sir, the Assistant Minister is misleading this House. Since he is talking about priority, what kind of priority is he talking about, and yet, the DDC had already recommended that rural electrification be undertaken in Karachuonyo Constituency? What kind of priority is he talking about? Sema!

An hon. Member: He does not know!

Mr. Chanzu: Mr. Deputy Speaker, Sir, I do not know why I should keep on repeating myself on this issue. I said earlier on that the Ministry will supply electricity to areas that have been prioritised. That is what I have said.

Dr. Awiti: Mr. Deputy Speaker, Sir, what he is saying is very confusing. The areas which the Assistant Minister has referred to are in Kasipul-Kabondo Constituency. My Question was very specific. I wanted to know where in Karachuonyo Constituency we require the supply of electricity. When he talks of Adiedo, which direction from Oyugis Town is this place? Will it not pass through the District Headquarters at Kosele?

Dr. Ali: He does not know that!

Mr. Chanzu: Mr. Deputy Speaker, Sir, the money that I am talking about has been allocated to Rachuonyo District.

Deputy Speaker: Hon. Assistant Minister, the hon. Member is asking about Karachuonyo Constituency, which is part of Rachuonyo District.

Mr. Chanzu: Mr. Deputy Speaker, Sir, I think I read out the projects which have been prioritised in the district. They are all contained in my answer to your Question.

Question No.636

PROVISION OF ELECTRICITY TO KASUKU
TOWNSHIP HEALTH CENTRE

Eng. Muriuki asked the Minister for Energy:-

- (a) whether he is aware that people of Weru Location in Ol Kalou Constituency have put up a health centre at Kasuku Township on self-help basis; and,
- (b) whether he could consider supplying electricity to the health centre to make it fully operational.

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

(a) I am not aware.

(b) Kasuku Health Centre will be considered for supply of electricity on the recommendation of the Nyandarua District Development Committee, confirming the project a high priority for the district under the Rural Electrification Programme and subject to the availability of the required funds.

Thank you.

Eng. Muriuki: Mr. Deputy Speaker, Sir, the Assistant Minister for Energy is saying that he is not aware that there is a health centre at Kasuku Township, whereas it is there and people use it. What steps does he require so that he can go and certify that it is there?

Mr. Chanzu: Mr. Deputy Speaker, Sir, I have said that I am not aware that there is a health centre in the town, but I have also said that we shall supply electricity to the health centre once the Nyandarua DDC makes a recommendation confirming the project as a priority project for the area.

Eng. Muriuki: Mr. Deputy Speaker, Sir, I think it is a little ridiculous for the Assistant Minister to say that he is not aware that there is a health centre at that place and at the same time say that he will supply electricity. The Nyandarua District Development Committee has given this project the first priority for the supply of electricity in the

constituency. So, I would like to ask the Assistant Minister to be a little more serious. He cannot say that he is not aware of the existence of this health centre, and at the same time promise that he will supply electricity to it when it is given the first priority by the DDC. Could we defer this Question so that I can bring the Minutes of the DDC here?

Mr. Chanzu: Mr. Deputy Speaker, Sir, I still repeat that I am not aware of the existence of this health centre because it is not my business to know whether it is there or not. However, I am saying that once the request comes, we shall consider supplying electricity to it.

Dr. Ali: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister should not joke around with this House. He has said that he is not aware that there is a health centre at this place and secondly, it is not his business to know whether it is there or not. Where will he supply electricity? Will he supply it in the air?

(Laughter)

Mr. Chanzu: Mr. Deputy Speaker, Sir, I am not supposed to know in advance whether the health centre is there or not. It is the duty of the hon. Member to tell me that the health centre is there and that it will be supplied with electricity.

Eng. Muriuki: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to continue saying that he is not aware of the existence of the health centre? This House expects that once a Question is asked some effort is taken, to either go to Kasuku Shopping Centre to physically see whether there is a health centre or not?

Mr. Deputy Speaker: That is correct!

Mr. Chanzu: Mr. Deputy Speaker, Sir, if you look at the Question, you will find that it is querying whether the Minister is aware that people of Weru Location in Ol Kalou Constituency have put up a health centre on self-help basis. Now, I am saying that as soon as we get the request of the DDC, we shall supply the health centre with electricity.

Eng. Muriuki: Mr. Deputy Speaker, I personally took the application forms to the Kenya Power and Lighting Company's office in Nyahururu. So, could the Assistant Minister ensure that electricity is supplied to the health centre and stop saying that there is no health centre? This is because it is there, or he should come over the weekend and I will show him.

Mr. Chanzu: Mr. Deputy Speaker, Sir, this is just the same thing. I have not said that the health centre will not be supplied with electricity; we are waiting for it to be given the first priority by the DDC.

Mr. Sambu: Mr. Deputy Speaker, Sir, a few weeks ago, we demanded for the Rural Electrification Programme for the year 1999/2000. What was tabled here, and I can see that Dr. Ochuodho has a copy, is not the Rural Electrification Programme for the year 1999/2000 that was just concocted! Could the Chair order this Ministry to table the actual approved Rural Electrification Programme for year 1999/2000? This is because that is the only time the House will know which project will be supplied with electricity.

Mr. Chanzu: Mr. Deputy Speaker, Sir, as far as I am concerned that is a different question. But as far as the Nyandarua District Development Committee is concerned--- I have got the priorities of this DDC which I can read out.

Mr. Deputy Speaker: Order! It is not a different question because we have already dealt with it. All the hon. Members are saying is that the document you laid here which purported to contain the information they were seeking does not contain that information. So, I was going to come to your aid and say that it not the appropriate moment to raise that particular issue in relation to this section. To that extent, hon. Sambu is out of order, but that Question is still before us because the information that was sought has not been supplied. So, proceed and answer the question.

Mr. Chanzu: I thought I had answered that question.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. I think hon. Sambu is right to raise the issue---

Mr. Deputy Speaker: Order! I have said that this is not the appropriate moment for that question because it is a general one.

Eng. Muriuki: Mr. Deputy Speaker, Sir, my request is to have part "b" of this Question be deferred so that I can bring the Minutes which the Assistant Minister does not have.

Mr. Deputy Speaker: Order! Eng. Muriuki, we cannot defer part of the Question. That Question has now been exhausted. Next Question!

Question No.638

ALLOCATION OF LAND TO FARMERS
IN TULIMANI/KISAU DIVISIONS

Bw. Kalulu aliuliza Waziri wa Uhifadhi wa Mazingira:-

(a) kama anafahamu kuwa Milima ya Tulimani, Kakenea, Ivumbu, Kakima, Waia na Kithendu ilitengwa na Serikali wakati wa Ukoloni, kama sehemu za kupanda miti; na,

(b) kama Serikali itarejeshea wakulima wa Tarafa za Tulimani na Kisau milima hiyo ili wakaitumie kwa ufugaji na ukulima, kwa sababu Serikali imeshindwa kupanda miti katika eneo hilo.

The Minister for Environment (Mr. Nyenze): Mr. Deputy Speaker, Sir, I beg to reply.

I understand that Tulimani, Kakenea, Ivumbu, Kakima, Waia and Kithendu Mountains were set aside for afforestation as far back as 1960.

Mr. Kalulu: Kwa jambo la nidhamu, Bw. Naibu Spika. Waziri huyu anayejibu swali amekimbia kutoka nyumbani kwenda kutengeneza jibu. Ningetaka alijibu swali hili ambalo nimeuliza kwa lugha ya kiswahili; alijibu sawa sawa kwa sababu Bunge hili linangojea jibu lake.

The Minister for Environment (Mr. Nyenze): Mr. Deputy Speaker, Sir, I think I have a choice to answer either in English or Kiswahili, but let me answer in Kiswahili.

Bw. Naibu Spika, ninaomba kujibu.

Ninaelewa kwamba Milima ya Tulimani, Kakenea, Ivumbu, Kakima, Waia na Kithendu ilitengwa na Serikali ya ukoloni kwa upanzi wa miti mnamo 1960. Kati ya hii milima, Tulimani, Waia na Kithendu ilisajiliwa kupitia tangazo la Serikali, No.532/60. Serikali haitarejesha wakulima wa tarafa ya Tulimani kwa milima hii kwa ukulima na ufugaji kwa sababu inasadia katika uvutaji wa mvua katika sehemu hizi. Serikali ya Kenya ikishirikiana na Serikali ya Ubeljiji, inatayarisha mipango ya upandaji na uhifadhi wa miti katika Wilaya ya Machakos. Milima hii itausishwa katika mradi huu.

Mr. Kalulu: Bw. Naibu Spika, singekuwa nikikosea Bunge hili kwa kusema kwamba Waziri anawahadua Wabunge kwa sababu hiyo milima imewekwa kama bibi mwanamwali wa kuangaliwa tu. Kwa hivyo, ni lazima Waziri mwenyewe ambaye hajafika kule na hajui milima hii iko wapi, akubaliane na mimi kwamba hiyo milima ilichukuliwa mnamo 1956 na si 1960. Tangu wakati huo, ni miaka 45 sasa. Kutokea wakati huo hakuna siku tumekosa kuwa na Wizara hii au Serikali. Kwa nini miti haikupandwa wakati huo?

Mr. Nyenze: Mr. Naibu Spika, nilisema kuwa wakati huo Serikali ina mipango ya kupanda miti katika hiyo milima na inashirikiana na Serikali ya Ubeljiji. Kwa hivyo, ninalihakikishia Bunge hili kwamba miti hiyo itapandwa kwa hiyo milima.

Mr. Sambu: Bw. Naibu Spika, wamefanya mipango ya kupanda miti katika milima hii kwa miaka 46. Je, miti hii itapandwa lini? Kama wameshindwa, wanafaa warejeshee watu mashamba haya ya milimani ili wenyewe wapande miti.

Mr. Nyenze: Mr. Naibu Spika, tutaanza kupanda miti hii mwaka ujao. Kwa hivyo, ni vizuri kuamini vile nimesema. Tuna mpango na tunasaidiwa na Serikali ya Ubeljiji. Tutaanza kupanda miti kwenye hii milima mwaka wa 2000.

Ms. Karua: Bw. Naibu Spika, ningependa Waziri alieleze Bunge hili vile milima hiyo inasaidia kuleta mvua kama hakuna miti kwa milima sasa?

Mr. Nyenze: Ingawa Serikali haijapanda miti katika hiyo milima, kuna miti iliyoimea na inasaidia kwa kuvuta mvua na pia kutayarisha water table. Kwa hivyo, inazuia mmomonyoko wa udongo kwa milima na pia inaleta mvua.

Ms. Mwewa: Bw. Naibu Spika, kwa sababu wakati huu kumenyesha sana Ukambani. Ningeomba Waziri wa Ardhi awaruhusu watu wapande mimea katika milima hii kisha, ikifika wakati wa kupanda miti hiyo, waambiwe watoke.

Mr. Kalulu: Jambo la nidhamu, Bw. Naibu Spika. Waziri huyu hajatoshesha Bunge hili kulingana na swali ninalouliza. Je, Waziri atakubali kuwachilia milima ile kwa sababu watoto wa wale wazee waliotolewa kule wanaomba makao? Wanahangaika sehemu zote hata pande za Nyanza na Mombasa. Anaweza kuwapatia milima tano au sita kati ya milima hiyo 20 ili wakae pale, walime na wapande kwa sababu idadi yao imeongezeka?

Mr. Nyenze: Shida ya mahali pa kujenga na kulima ipo kila mahali katika nchi hii. Hatuwezi kukubali kama Wizara, watu waingie huko na kulima kwa wakati huu kwa sababu itakuwa shida kuwatoa.

Question No.570

ALLOCATION OF NON-EXISTENT
PLOTS IN MWALA MARKET

Mr. Ndicho, on behalf of **Mr. Katuku**, asked the Minister for Local Government:-

(a) what action he has taken to reprimand officers of Masaku County Council who collected money from wananchi purporting to allocate them non-existent plots in Mwala Market in September, 1998; and,
(b) when these innocent Kenyans will be refunded their money along with the interest accrued.

The Assistant Minister for Local Government (Mr. Affey): Mr. Deputy Speaker, Sir, I seek guidance from the Chair. Obviously, hon. Katuku is not in the House now and I saw hon. Ndicho consulting with hon. Kikuyu on who to---

Mr. Deputy Speaker: Can you answer the Question?

(Laughter)

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

(a) I am not aware of any officers of the Masaku County Council who have collected money from wananchi purporting to allocate them plots in Mwala Market in September, 1998.

(b) This being the case, the issue of refund of any money by the council or reprimanding any officer does not arise.

Mr. Ndicho: Mr. Deputy Speaker, Sir, we are very surprised that the Ministry of Local Government does not seem to be aware of anything that is happening in their officers in this local authority. Last year, this matter was in the Press and this is when hon. Katuku decided to bring this Question to the House. There was a hue and cry when the residents were asked by the council to give money for the plots at Mwala Market. Having been informed by the hon. Member who comes from this particular area and who is the eyes of the Ministry, can the Assistant Minister now consider going back to the ground because there is a hue and cry from wananchi? He should investigate this matter because it is giving the Ministry a very bad name.

Mr. Affey: Mr. Deputy Speaker, Sir, even though the hon. Member did not ask any supplementary question, I will try to make sense out of what he has said. The Masaku County Council did not authorise the collection of any money from people who were misled to believe that, they would have been allocated plots in Mwala Market in 1998. All collections authorised by the council must be supported by an official receipt for such payments. Any member of the public from the hon. Member's constituency, who purports to have paid any money to council officers, may have fallen prey to conmen. Therefore, my advice is that this matter be reported to the nearest police station.

Mr. Kikuyu: Mr. Deputy Speaker, Sir, the issue here is a very simple one. If you remember very well, eight months ago, we had a Question on Mwala Market on plot allocation. The Minister confirmed that those plots were legally allocated to those people. However, those people who had applied for those plots, but they did not succeed, should be refunded back their money. There were two types of receipts; one for plot application and the other one issued after paying deposit for those who were allocated those plots. Therefore, the council should refund Kshs1,000 to each of those people who did not get those plots. Since the Council does not have any money, could the Assistant Minister order it to sell some of its property, so that they can refund the money to those people? The council should not collect money from the public without refunding it.

Mr. Affey: Mr. Deputy Speaker, Sir, this is a different question from what the hon. Member had asked. However, this could be a very genuine problem. The then Member had asked about the council officers, who collected money from the public, for the purposes of allocating them with plots. Whenever the council collects money from members of the public, they usually issue them with official receipts. In case the hon. Member has that information, I will be glad to act on it.

Mr. Ndicho: Mr. Deputy Speaker, Sir, this matter was highlighted in the Press. As hon. Kikuyu has explained, wananchi were asked to pay some money for those plots. As regards those people who did not qualify for the allocation of plots, the law states clearly that, they should be refunded their money. So, we are asking the Minister to intervene, so that those unfortunate wananchi could get their money refunded.

Mr. Affey: Mr. Deputy Speaker, Sir, the hon. Member is referring to an article which appeared in the Press about Mwala Market. I do not think it is fair for us to base our arguments on that information in the Press. The Press does not contain---

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

Mr. Deputy Speaker: Order, Mr. Affey! People responded to an advertisement of plots in Mwala Market. Clearly, they knew there were plots in Mwala Market. Those who did not succeed want their money back. So, they are asking you to direct Masaku County Council to refund the money to them. It is a simple question.

Mr. Affey: Mr. Deputy Speaker, Sir, I think that is a very fair question and I shall do so.

Mr. Deputy Speaker: Next Question, Mr. Magara.

Question No.550

GRAVELLING OF ROADS IN GUCHA DISTRICT

Mr. Magara asked the Minister for Roads and Public Works:-

- (a) how much money was allocated for maintenance and gravelling of roads in Gucha District;
- (b) how much of this money was allocated for gravelling and maintenance of roads in South Mugirango Constituency; and,
- (c) if he could specify which roads in the constituency were gravelled or maintained using this money.

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

(a) My Ministry allocated Kshs1.1 million to Gucha District for grading and maintenance in the 1998/99 Financial Year. The District was also recently given Kshs1.5 million for the same works during this Financial Year. The District was not allocated any money for gravelling referred to.

(b) The amount in part "a" of the answer, was to cover the whole District, including South Mugirango Constituency.

(c) There was no road that was gravelled in the constituency. However, the following roads were graded and maintained in the constituency:- Kenyena-Etago Road D204, Maroo-Kamagambo Road E207 and Mangonga-Etago Road D204.

Mr. Magara: Mr. Deputy Speaker, Sir, it is quite interesting that Kshs1.5 million was allocated to grade and maintain the roads. Arising from what the Assistant Minister has said, what is the length of roads that were maintained by this amount of money? Secondly, part "b" of the Question, was **[Mr. Magara]** very particular: How much money was set aside for gravelling and maintenance of roads in South Mugirango Constituency? The Assistant Minister should answer that question.

Eng. Rotich: Mr. Deputy Speaker, Sir, as I said, the Kshs1.5 million was allocated for grading and minor repairs of all roads in Gucha District. We do not have an amount of money that was set aside for a constituency, because the accounting unit is the district. **Mr. Magara:** Mr. Deputy Speaker, Sir, I am not satisfied with the answer given by the Assistant Minister. If he says that he does not know exactly how much money was spent in South Mugirango Constituency although he has officers on the ground to give him the facts, then he is not sincere in saying that he does not know what happened on the ground. Having said that, why can the Assistant Minister not see to it that, they treat constituencies as accounting units and not the districts? This is because when such amounts of money is sent to the districts, you find that senior officers in the Ministries take it to their constituencies? Why can they not think of treating each constituency as an accounting unit, to enable each constituency to be served equally?

Eng. Rotich: Mr. Deputy Speaker, Sir, that is the responsibility of the Ministry of Finance. It is not our responsibility.

Mr. Deputy Speaker: Next Question, Mr. Onyango.

Question 599

REPAIR OF GUNGA/OSANI BRIDGES

Mr. Onyango asked the Minister for Roads and Public Works:-

- (a) if he is aware that Gunga Bridge between Agenga Chief's Camp and Number Onger and Osani Bridges are not passable; and,
- (b) when these bridges will be repaired.

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

(a) I am not aware that the bridges are impassable, but I am aware that the bridges require minor repairs.

(b) The repairs will be undertaken during this Financial Year.

Mr. Onyango: Mr. Deputy Speaker, Sir, I think the Assistant Minister is not sincere. This is because two months ago, they sent some officers on the ground to repair Gunga Bridge because it was not passable.

Could he tell us how much money they spent to repair Gunga Bridge?

Eng. Rotich: Mr. Deputy Speaker, Sir, I can tell the House how much we will spend on that project. We will fix four or five culverts, at a cost of Kshs5 million.

Mr. Onyango: On a point of order, Mr. Deputy Speaker, Sir. I asked how much money they have spent on the Gunga Bridge and not what they have set aside for that project. How much have they used?

Eng. Rotich: Mr. Deputy Speaker, Sir, I do not have that information now, but I can find out.

Mr. Deputy Speaker: Mr. Assistant Minister, the point the hon. Member is making is that, the bridge has, in fact, been repaired. Your answer is not suggesting that. The bridge he is talking about has been repaired. He is asking you; how much have you spent to repair it?

Eng. Rotich: Mr. Deputy Speaker, Sir, it is not actually a bridge, but a culvert. I do not have the information of how much we have spent up to now. We have allocated Kshs5 million for the entire project. I do not know exactly how much they have spent on that bridge, but I can find out.

Mr. Achilo-Ayacko: Mr. Deputy Speaker, Sir, recently, I lost a relative around that area and I was unable to pass over Osani Bridge. The Assistant Minister says that the bridge has minor repairs to be undertaken. Could the Assistant Minister explain to this House, what he means by minor repairs when that bridge is not passable?

Eng. Rotich: Mr. Deputy Speaker, Sir, some parts of that bridge have been repaired. However, Osani and Oyombe, Nyarogi and Nyakwamba bridges will be repaired. This project will cost Kshs5 million, including the one that we are talking about.

Mr. Ojode: Mr. Deputy Speaker, Sir, for the last two weeks, the same Assistant Minister, has talked about Nyakwamba, Oyombe and Osani bridges. I am telling you that on the ground, there are no bridges at Oyombe and Osani. Could the Assistant Minister come up with something, tangible so that those bridges can be repaired instead of mislead the House with false information? What will the Assistant Minister do, now that he has been informed that there are no bridges leading to Osani or Oyombe markets?

Eng. Rotich: Mr. Deputy Speaker, Sir, we have a Report here that shows something has been done.

Mr. Ojode: On a point of order, Mr. Deputy Speaker, Sir. The Report that he is talking about was given by those on the ground and who ate the money. So, why can the Assistant Minister not go there and see whether there is some work being done in that particular area, or not?

Mr. Deputy Speaker: Order, Mr. Ojode! You are arguing with the Assistant Minister; you are not raising any point of order. Proceed, Mr. Assistant Minister!

Eng. Rotich: Mr. Deputy Speaker, Sir, I am prepared to go there.

Question No.657

RECONSTRUCTION OF KITALE-LODWAR ROAD

Mr. Munyes asked the Minister for Roads and Public Works the plans the Ministry has for the reconstruction and maintenance of the Kitale-Lodwar Road.

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

My Ministry is already rehabilitating and maintaining the Kitale-Lodwar Road during the current Financial Year.

Mr. Munyes: Mr. Deputy Speaker, Sir, the Kitale-Lodwar Road is part of the Great North Road that connects up to Juba. It was built in the 1980s under NORAD support and has been extensively damaged by refugee operations in Sudan. Heavy tonnage vehicles transporting commodities for Sudanese refugees are using that road. My question is about compensation for the usage of this road. What is the Government doing to ensure that the international NGOs and UNHCR compensate us for using this road, because they are the ones who have actually damaged it?

Eng. Rotich: Mr. Deputy Speaker, Sir, we are doing something. We have approached the World Food Programme (WFP) with the possibility of co-financing the road, because they actually use it. We have also allocated under the Fuel Levy Fund Kshs20 million for sections between Kainuk-Nakopoten and Lodwar-Makutano.

Mr. Kapten: Mr. Deputy Speaker, Sir, I do not know whether I understood what the Assistant Minister said about the Kshs20 million. This road covers over 300 kilometres, from Kitale to Lodwar. How many kilometres can that money repair?

Eng. Rotich: Mr. Deputy Speaker, Sir, the Kshs20 million is meant to repair the road between Kainuk-Nakapoten and Lodwar-Makutano sections. It is for patching, and not for complete repairs.

Mr. Kapten: Mr. Deputy Speaker, Sir, my question is: Regarding the Kshs20 million, how many kilometres

will it cover taking into account that the distance between Kitale and Lodwar is over 300 kilometres? I did not ask about the places that it will cover.

Eng. Rotich: Mr. Deputy Speaker, Sir, it is true that the length of that section is more than 300 kilometres. But the Kshs20 million is for patching up of the road, and not for the total repair of the road. It will cost more than Kshs700 million to repair the road.

Mr. Achuka: Mr. Deputy Speaker, Sir, I do not know whether the Assistant Minister is talking of what he knows, or ignorance.

(Laughter)

This is because the state of the Kitale-Lodwar Road is totally out of order. The Turkana and Pokot communities are very bitter about the ruin of that road.

Mr. Deputy Speaker: Order, Mr. Achuka! Ask your question!

Mr. Achuka: Mr. Deputy Speaker, Sir, those communities are saying that they are going to block those vehicles travelling to Sudan. Is the Assistant Minister ready to recognise that problem and intervene immediately?

(Applause)

Eng. Rotich: Mr. Deputy Speaker, Sir, we are ready to recognise that problem, and we have estimated the cost of repairs at Kshs700 million, which we are trying to secure.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House what policy the Ministry has about the maintenance of roads? Is there a regular period during which roads are surveyed and maintained, or do they wait until they develop terrible craters in form of potholes before they move to repair them at tremendous expense? Why did people long ago say, "a stitch in time saves nine?" Do they always wait until the roads are totally damaged before they repair them, or do they repair them in time?

Eng. Rotich: Mr. Deputy Speaker, Sir, we have a policy of resealing a road after every five years when it is new and fully and then recarpeting it approximately after nine years.

QUESTIONS BY PRIVATE NOTICE

REPAIR OF KISUMU AIRPORT RUNWAY

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

(a) Is the Minister aware that the Kisumu Airport Runway has been damaged and is full of potholes?

(b) What urgent steps is the Minister taking to repair this runway to avert pending disaster?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I had answered this Question before. The only issue that was missing is the contract sum, which is Kshs1.8 million. That is what the hon. Members wanted to know.

Mr. Khamasi: Mr. Deputy Speaker, Sir, I do not think that, that is the only issue outstanding. There are very many issues outstanding about that particular work done on that runway. We asked how was it done; how many contractors actually worked there; who won the tender and who was the lowest bidder.

Maj. Madoka: Mr. Deputy Speaker, Sir, in fact, I did answer as to who did the contract and it was only the sum of the contract which was in question. The entire process of the contract was done and I cannot remember how many contractors---

Mr. Ojode: On a point of order, Mr. Deputy Speaker, Sir. You will agree with me that the only reason why this Question was deferred was to enable the Minister to bring the number of those who tendered for the contract and the amounts quoted. So, the Minister comes back and tells us that he is unaware of that. Would I be in order to request that the same Minister brings an answer tomorrow detailing the number of contractors who participated in the tender plus the amounts of money which were tendered for?

Maj. Madoka: Mr. Deputy Speaker, Sir, I think the tender procedures were followed. I said last time that it was Mr. Bishan Singh who was awarded and, then, the question left unanswered was about the contract sum. Hon. Members did not ask me to bring the names of the other contractors and that is why I did not. But if that is required, I can do so.

Mr. Deputy Speaker: Order! That is unnecessary.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Deputy Speaker, Sir. This Question has appeared in this House several times. Would it not be in order, for the Minister, when he is bringing an answer, to go back, a bit further, and complete the answer by referring to Eng. Wambura's Report of 1993, and tell us to what extent that report has been implemented in connection with Kisumu and Malindi airports? This is where the problem comes in.

Mr. Deputy Speaker: Prof. Anyang'-Nyong'o, that is a different Question.

Prof. Anyang'-Nyong'o: It is not, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: You should seek a Ministerial Statement from the Minister, in respect of that Report, and I will allow you to do so. But this Question is very specific. If you would like to raise that after Question Time, it is okay.

Next Question!

ATTACK ON MEMBERS OF PARLIAMENT
BY CRIMINALS

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

(a) How far has the Commissioner of Police gone with investigations and apprehending those criminals who attacked hon. Shaaban on 9th August, 1999, hon. Wanjala on 4th August, 1998, hon. Ochilo-Ayacko on 31st August, 1999 and hon. Otieno Kajwang' on 30th June, 1998?

(b) How many Members of Parliament have been victims of robbery since the last General Elections?

(c) What urgent steps is the Minister taking to protect Members of Parliament from attacks by criminals?

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

(a) Investigations have been carried out, and eight suspects were arrested and charged in respect of the attack on hon. Ochilo-Ayacko, while so far, no arrests have been made in connection with the attacks on hon. Shaaban, hon. Wanjala and hon. Kajwang'. For hon. Kajwang', we would appreciate, if he would also go and make a statement to the police.

(b) What we have on record is that, there have been seven incidents of robberies against Members of Parliament.

(c) The Government is committed to protecting all people in the country.

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, to set the record straight, I think the answer that the Minister has given this House is littered with untruths. First, regarding the attack on me in Nairobi, nobody has been arrested. I think the Minister is referring to the attack on me, in my constituency. Secondly, in the answer that he has given to this House, the Minister reckons that he is unaware that hon. Kajwang' was attacked although he was almost laid on the Table of this House regarding the injuries he sustained in that attack.

Mr. Deputy Speaker: Ask your supplementary question!

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, before I ask my supplementary question, could the Minister rectify these untruths? Because, supplementary questions must follow truths.

Maj. Madoka: Mr. Deputy Speaker, Sir, first, I did not say that I am not aware that hon. Kajwang' was attacked on 30th June. If the incident of the eight suspects we are referring to is the one which happened in his constituency, maybe, I will come back with some information regarding the incident which happened in Nairobi.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. In part "c" of the Question, the Minister has said that the Government is committed to protecting all Kenyans whereas the Question is very specific. The hon. Member would like to know what urgent measures the Minister is taking to protect hon. Members of Parliament, because there have been a good number of these attacks. That is a specific question and we would like to get a specific answer.

Maj. Madoka: Mr. Deputy Speaker, Sir, while I appreciate the role that hon. Members play, we issue every Kenyans with the necessary protection.

Col. Kiluta: Mr. Deputy Speaker, Sir, now that the Minister has agreed that we have had several attacks on hon. Members of Parliament - next time he could also be a Back-bencher - could he consider providing at least one body guard for every hon. Member of Parliament?

Maj. Madoka: Mr. Deputy Speaker, Sir, I appreciate I could be a Back-bencher one day. But I think the question of providing body guards is an issue that could be brought up and discussed. At this stage, I do not think I cannot commit myself to that issue.

Eng. Toro: Mr. Deputy Speaker, Sir, in the Minister's answer to part "b" of the Question, he has said that there have been seven incidents of MPs being attacked by thugs. I was the first to be attacked. My house was broken into on 11th January, immediately after last year's by elections. The Minister should tell us, whether, among the seven

incidents, my incident is one of them. I would also like him to tell the House whether it is cheaper to provide body guards for MPs or go for by elections when an MP is killed.

Maj. Madoka: Mr. Deputy Speaker, Sir, that is a difficult Question.

Mr. Muithia: Mr. Deputy Speaker, Sir, arising from the answers being given by the Minister, what action is Minister taking to protect hon. Members of Parliament and the public in general? Since I came to this Parliament there have been several attacks on Members of Parliament. Of late, in Gachika, Mundoro and Gitari in Gatundu, there have been several killings. What action is the Minister going to take to protect Kenyans in general and in particular, hon. Members of Parliament?

Maj. Madoka: Mr. Deputy Speaker, Sir, I think we also need to identify whether when hon. Members of Parliament are attacked, they are attacked because of normal thuggery or because of their positions as hon. Members of Parliament.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! It is totally out of order for you to be standing when another hon. Member is still on his feet answering a question.

Mr. Wanjala: Mr. Deputy Speaker, Sir, I am one of the hon. Members who was attacked and my driver died in that incident. I would like to inform the Minister that I am still being trailed by thugs or people who have been sent to kill me. My life is in danger. I even tried to apply for a firearm, but up to today, there has been no communication. What is the Minister going to do to protect me as an hon. Member of Parliament, who is targeted for elimination?

Maj. Madoka: Mr. Deputy Speaker, Sir, maybe the hon. Member could come and make a report, specifically, that there are people who are trying to eliminate him.

Mr. Shaaban: Mr. Deputy Speaker, Sir, I was attacked on 9th August, 1999, around Kandara flyover. No arrests have been made because no serious investigation has been done by the police. Since no serious investigation has been carried out by the police, could the Minister undertake to carry out fresh investigations and bring back to Parliament the results of that investigation? The police have not done any serious investigation, and that is why no suspects have been arrested in cases where most hon. Members of Parliament have been attacked. I was attacked by a gang of more than 20 people and not a single person has been arrested.

Maj. Madoka: Mr. Deputy Speaker, Sir, I will do that.

Mr. Kibicho: Mr. Deputy Speaker, Sir, is it not very unfair and unbecoming of this Government that when a hon. Member of Parliament is attacked, it takes one year without telling that particular victim that it is unable to arrest the suspects or what has happened?

Maj. Madoka: Mr. Deputy Speaker, Sir, sometimes investigations take quite a while and they can even take more than a year.

Mr. Achola: On a point of order, Mr. Deputy Speaker, Sir. I want to request the Minister to go back with this answer and come back with a better one because no proper answer has been given to any one hon. Member.

Mr. Deputy Speaker: Order! You have no such powers! But the point is that this is such an important issue. I do not think that Question Time is the best time to dispose of it. I do know that hon. Kapten has given notice of his intention to raise a matter for adjournment on security. When the process is finished, you will have the opportunity to debate security generally.

WATER SHORTAGE IN LIBOI DIVISION

(Mr. Shidiye) to ask the Minister for Water Development the following Question by Private Notice:-

(a) Is the Minister aware that the residents of Kulan, Liboi Division, Garissa District, have a serious shortage of water as a result of the collapse of the only borehole?

(b) What immediate action is the Minister taking to repair or replace the pump?

Mr. Deputy Speaker: Mr. Shidiye is not here? Question dropped.

(Question dropped)

RELEASE OF FUNDS TO TM-AM
CONSTRUCTION COMPANY

Mr. Ojode: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Roads and Public Works the following Question by Private Notice.

(a) Is the Minister aware that a sum totalling to Kshs700 million was recently released to TM-AM Construction Company without verifying the quality of work done on Rodi-Kopany-Karungu Road (C18)?

(b) Who authorised the payments?

Mr. Deputy Speaker, Sir, this Question was directed to the Ministry of Finance.

Mr. Deputy Speaker: Order! Your Question is listed down to be answered by the Minister for Roads and Public Works. Let the Minister stand up and say whether he is answering it or not. Then you can raise your point of order.

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

(a) I am not aware of the Kshs700 million paid out recently to TM-AM Construction Company for Rodi-Kopany-Karungu Road, but maybe, the hon. Questioner can clarify the meaning of "recently". I do not know how long ago that is.

(b) Since I am not aware of any payment made to the contractor, part "b" of the Question does not arise.

Mr. Ojode: Mr. Deputy Speaker, Sir, when you visited my constituency last week, you saw it for yourself that the road had developed excessive potholes. The reason why I directed this Question to the Ministry of Finance was because this was an African Development Bank (ADB) funded project. The initial cost was Kshs700 million, but they had done variations up to one billion. This road has cost Kshs1 billion and yet, it is in shambles. It has developed excessive potholes. I would want the Minister to inform this House whether the engineers were on site, and why they decided to release Kshs1 billion when the road was shoddily done.

Eng. Kiptoon: Mr. Deputy Speaker, Sir, we are aware that Kshs824 million was paid to this particular contractor. The task-force on pending bills also recommended payment of an additional Kshs216 million. So, the hon. Member is right to say that more than Kshs1 billion was paid for this particular job. We are aware that the job which has been done there is shoddy, and my Ministry is currently carrying out investigations to establish who is responsible in order to take that fellow to task.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, when the District Development Committee (DDC) met in June this year, the Chairman said that the Government will not accept the handing over of this road and no payments would be made. The Minister in an earlier answer to another Question said that they maintain roads after five years. This road fell apart within two years. Another section of this road was supposed to be graded and Kshs54 million was put aside. When will the section that was to be graded, for which Kshs54 million was put aside, be completed? Six months later, no construction work is going on, on that road.

Eng. Kiptoon: Mr. Deputy Speaker, Sir, may I inform the House that this particular road was handed over to the Government in April, 1996. We are aware now that the work was poorly done and we have been carrying out investigations and very soon, we will issue a report. As to when we will grade the remain part of the road, that is being considered.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, now that the Minister has made the House aware that close to Kshs1 billion was spent and shoddy work was done, and now that they are inspecting the project to ascertain who was responsible, can he assure this House that the Government will allow the ADB auditors to audit the books properly, and that the ADB audit will be available to Members of Parliament?

Eng. Kiptoon: Mr. Deputy Speaker, Sir, I do not have anything to hide and I would welcome those auditors to visit the particular road. We will have our investigations and the two reports should help the Members of the House.

Mr. Shitanda: On a point of order, Mr. Deputy Speaker, Sir. The Minister has confirmed that payment was made against the work done on this road. In any payment, especially in road

[Mr. Shitanda]

construction, there are certificates completed by the Ministry of Roads and Public Works engineers. Can the Minister confirm to this House whether the Government engineers were satisfied with the work done before signing these certificates?

Eng. Kiptoon: Mr. Deputy Speaker, Sir, I confirm that normally, certificates have to be certified by an engineer. That is one area that we are investigation to establish which engineer actually certified that shoddy work.

Mr. Ojode: Mr. Deputy Speaker, Sir, the Minister should first of all inform this House on the report of the engineers, who were sent last year to verify the work which was done. Kshs1 billion cannot just go into the pockets of a few greedy Kenyans. I asked the Minister here last time why he cannot blacklist this TM-AM Construction Company? What is the problem in blacklisting this constructor?

Eng. Kiptoon: Mr. Deputy Speaker, Sir, it is not only TM-AM Construction Company that has done shoddy work for the Ministry. Also, our engineers are involved in this particular shoddy deal. So, we are investigating the

contractors and at the same time the engineers to see who were the culprits and get them to answer for their mistakes.

MINISTERIAL STATEMENTS

PERFORMANCE OF COFFEE BOARD OF KENYA

The Minister for Agriculture, Livestock and Rural Development (Mr. Obure): Mr. Deputy Speaker, Sir, you will recall that the Government on 23rd September, 1999, revoked the exemption of the Coffee Board of Kenya and the Kenya Tea Development Authority from the provisions of the State Corporations Act, Cap.446.

The two farmers organisations were granted the exemption on 10th March, 1997, to give them a free hand in decision making in the farce and increasingly competitive business environment. However, over the period since then, it has become evident that small-scale farmers in particular, have not only lost the much needed income, but have also been marginalised from mainstream management of their respective sub-sectors. In order to understand better what has been happening since March, 1997 after the exemption, the Government ordered a team of senior auditors from the Office of the Auditor-General (Corporations), the Inspectorate of State Corporations and the Kenya Revenue Authority, to carry out an audit inspection of both the Central Bank of Kenya and the Kenya Tea Development Authority to establish the state of affairs and the goings on in the two organisations.

Mr. Deputy Speaker, Sir, I promised this august House that I would report back to it the findings of the audit team once it is available.

The Government has now received the Audit Report of the Coffee Board of Kenya (CBK). I understand the Report on the Kenya Tea Development Authority (KTDA) would be ready very soon. Copies of the Audit Report on the CBK have been supplied to the Clerk of the National Assembly and hon. Wycliff Osundwa, the Chairman of the Agriculture, Lands and Natural Resources Committee of this House. A further copy will be laid on the Table of the House.

Mr. Deputy Speaker, Sir, with your indulgence, may I summarise the principle features and findings of the Audit Report for the benefit of hon. Members and the coffee farming fraternity in this country.

Hon. Members will, no doubt, agree with the observation that the coffee industry in Kenya, particularly the small-scale area, managed under the co-operative movement, which accounts for the bulk of national coffee production, faces imminent collapse because of a catalogue of cases of massive misappropriation of farmers' money, corrupt management, misallocation of the Board's resources, and inappropriate organisational and policy designs. This is evidenced by the fact that over the last ten years, there has been a drastic decline in coffee production. The co-operative sector, in particular, has suffered a sharp fall in production of up to 48 per cent.

Mr. Deputy Speaker, Sir, following the exemption action of March, 1997, the Board approved substantial increases in remuneration and allowances to the directors and senior management staff. The CBK soon became the most expensive Board to maintain within the entire parastatal sector. During the year 1998/99, a total of Kshs26.7 million of farmers' money was paid to non-executive directors alone. The non-executive Chairman received a sum of Kshs4.3 million in allowances. Payments to farmers for their crop was characterised by either under-payments or over-payments. In the two years, 1997/98 and 1998/99, there was an over-payment to the tune of Kshs272.4 million. This indicated the existence of ghost farmers, or gross over-payment to existing farmers. In an interview, one large-scale farmer told the audit team how, in one month alone, he was paid over Kshs1 million through a scheme of falsification of coffee deliveries, with the assistance of staff of the CBK. The loot was subsequently shared out with the CBK staff who had facilitated the theft, some of them highly placed.

Mr. Deputy Speaker, Sir, in March, 1998, the Board sold some 6,890 bags of coffee at approximately Kshs58 million. This was unclaimed coffee, the proceeds of which should have been distributed to all the growers on a *pro rata* basis. The mystery is that this amount, together with accrued interest, totalling to some Kshs63 million, disappeared. It has not been accounted for by those responsible.

Mr. Deputy Speaker, Sir, another area of abuse was payment for professional services. In one case, Kshs41 million was paid out to one firm of lawyers for defending the CBK on a fairly straightforward case. Further sums were expended on professional services. In one case, Kshs1 million was spent to incorporate the Coffee Exchange Limited, when only Kshs20,000 should have been spent.

Mr. Deputy Speaker, Sir, over the period 1996/98, the CBK claims to have paid some Kshs705 million in grants to the Coffee Research Foundation (CRF), but the CRF insist they only received Kshs598 million. The CBK cannot account for some Kshs107 million of farmers' money. There are other numerous cases of payments for non-deliveries, ghost stores, ghost gunny bags and other supplies.

Mr. Deputy Speaker, Sir, the Board has lost massive resources through fraudulent transactions, involving purchase and maintenance of computers. A computer system, which was bought in 1991 at a cost of Kshs19 million,

was in 1994, that is three years later, rehabilitated at a cost of Kshs22 million. To add insult to injury, a further Kshs33 million was spent to purchase a new computer in 1997, which was never delivered.

Mr. Deputy Speaker: Order! Mr. Minister, that is too long! Are those details also in the Report?

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, I am concluding now!

Mr. Deputy Speaker: Yes! You may be doing that, but if you are reciting what is in the Report, then you are doing---

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, I was merely highlighting some of the principle features of the Report, but I am concluding now.

The Government takes a very serious view of these improprieties in the CBK, and within the coffee industry. This Report has been given to relevant organs of the Government for appropriate action against those linked with managerial improprieties, commissions and omissions that have occasioned massive loss of funds in the Board.

Mr. Deputy Speaker, Sir, I have today asked the Coffee Board of Kenya to suspend the following senior officers in order to pave way for further investigations into their conduct, mismanagement and appropriation of the CBK funds. The first person to go is Mr. Isaac Kiragu, Acting General Manager and Financial Controller; Mr. G.G. Otieno, Computer Manager; Mr. G.K. Musoga, Personnel and Administration Manager; Mr. Paul Kivila, Public Relations Manager, and Mr. P.M. Mbithi, Deputy Financial Controller.

Mr. Deputy Speaker, Sir, in addition to mismanagement and misappropriation of the funds, Mr. Kivila has drawn imprest to the tune of Kshs18 million, which has not been accounted for. The Government is studying the various recommendations contained in the Audit Report. Extreme caution will be exercised and broad consultations will be carried out with stakeholders on every step forward.

Mr. Deputy Speaker, Sir, may I take this opportunity to re-affirm the Government's determination, in conjunction with all stakeholders, to put the coffee industry on course to prosperity. I am convinced that these efforts will be good for coffee farmers, and for the country at large.

Thank you.

Mr. Kibaki: Mr. Deputy Speaker, Sir, while thanking the Minister for the efforts he is making to straighten issues in the coffee industry, could he also take the same opportunity to reassure coffee growers on two very significant matters, which are still bothering them? First, that whatever recommendations have been made, will not be implemented without consulting the farmers, with regard to who should be their managers in the long term. That is within the law. The people should not be denied their self-government in the coffee industry.

Secondly, could the Minister assure us that the Kshs6.7 billion, which were voted as STABEX Fund by the European Union, specifically to assist the coffee and tea growers to regain their export earnings, shall not be diverted to other uses? We have information that the Government is negotiating to re-direct that money to other uses and yet, it was voted by the European Union specifically for coffee and tea farmers.

Thirdly, could the Minister assure us that whatever else is done, is not going to yield to foreigners, who want to abolish the central auction system, and come back to buy our coffee cheaply? We suspect that, that is what is going on underground.

Mr. Muithia: Mr. Deputy Speaker, Sir, I also appreciate the statement given by the Minister on coffee. Could the Minister assure the farmers that the on-going audit is not meant to divert attention of the money that the Government is trying to re-direct from the STABEX, so that the blame is put on the CBK managers?

Secondly, the Minister has removed certain individuals from the CBK today. Could he also tell this House what qualifications Mr. Miriti, who has replaced the General Manager, has in the running of the coffee industry?

Mr. Ndicho: Mr. Deputy Speaker, Sir, we all appreciate the efforts by the Government to streamline the coffee and tea industries. I would like to draw the Minister's attention to the recent Coffee Act. It was declared illegal for one farmer to buy cherries from another farmer, without having a certificate. What is prevalent now is that there is immense stealing of farmers' coffee from their fields. There are people who go there at night, or on Sundays when farmers go to church, and pick their coffee! They take that coffee to the rich people in pick-up trucks. Could the Minister protect the farmers and follow the Coffee Act, which stipulates that it is illegal for somebody to buy coffee from another farmer? The farmers are completely suffering!

Mr. Nyachae: Mr. Deputy Speaker, Sir, I would like to make a request, through you, to the Minister, that when he will be presenting that report of the special audit to the relevant Committee of Parliament, he also gives the audit report of the CBK auditors; that is, the ones who are accredited to do the annual report of the CBK. The other issue is that we would like the Minister, when he will be presenting his report to the relevant Committee of the House, to indicate that the officials of the CBK, including the ones who have been suspended and the Board members, will be given an opportunity to answer the queries that the special audit has raised.

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, the Government will be issuing a

separate statement in relation to the application of STABEX funds in due course. On the question of appointment of management staff at the CBK, the Government realises that the CBK is basically a farmers' organization, and it has no intentions whatsoever to get involved in the appointment of officers to run the affairs of CBK. However, what we have recommended is that whatever appointments are made, they should be made on a competitive basis through advertisement, so that Kenyans can compete for those jobs, and so that the best is picked for the job.

Mr. Deputy Speaker, Sir, we do realise that the bottom line is the welfare of the coffee farmers, and it is at risk. It is the intention of the Government to work in junction with the farmers themselves to ensure that whatever shortcomings exist are rectified through joint efforts by the Government and the stakeholders themselves.

Mr. Deputy Speaker, Sir, I want to assure hon. Kibaki that there is no question of fronting for foreigners in the coffee industry. There is no way foreigners will be allowed to take over the coffee industry from the farmers, because that is their lifeline. The Government will ensure that the farmer gets the best out of his sweat from the coffee industry.

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

Mr. Deputy Speaker: Order, Mr. Muihia! The Minister is responding to a point of order.

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, I have already answered the question raised by the hon. Member for Gatundu South by giving the assurance that I will be coming up with a statement on the STABEX Fund. On the credentials of the man who has now been appointed to head the CBK in an acting capacity, Mr. Miriti, he is a very well known public servant, and a very honest individual who is also a man of very high integrity. He was for many years the Deputy Commissioner of Co-operatives after which he was appointed the Vice-Chairman of the Public Service Commission. For the time being, we reckon that he is the best person for the job, but he has been there in an acting capacity for a very short period.

Mr. Deputy Speaker, Sir, hon. Nyachae raised the issue of audit of the CBK operations. As far as we know, CBK auditors have not submitted any audit report for the last five or so years. But if there are any audited accounts, they will be made available to the Chairman of the Agriculture Committee of this House for scrutiny alongside the audit which we have already tabled.

On the question of the central auction, we believe that the best prices are obtained at the central auction. We will be consulting with all the stakeholders in connection with the future policy and review of the Act itself. The intention of the Government at the moment is to maintain the central auction because we believe that, that is the best trading flow for coffee. There is no intention, whatsoever, of doing away with the central auction system.

DEMOLITION OF KIOSKS BY ADMINISTRATION POLICE AND CITY COUNCIL

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, hon. Muchiri asked me to make a Ministerial Statement in connection with the demolition of kiosks by Administration Police officers and the City Council on 17th November, 1999, at Baba Dogo, in Ruaraka.

The area in question along Baba Dogo Road has been earmarked for upgrading and expansion. For a long time, owners of kiosks and other structures have been given notices by the City Council to remove them from the road reserves in question in order to facilitate construction. The owners of these structures chose to ignore the notices, and an operation to remove the structures was mounted by the City Inspectorate on 17th November, 1999, at 11.30 a.m., and it ended at 12.30 p.m. It was not done at night as purported by the hon. Member. The personnel involved were 15 City Council officers backed by six administration policemen whose only duty was to provide the necessary security to the City Inspectorate officers. The administration policemen were not 100 as alleged.

Mr. Deputy Speaker, Sir, the removed structures consisted of three kiosks made of iron sheets, and one Coca-Cola container. About ten others were temporary structures which were used for hanging second-hand clothes. The structures involved were, therefore, not 200 as alleged by hon. Muchiri. The value of these structures cannot be worth Kshs50 million. The operation was done during the day and the owners of the said kiosks were present and they even assisted in the removal of their wares and structures. The question of stealing their money, therefore, does not arise.

Mr. Deputy Speaker, Sir, Baba Dogo Primary School has made several complaints, particularly of the large numbers of kiosks adjoining their school fence, which have been used, as reported by the school, to sell drugs to their pupils. Those structures were also suspected of being hideouts for criminal elements. In such circumstances, operations to deal with such activities will, inevitably, have to continue. It is worth noting that the alleged court order was served on the officers as they were carrying out the exercise and they immediately stopped.

Lastly, I would like to appeal to the kiosk owners in this area and elsewhere to co-operate and pave the way for the expansion of roads when they are on road reserves. I further advise that the maintenance of security is a responsibility of all of us and they should not allow their kiosks to either be used as dens of peddling drugs or as

hideouts for criminals.

Mr. Muchiri: Mr. Deputy Speaker, Sir, in the first instance, the Provincial Administration has all along been invading kiosks, and I have got documents to prove that. They have been demolishing all the kiosks in Kasarani Constituency and literally in the whole of Nairobi area. Now, it is the Provincial Administration, through your chiefs, that allocate those kiosks in the respective places you have mentioned, on the understanding that these people are poor. It is the policy of this Government to eradicate poverty. In the second instance, how are you eradicating poverty when you are destroying poor people's property in broad daylight? Thirdly, that court order has been in existence since February last year, and it was known. The position is very clear. The Provincial Administration is being approached by rich people to destroy and eradicate poor people from this City. Can you advise your Provincial Administration and the City Inspectorate that there is no provision in law under which you can evict or remove a person from where he is without a court order? These evictions should cease forthwith. If you want to evict them, go to court, get court orders and they will be evicted peacefully, and they will leave.

Thank you Mr. Deputy Speaker, Sir.

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, I concur with the sentiments expressed by the hon. Member in respect to poor Kenyans owning kiosks, and that being their only means of livelihood. However, whenever these structures are on a road reserve, as was the case in this particular instance, and the road needs to be expanded, we have no choice but to issue notices to them to vacate the place in order to pave the way for the expansion of the road. Secondly, when they are served with notices, I think it is only fair that they comply so that they are not forcibly removed. However, we are not going to stop at anything when it comes to the expansion of roads. When we have given notices, our hands are absolutely tied thereafter, and they have to comply with the notices.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. The issue of poverty in this country is going beyond proportions, and one of the factors that is contributing to the scourge of AIDs in this country is poverty. For the three days we were in Mombasa, we learnt that AIDs is being enhanced by poverty in this country. Kenyans, due to lack of jobs and employment opportunities, are reverting to informal employment, and this is through the establishment of kiosks and hawking. When the Government now encourages the demolition of kiosks and bans hawking in this country, is it not encouraging the scourge of AIDs? Can the Assistant Minister now give a warning to the Provincial Administration to stop destruction of kiosks? This practice is also prevalent in Thika. This is because before a kiosk is erected, that man first digs big holes, brings some posts and erects them; builds the walls and roofing materials, and then he stocks his kiosk when the Government is watching. Why should the Government wait for somebody to put up a kiosk in an area that is prohibited only to come and destroy all his earnings? So, can the Assistant Minister and the Government give a stern warning to the Provincial Administration to stop these evictions and demolitions? One way of stamping out AIDs in this country and eradicating poverty is to encourage Kenyans to go into informal employment by way of kiosks. Can you give us an assurance that the kiosks are not going to be destroyed again?

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, while I appreciate the sentiments made by the hon. Member, I fail to find the link between AIDs and the demolition of kiosks. However--

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

Mr. Deputy Speaker: Order, Mr. Ndicho!

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, I also fail to see the connection between AIDs, poverty and the demolition of kiosks. However, as much as is practically possible, no kiosks will be demolished unless notices have been given, so that members of the public can remove their wares to avoid unnecessary losses.

FAKE CERTIFICATES AT EGERTON UNIVERSITY

The Assistant Minister for Education, Science and Technology (Dr. Wamukoya): Thank you, Mr. Deputy Speaker, Sir. On behalf of the Minister for Education, I rise to make a Ministerial Statement as requested for on 17th November, 1999, by hon. Dr. Ochuodho, on the allegation of existence of fake certificates and on lecturers of Egerton University using unorthodox means to award marks to students.

First, I wish to bring to the attention of this august House the fact that each university is established by an Act of Parliament, and that they are managed through their councils appointed by the Chancellor. The membership of these councils are broad-based.

Secondly, I am represented at the councils by none other than the Permanent Secretary in my Ministry. The decisions of the councils are, therefore, reflective of the broad-based nature of the council and not bound by the university administration. In addition, the Chancellor, as the head of the public universities as provided for in the Act, may from time to time direct an inspection of any university should he deem it fit.

On October 29th, 1999, during the inauguration of the new Laikipia Campus Students Union, the incoming chairman of the students' union made the following allegations: First, that some male lecturers were seeking sexual favours from female students in return for good grades. Secondly, that some of the lecturers demand bribes from students in order to assist them pass examinations. The students named seven lecturers who, on further investigation, were reduced to four assistant lecturers who have since been suspended from duty pending further investigations. After their suspension, these lecturers then proceeded to Nakuru to give a retaliatory false Press statement to a *Daily Nation* newspaper reporter, alleging that 38 undeserving students were awarded degree certificates by the university, and that four members of the academic staff were promoted and yet they do not possess doctoral qualifications. However, out of the four staff members suspended, three have since written a joint letter of apology to the Vice-Chancellor disassociating themselves from the Press statement.

On 12th November, 1999, the university council, being aware of the seriousness of the allegations and their possible impact on the credibility of the university, set up an 11-member team to probe the allegations and report back to the council by 30th November, 1999. The probe team is composed of personalities of varied backgrounds. I will not read their names, but they cover a wide area. The investigating team is, therefore, not composed of appointees of the university alone as alluded to by the lecturers. The terms of reference of the probe team included investigation into the allegations of sexual harassment, taking of bribes and issuance of certificates to undeserving students. The probe team started its work on 15th November, 1999, and its findings will be submitted to me once the investigations are completed. I would further like to assure this august House that my Ministry will uphold the integrity of certificates issued by our public universities and other educational institutions. Any deviations from this will be dealt with firmly.

Thank you, Mr. Deputy Speaker, Sir.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I would first thank the Assistant Minister for his prompt response. It is most unusual since Ministers take so long to respond to Members' requests. I also thank him for the written response that I got. However, my concern is that the issue of unrest in our universities is very widespread. It does not just cover one university. Considering the fact that the universities seem to have a penchant for collecting fines from students whenever they close and are sent home, can he then tell us why he cannot consider having an independent inquiry team? This is because the council itself is implicated, by extension, regarding the issuance of fake certificates. Therefore, they cannot give an independent assessment. Can he, therefore, consider constituting a team that covers not only Egerton University, but other universities too? This is because the problem is at Kenyatta University, Maseno University and the other colleges as has been reported in the media. Can he appoint a team that will investigate all the universities without favouring the council, the lecturers or the students?

The Assistant Minister for Education Science and Technology (Dr. Wamukoya): Thank you, Mr. Deputy Speaker, Sir. In the first place, investigations were done at Kenyatta University, and the allegations that were made, that certificates and degrees were being faked, were found to be untrue. The investigations that have started are broad-based and involve many people outside the circles of Egerton University. As I mentioned, there are already eleven people in the investigating team, showing, therefore, that very many people who have different concerns in the whole country are involved in this type of investigation. So, if you set up another investigative team, you will just be doing what has already been set. I would agree with what Dr. Ochuodho said about the broad-based strikes in all universities, and I would like to say that this can be looked into.

POINT OF ORDER

IMPLEMENTATION OF PETER WAMBURA REPORT

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I rise on a point of order to request the Minister concerned to issue a Ministerial Statement on the status of Malindi and Kisumu Airports, and to report to this House the extent to which the Government has implemented the Peter Wambura Report of 1993, which provided that these Airports, including Eldoret International Airport, should be raised to regional level.

In making that Ministerial Statement, the Minister should tell this House how much money the Government has set aside for the improvement of these airports, which are important both to tourism and domestic communication.

Mr. Deputy Speaker: Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

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

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL

(Clause 1 agreed to)

Clause 2

Mr. Obwocha: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 2 be amended:-

(a) in paragraph (a), by deleting the expression "ten per cent" and substituting therefor the expression "fifteen per cent".

(b) in paragraph (c), by deleting the fullstop in the proposed definition of "pensionable emoluments" and inserting a comma and the words "commuted mileage allowance and sitting allowance."

Mr. Temporary Deputy Chairman, Sir, the import of this amendment is that, one, on the percentage of interest, you are talking about our money staying with the Government or the National Assembly for ten years before you get the pension. This money should be due for interest at a reasonable rate. Currently, the banks are charging interest rates ranging from 25 per cent to 40 per cent. Therefore, if we are going to leave our money to be used for trade, then we should get some reasonable interest out of it. According to my judgment, 15 per cent is half of what the banks are charging. That is why I am proposing 15 per cent interest rate.

With regard to part "b" of the clause, we would like to include commuted mileage and sitting allowances because under the current law, the salary, responsibility allowance, constituency allowance and house allowance are taken into account only; in addition, there is sitting allowance, although it is omitted. The kind of pension which former Members of Parliament are getting is negligible.

Mr. Temporary Deputy Chairman, Sir, I have a pay slip here from the former Member of Parliament, Mr. Francis Tuva, who stayed in this Parliament for 29 years. He is now getting Kshs11,799.90. How can you survive on that? That is what Prof. Saitoti pays his cook!

(Applause)

If we include the commuted mileage and sitting allowances, then the pensionable emolument is likely to double, at least. It is not enough, but it is something fair.

With that, I beg to move.

(Question of the amendment proposed)

The Assistant Minister for Finance (Mr. Arap-Kirui): Mr. Temporary Deputy Chairman, Sir, while I am very sympathetic to the views expressed by hon. Obwocha, who has just moved the amendment, I think the Chair will note that, previously, the rate of interest that was provided was 3 per cent. We have moved from 3 per cent, and the Amendment Bill is meant to raise this interest rate three times to 10 per cent.

We think that this is reasonable because interest rates, as we know them, are rather erratic because they go up and come down. As we know it, it is not more than three to six months ago that we had interest rates of Treasury Bills in the order of 8 per cent. It is the intention of this Government to do everything possible to raise interest rates on pension. From the look of things, everything possible will be done, and it is most likely that interest rates will be below the two-digit figure level. Knowing that we do not normally amend the Act until after ten years, I think it would be overburdening the Government to land it with such heavy interest rates. So, I would propose that the rate remains at 10 per cent.

Mr. Temporary Deputy Chairman, Sir, on the second proposal, may I point out that there was a typographical error which excluded the sitting allowance in the definition of the emoluments. If one looks at the original Act, sitting allowance was included. We have no quarrel with that particular part.

On the question of commuted mileage allowance, while this may be defined as Members' income, I think one needs to consider its impact in money terms.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): On a point of order, Mr. Temporary Deputy Chairman, Sir. I think we should consider these amendments separately so that we are not confused by what we are discussing. We should dispose of part "a" and then go to "b".

The Temporary Deputy Chairman (Mr. Musila): You are right, Mr. Karauri, but I gave Mr. Arap-Kirui permission to go on arguing on "b" because Mr. Obwocha covered "a" and "b". When we come to dispose of the amendments, we will go one by one. Proceed, Mr. Arap-Kirui.

The Assistant Minister for Finance (Mr. Arap-Kirui): Thank you very much, Mr. Temporary Deputy Chairman, Sir. As I was saying, while commuted mileage may properly be defined as part of a Member's income, strictly speaking, we know that commuted mileage is meant to assist Members with their travelling expenses. It has been merely commuted, probably, to ease the arithmetic. But more important than that is the impact when we go on to compute because as it is, at the levels that have been proposed by this Bill, we are dealing with a very technical issue. The whole thing has been computed in total so that the proposals of percentages and the payouts do take at the end of the day, the level of contribution that a Member makes, so that every change in one direction has to be compensated by a contribution. If there was no change at all and we merely included the commuted mileage at the rates proposed in the amendment Bill, we would be talking of contributions from Members to the tune of Kshs14,000 to Kshs15,000 per month towards their pension scheme.

If, on the other hand, we have got to take into account this other issue, the contributions go on rising. In fact, if you look at some of the other proposals that I will come to later, we will be talking of contributions to the tune of Kshs30,000 per Member. This is mandatory once we pass this Bill. We will have to go back and compute the percentages that are applicable as contributions for Members. This is something we need to bear in mind. Are the Members willing, and if so, are they able to meet this level of contribution? We have got to consider several other things together.

Mr. Mbela: Thank you, Mr. Temporary Deputy Chairman, Sir. I rise to support the proposal by Mr. Obwocha. I think Members of Parliament have had a raw deal for a long time, being paid interest at 3 per cent. We are not asking for a refund but certainly, the proposal that interest should be paid at 15 per cent sounds very reasonable because it is even below the market rate as we have it in Kenya today.

Similarly, when it comes to commuted mileage allowance, we are never compensated for depreciation of the vehicles or the loss of the investment. I think it is only proper that at a time when we are not strong enough to continue in politics, we should be compensated.

Prof. Anyang'-Nyong'o: Thank you, Mr. Temporary Deputy Chairman, Sir. I rise to support the amendment by hon. Obwocha, but I only just want to make a small statement regarding the Minister's worry about percentages. Asking for 15 per cent is very reasonable, especially when the Act may not be amended for 10 years. We must realise that a lot of goods that the Members pay for are basically imported cars and so on. In fact, cars are the biggest expense in terms of travelling. We are not likely to have control over the price of cars for the next 10 years, given the state of our economy. Given the fact that the shilling will continue to play *kwasa kwasa* up and down all the time, it is much more reasonable to set this thing at a percentage nearer the market rate, like Mr. Mbela is saying, rather than something almost 50 per cent below the market rate. So, I think asking for 15 per cent as proposed by hon. Obwocha is extremely reasonable, taking into consideration those two factors. I hope that the Assistant Minister will reduce his worry and look much more favourably towards the proposals.

Mr. Kariuki: Mr. Temporary Deputy Chairman, Sir, I stand to support the proposal by hon. Obwocha on the grounds that although the Assistant Minister quoted the rates of the Treasury Bills as being 8 per cent three months ago, it is also true that a year ago, interest rates stood at 27 per cent. If we take an average between the two, it is 17.5 per cent. So, 15 per cent is even on the lower side. In fact, we should be talking about 20 per cent-plus. But I think at 15 per cent, we should be able to accommodate ourselves, taking note of the fact that inflationary rates are also going up. Therefore, the 15 per cent bracket will be within reach.

It is also important to note that while in the 1960s and 1970s, 3 per cent appeared to be a very reasonable rate of interest, it is important to note that currently, the rates of interest tend to have an upward trend. They are moving from 3 per cent to 10 per cent, 15 per cent and 20 per cent and above. Therefore, it is good to anticipate the trend of interest rates and, therefore, the 15 per cent proposed by hon. Obwocha is in order.

On item "b", it is also good to reflect that what is going on in the private sector has an impact on what is going on in the public sector. If what hon. Obwocha quoted as pension for hon. Tuva is anything to go by, then that is a very scaring figure of Kshs11,000. Nobody can live on a pension of Kshs11,000 these days. Inflation rates are going up; the cost of living is going up, and consumer prices are going up. I think it is important for us to be able to survive as Members of Parliament when we retire. A figure of Kshs50,000 and above will be within reach, but Kshs10,000 is a very mean earning and will make us paupers.

With those few remarks, I beg to support.

The Vice-President (Prof. Saitoti): Thank you very, Mr. Temporary Deputy Chairman, Sir. I just rise to add a voice of support, the reason being that I am baffled by the fact that if, indeed, hon. Tuva, who served this House for 29 years, is receiving a pension of Kshs11,000 per month, I think the House must agree that, that is really scandalous. I think the time will come, in a very reasonable way, to ensure that we do put in certain measures to make recognition of the public service. Indeed, we do not want Members of Parliament to become beggars once they leave here. We have seen quite a number of them, when they come here either to drink tea or wherever we meet them, and we feel very sorry for them. I do not think we should do that one. I think this is a very important way of laying down the foundation of recognising services. Incidentally, this is one way of beating corruption. If people know that they will be respected and rewarded for what they do, they will value their work.

(Applause)

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

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

(Clause 2 as amended agreed to)

Clause 3:

The Assistant Minister for Finance (Mr. Arap-Kirui): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 3 be amended-

(a) by inserting the following new paragraph immediately before paragraph (a):-

(a) in paragraph (a) of Sub-Section (1), by inserting the words "by reason of the dissolution of Parliament" immediately after the words "National Assembly".

(b) by re-numbering paragraphs (a) and (b) as paragraphs (b) and (c) respectively.

Mr. Temporary Deputy Chairman, Sir, the amendment we are proposing is very simple. It is merely for clarification purposes; it is, specifically, referring to the dissolution of Parliament.

(Question of the amendment proposed)

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

(Clause 3 as amended agreed to)

Clause 3

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

THAT, Clause 3 be amended as follows:-

Amendment of 3. Section 8 of the

Section 8 of Principal Act is amended-

Cap.196 (a) in Subsection (1)-

(i) by deleting paragraph (b) and substituting therefor the following new paragraph:-

"(b) his aggregate period of reckonable service is one Parliamentary term or part thereof";

(ii) by deleting the expression "fifty years" appearing in paragraph (c) and substituting

therefor the expression "forty years";

(b) in Subsection (2), by deleting the expression "one six-hundredth" and substituting therefor the expression "one three-hundredth".

Mr. Temporary Deputy Chairman, Sir, the import of this amendment is as follows. More often than not, hon. Members come to this House for one or two terms, depending on their constituents. Our stay in this House does not depend on what one wants; it is entirely dependent on the constituents. As I said when I was contributing to debate on this Bill, people can misunderstand you. You may be genuine and articulate in your arguments, but they may misunderstand you and give you only five years of service in this House. By then, you will have served this country diligently. You will have put all your energy in service to this country through this House, and done all that is required of you, but fail to come back. Now, how do those people expect you to live? That is why I am proposing that once an hon. Member gives his service to the country for five years, he should be entitled to some little pension. This is what we are now proposing.

Secondly, by reducing the age from 50 to 40 years, we are reckoning two things. One, the life expectancy age of Kenyans has come down to 49 years. Leave alone the threat of AIDS we are facing, one may not reach the age of 45 years. Two, if you look across the Benches, you will realise that the majority of hon. Members in this House are a new crop of young Kenyans. In fact, four of them are below the age of 30 years. So, I think we will be asking for too much if we expect them to wait until they become 45 years old in order to receive their pension. That is why we are proposing that amendment; forty years looks reasonable. If an hon. Member comes to this House at the age of 24 years, like hon. Khaniri, he will wait for 16 years before he gets his pension. By then, one will have served this country diligently.

Finally, the amendment on the fraction of the pension emoluments is meant to increase the amount each hon. Member will have to contribute to the pension fund. One five-hundredth is on the basis of what I have said earlier; namely, that one's pension will be Kshs11,799.90. That is the figure I quoted from the former hon. Member, Mr. Tuva. However, if the House agrees to the amendment of "one three-hundredth", that figure will, at least, double; that is all. I would like to point out here, that doubling Kshs11,000 is not a big deal, really. Therefore, I wish to tell my colleagues that by the time they retire, they will find that the Kshs22,000 will, in fact, be very little. This is because, the inflationary index is not provided for in this Bill.

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

(Question of the amendment proposed)

Dr. Omamo: Thank you, Mr. Temporary Deputy Chairman, Sir. I would like to support this further amendment and I would only like to pick on one point, that the hon. Member who serves for one term deserves some form of pension. I am saying this because coming to *Bunge* is like going to Mombasa. The people of Nyanza say: "Kwenda Mombasa ni harusi lakini kurudi ni matanga." An hon. Member who is honest with his work, serving in Parliament and delivering at the constituency and national levels does a great job for the nation. Things become hot the day he retires; whatever he had saved will be spent on various matters and when he finally gets what has been left, he returns back to square one. I think this House will do great service to hon. Members if, in recognition to their contribution in nation building, they get something to tell their children and supporters about their experience in Parliament. I will always say that sometimes to retire from Parliament is not one's choice. Sometimes one does excellent job to wananchi but on the polling day, he is rigged out.

(Laughter)

I have in mind the idea that no hon. Member should allow himself or herself to be rigged out twice. If that happens, he or she will be lost! I remember, in my case, I lost my way. Can you remember that I had to change my constituency? I had also to change my party in order to return to Parliament. I think that this time round, even if I serve for one term, I deserve some pension.

I fully support the views being expressed here that a time has come when Kenyans should honour the people who served them diligently. I remember my friends, hon. Robert Matano; hon. Paul Ngei, who is very close to us, and hon. Otiende. I remember very well the day hon. Matano was dropped from the Cabinet, and he could not hire a taxi to take him from the Railway Station to his house here in Nairobi, although he was a very honest man and faithful to KANU. I think the time has come when we should really honour our hon. Members when they retire. With these remarks, I fully support.

The Assistant Minister for Home Affairs, Heritage and Sports (Mr. Sumbeiywo): Thank you, Mr. Temporary Deputy Chairman, Sir. I would like to support this amendment by hon. Obwocha. To be in this House for

five years means that you are doing double work. You work for both the constituency and the country in this House, making laws for the better management of our country. I have a sad example to give here. The Chair can remember hon. Mulinge who was here some time back. This hon. Member did a lot of work for Kathiani people, but I am not saying that hon. Kaindi is not doing a good job now. I am saying that hon. Mulinge built two permanent secondary schools for Kathiani people, one for girls and the other one for boys; tarmacked the road from Machakos to Kathiani Constituency; brought water and constructed, through Harambee basis, a district hospital in Kathiani Constituency, but he was only given one term to serve in this House. When he vied for the seat for the second time, he was told: "*Osa syoonthe.*"

(Laughter)

That means that he should return all the development that he had carried out in that constituency. It is saddening. So, I support that five years is reasonable time for hon. Members to get pension. As has been rightly said, for the reduction of the years from 50 to 40--- In fact, presently, life expectancy is 47 years. Some of us are very lucky to have passed that age. To wait until you are 50 years old in order to get pension, you will never see a single cent. This is because you will not be there to draw it. A good example that can be given is the 55 years rule for the National Social Security Fund (NSSF) contributors. Most of them die before they collect that money.

Mr. Temporary Deputy Chairman, Sir, I support the idea of "one over 300" rather than "one over 500" because, today, I draw a pension of not more than Kshs10,000 after serving this country for 35 years. This money is not even enough for me to travel to Eldoret by air and come back, and yet, I am expected to be a respected leader in this country; an hon. Member of Parliament.

With those few remarks, I would like to support this amendment.

Mr. Kathangu: Asante sana, Bw. Naibu Mwenyekiti wa Muda. Kila wakati tunapozungumza juu ya fedha katika Bunge hili, mara nyingi tunafikiria sana mambo yanayohusu umaskini katika nchi hii. Lakini hata hivyo, umaskini umeenea kila pahali na mimi nimeona Wabunge wakisumbuliwa sana kwa sababu wananchi hawana fedha za chakula au nauli, na lazima Mbunge awape fedha. Kwa hivyo, ningetaka kuunga mkono geuzo hilo kwa sababu nimeona wazee kama vile Mbunge wa zamani wa Embu North, Bw. Njagi Mbarire, akienda nyumbani na pesa zake zimekwisha. Ameanza kucheza kamari ili atafute fedha za kuenda kwa DC kuzungumzia juu ya mambo ya maendeleo ya Wilaya ya Embu. Ninaunga mkono geuzo hilo kwa kusema kwamba ikiwa tunahitaji kuona Mbunge akiwa mzee kijijini, tunafaa kuyaangalia masilahi yake kwa sababu baada ya miaka yake mitano au kumi, huyo mzee au kijana bado atatakikana kila mahali ili azungumze na wazee wengine kuhusu maendeleo nchini.

Kwa hayo machache, ninaunga mkono.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Thank you, Mr. Temporary Deputy Chairman. I do not wish to dampen the spirits of the Members on this issue, but I think we need to inject a certain amount of realism here. It is not very nice to want very good things for ourselves. I have had---

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, I have been listening very attentively, and I think it is only fair that I be listened to in return. We need to take a few very pertinent issues into account. In this House, we are not on an island. We are part of the Kenyan community. The sort of things that we would like to see for ourselves are also those that many other people would also like to see for themselves. That is why I am saying that we need to inject a bit of realism here; we live in a real world.

Hon. Members: On a point of order, Mr. Temporary Deputy Chairman, Sir!

The Temporary Deputy Chairman (Mr. Musila): Order! Let hon. Arap-Kirui express his opinion.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): I am merely trying to illustrate what I am saying. A pension scheme should be similar to other pension schemes in existence. I understand that anywhere in the world, one does not draw a pension until, at least, after 10 years. When we talk of pension after five years, I do not know whether we are serious.

An hon. Member: And you might not come back to this House!

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): That is besides the point.

Mr. Kamolleh: On a point of order, Mr. Temporary Deputy Chairman, Sir. Is the Assistant Minister in order to actually mislead this House and say worldwide you cannot draw pension in less than 10 years? I was working for Kenya Commercial Bank where you can still have your pension after working for less than 10 years.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Mr. Temporary Deputy Chairman, Sir,

I do not know about Kenya Commercial Bank. I do not want to disbelieve my colleagues.

Hon. Member: Put the question!

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): I sympathise with the views of the other Members, but I think they have got to give me an equal chance. I have heard them for the last 30 minutes. The point here is that, to say you need a pension after five years is going for the moon, as it were.

The next item is on the question of age. I would like to say that the proposal of two terms rather than five years is more than reasonable. If there has to be a provision for a Member after five years, this can be made outside the provisions of the present pensions scheme as a gratuity for Members, agreed at a certain level. We also need to remind ourselves that at the end of the day, after serving here, one is entitled to not only a refund with interest of his money, but also the Government contribution which is twice what each Member contributes. Let us take that into account.

On the issue of age, in all fairness, the hon. Member proposing this might have ambushed the Government side. Here again, we have got to be realistic. Retirement age at 40 years is not reasonable. We expect other Kenyans--

(Loud consultations)

The Temporary Deputy Chairman (Mr. Musila): Order! Hon. Members, let hon. Arap-Kirui express his opinion.

The Assistant Minister for Finance (Mr. Arap-Kirui): We expect other Kenyans in the public service to retire at the age of 55 years, or voluntarily at the age of 50 years. In the private sector there are many companies that expect their employees to retire at the ages of 60-65. What sort of example are we setting?

Mr. Murathe: On a point of order, Mr. Temporary Deputy Chairman, Sir. The Assistant Minister is misleading this House. He knows fully well that the Government is actually even retrenching people who are 35 years. Is he in order to mislead this House that the Government is retiring people at the age of 55?

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Mr. Temporary Deputy Chairman, Sir, that is an argument. Retrenchment is completely different from retirement.

As I was saying, if we expect to retire at the age of 40 years, we are not being realistic. The reduction proposed in the amendment Bill from 50 years to 45 years is more than reasonable, and I think Members should accept that. We are really going for a very young and active person. We are not talking about retirement, issues about life expectancy aside.

There is also the issue of the doubling of the factor under "b" from one six-hundredth to one three-hundredth. The Bill, in fact, had proposed one five-hundredth which again, is a reasonable percentage. At the end of the day, I think I should also remind Members of what I had said earlier, that this is a contributory scheme. If you double your allowances and cut down the retirement age, the contributory factor goes up at the same time. At the end of the day, you may end up paying Kshs40,000 per month to reach the Kshs22,000 that our hon. colleague is talking about. I would suggest that the five-year term, 40 years and the percentage are most unreasonable. Therefore, I beg to oppose.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Chairman, Sir, I rise to support hon. Obwocha's amendment and also say one thing before I make a slight amendment to it, to be in line with what the Minister has proposed. With regard to the "one three hundredth" as opposed to "one six hundredth", I think, hon. Obwocha is right. This will take care of inflation. The original calculation by the Government was based on figures which go back to 1960s. As you saw from hon. Tuva's pay-slip of pension, if we go back to that "one five hundredth" or "one six hundredth", we will be assuming economic conditions of the yesteryears. So, looking at the future and the inflation rate, I think, Mr. Minister, even the statistician in the Ministry will tell you that, hon. Obwocha's amendment of "one three hundredth" is much more reasonable, given the rate of inflation.

Secondly, Mr. Temporary Deputy Chairman, Sir, with regard to hon. Obwocha's amendment of Clause 3(b), his aggregate period of reckonable service is one Parliamentary term or part thereof. I want to propose to the House that, we delete "or part thereof" because that has been taken into account by the Minister's other amendment in Clause 8(1)(a) which says: He has ceased to be a Member of the National Assembly, by "reason of dissolution of Parliament, takes care of "or part thereof." Therefore, "part thereof", is actually redundant. So, we should delete it and adopt the Minister's amendment. I think, we shall be quite in order.

Thank you, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Musila): The Chair would like to point out to the House that, under Standing Order No.106(2) what Prof. Anyang'-Nyong'o has done is acceptable, because a notice has already been given of that amendment. In any case, it is of no consequence because when you say "Parliamentary term or part thereof". Since we are talking of a "five-year term", "part thereof" has no meaning at all. So, that would now be taken as part of the amendment of what we are discussing. Let me give a chance to Mr. Ekirapa.

An hon. Member: I oppose!

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): Mr. Temporary Deputy Chairman, Sir, you have to protect me because I am already being threatened.

The Temporary Deputy Chairman (Mr. Musila): Mr. Ekirapa, you are not being threatened. Proceed, Mr. Ekirapa.

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): Mr. Temporary Deputy Chairman, Sir, I think, it is important for us hon. Members that, whatever we decide for ourselves, must have some relevance to what other Kenyans get.

An hon. Member: So, what?

The Temporary Deputy Chairman (Mr. Musila): Order!

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): Mr. Temporary Deputy Chairman, Sir, I just want to give some statistics to give some guidance to hon. Members.

Mr. Wanjala: We are very important!

The Temporary Deputy Chairman (Mr. Musila): Order, Mr. Wanjala!

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): I just want to give the statistics in the private sector. The retirement age in the private sector is between 60 and 65 years and percentage referred to is 10 per cent; the accrual factor is between 2 and 2.5 per cent; the pensionable service is a minimum of ten years while the computation is 12 per cent and the contribution is 20 per cent. If the employer is very generous, he will give you 12.5 per cent and you contribute 7.5 per cent. If you compare this figure with our retirement age of 40, I would like to say that, nowhere in the world does a person retire on pension at the age of 40. There are special schemes where you want to reduce staff or retrench and retire them at 40 years. This is not so with a normal pension. The interest rate of retirement is on the average of 10 per cent and it is sad that we now want ours to be 16 per cent.

Hon. Members: We have finished with that one!

The Temporary Deputy Chairman (Mr. Musila): Order! That is already finished. So, proceed, Mr. Ekirapa.

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): I know we have finished with it, but I just want to give perspectives.

Hon. Members: Do not waste our time, Mr. Ekirapa!

The Temporary Deputy Chairman (Mr. Musila): Order, hon. Members! I just want to remind, Mr. Ekirapa that, we are through with the Clause on percentage.

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): Mr. Temporary Deputy Chairman, Sir, I think, it is important that we realise what this means. The accrual factor is now moved from "one six hundredth" to "one-three hundredth." So, what this means is that, we are moving from 2 per cent to 4 per cent. The impact of this is that, at that age of 40 years and with that percentage, the Government will have to contribute 22.8 per cent and an individual Member 15 per cent. That will be a total of 37.8 per cent. So, we are saying that, for every salary we pay an hon. Member when he retires, the Government will pay him a pension of 22.8 per cent.

An hon. Member: What is wrong with that?

The Assistant Minister for Tourism, Trade and Industry (Ekirapa): Mr. Temporary Chairman, Sir, what is wrong is that---

Mr. Mutahi: On a point of order, Mr. Temporary Deputy Chairman, Sir. We need your guidance here. Some of the issues being raised by hon. Ekirapa, you have already put a question and you have heard the answer of "ayes" or "noes"---

The Temporary Deputy Chairman (Mr. Musila): Order! Mr. Mutahi, you are out of order. Mr. Ekirapa is debating on the current proposal of amendment. So, he is not out of order. If you could listen very carefully, Mr. Ekirapa is giving very good points.

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): Mr. Temporary Deputy Chairman, Sir, to suggest that because the hon. Member of Parliament is at the age of 30 and should get that percentage when he retires, it does not take into account the fact that we have in our private sector, public service and universities, similar people. I think, the hon. Members must understand the implications this Bill will have to the taxpayers. We will give ourselves a very high percentage payment that is never paid anywhere in the world. I want to make that contribution. We might agree, but I think when other people analyse the effects of our action, we might be embarrassed, especially if some of us claim to be speaking on behalf our people.

The Temporary Deputy Chairman (Mr. Musila): Hon. Members, this amendment has been debated enough and I would like to put the Question. Mr. Obwocha, did you want to respond?

Mr. Obwocha: Mr. Temporary Deputy Chairman, Sir, I just want to respond to one statement made by Mr.

Ekirapa. It is completely unfair for hon. Ekirapa to equate the circumstances of the hon. Member of Parliament to that of the private sector. First, the salary of a person working in the private sector and if he is a professional is between Kshs500,000 to Kshs1 million. Here we are getting peanuts.

An hon. Member: Tell him! We are getting a salary of Kshs10,000!

Mr. Obwocha: Now, he is talking about the contribution rising from two to four per cent. That is compensated because the salary here is low. Secondly, he is talking about the Government contributing 22.8 per cent. Yes, the Government should contribute 22.8 per cent because it is paying us peanuts. So, when we retire, at least, we can get something reasonable because the Government has not been paying us good salaries.

The Temporary Deputy Chairman (Mr. Musila): I am persuaded to give Mr. Affey one minute.

The Assistant Minister for Local Government (Mr. Affey): Mr. Temporary Deputy Chairman, Sir, I rise to support this amendment on Clause 3 on age and one term of five years. You very well know that this House composed of quite a number of hon. Members who are already pensioners in their own rights or from the fact that, they were working in private or public sectors. As we are talking now, they have a pension scheme. So, we are saying for those hon. Members who join politics at the age of 21 and get voted out after five years, this amendment will fully take care of them when they retire and lead a comfortable life.

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

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

(Clause 3 as amended agreed to)

The Temporary Deputy Chairman (Mr. Musila): Hon. Ochilo-Ayacko had informed me of his intention to withdraw his proposed amendment in paragraph (a) of Clause 3. Could he formally do that?

Mr. Ochilo-Ayacko: Mr. Temporary Deputy Chairman, Sir, having consulted with both sides of the House, I am inclined to have my notice of the proposed amendment to Clause 3 withdrawn.

Mr. Temporary Deputy Chairman (Mr. Musila): Very well!

Clause 4

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

"THAT, Clause 4 be deleted and replaced by amending Section 10 of the Principal Act, Sub-section 10:-

(a) By deleting the expression, "twelve and a half times" and substituting thereof the expression "fifteen times."

(b) In sub-section (2), by deleting the words "not later than the last day before retirement or at such other date as may be approved by the Committee" and substituting therefor the words "in writing."

Mr. Temporary Deputy Chairman, Sir, these proposed amendments, first, enhance the amount of money that a Member can commute on retirement; that is, in fact, at the end of it, it means one can have a larger lumpsum of money as an initial amount than what was possible before. I am sure Members will be in agreement with it. In part "b," the proposed amendment sort of introduces flexibility as to when one can apply for commutation. All it says is that this should be done in writing, not necessarily just before the date of retirement.

(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 4 as amended agreed to)

(Clauses 5, 6 and 7 agreed to)

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Chairman, Sir. Before we move on, there is a small omission on the amendments that I had proposed on Clause 22 of the Principal Act.

The Temporary Deputy Chairman (Mr. Musila): No! We do not have the Principal Act; tell us about what we have in the Bill.

Mr. Obwocha: Mr. Temporary Deputy Chairman, Sir, I had proposed that instead of--- The amendment talks of deleting "ten" and inserting

[Mr. Obwocha]

"five"; deleting "President" and inserting the "Parliamentary Service Commission."

The Temporary Deputy Chairman (Mr. Musila): Order! Where can they be found? The Bill before us does not have what you are talking about. And in any case, we have passed that part and there was no notice given to amend it.

Mr. Obwocha: Mr. Temporary Deputy Chairman, Sir, Clause 22 is not part of the Bill. Maybe, that is why it was omitted.

The Temporary Deputy Chairman (Mr. Musila): We cannot touch on something that is not in the Bill.

Mr. Achola: Mr. Temporary Deputy Chairman, Sir, with due respect, I do not think that you are right in saying that you cannot include something that is not in this Bill, because when you are talking about new clauses, you want to bring them into the Bill.

The Temporary Deputy Chairman (Mr. Musila): Mr. Achola, first of all, the procedure is that everybody who wants to propose an amendment must give a notice. All the amendments that we have been dealing with had their notices given. Now, we cannot have somebody standing up and proposing his or her amendment(s). Mr. Obwocha gave a notice of his proposed amendments and we dealt with them, and I am sure that he knows it.

Mr. Obwocha: Mr. Temporary Deputy Chairman, Sir, they omitted that one on the basis of what you have said; that it is in the Principal Act. But I am asking the House: Is it fair that we should leave it out after I had proposed an amendment to it, because, basically, I was proposing that the review should be done after five years, and not ten years. In any case, it was going to be in line with what Parliament recently passed.

The Temporary Deputy Chairman (Mr. Musila): But maybe, let us come back to that issue when we will be dealing with Clause 1. For the moment, let us proceed to the New Clause.

*(Mr. Arap-Kirui hurried back from the
Civil Service Bench)*

New Clause

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Mr. Temporary Deputy Chairman, I am sorry. I needed to rapidly consult with my officers. I better explain about the New Clause first.

Mr. Temporary Deputy Chairman, Sir, as I said, the new clause that we wish to introduce took into consideration the changes that had been proposed by Government in regard to age, interest rates and so on. As I explained, the changes that we have now introduced, would call for a much higher rate of contribution. What it means, is that, this is a funded scheme; we have a pension fund. So that, unless we provide for sufficient contributions to fund the scheme, we will find that the scheme will be bankrupt before long. So, I stand to be guided, because we were going to propose that the contributions from the hon. Members be raised in that new clause from five per cent to 7.6 per cent. But according to the actuarial advise that we had sought, we had been advised that if we were to reduce the retirement age to 40 years, raise the interest rate to 15 per cent, improve the fraction to one three hundredth and reduce the benefit period from one to five terms as we have done, then to be able to fund a viable scheme, we would require that hon. Members contribute 12.6 per cent and the Government, under the present scheme contributes twice that, which is 25.2 per cent, for a total contribution of 37.8 per cent. Now that we have introduced another factor, reducing from two terms to one term, if this scheme is to be viable, we have to increase the contributions even more.

This is why I say, I need to be guided, because that new clause had not anticipated the amendment made by the hon. Members. If we are to go on the basis of this, then we need a much higher percentage to be able to accommodate the amendments made; that the fund will be adequately funded when it is eventually passed. As it is, the contributions we have in place, of five per cent, and the proposed 7.6 per cent would be far much inadequate. It would

not be sufficient to fund the scheme. If we withdraw it, then it means, we remain at five per cent, which is even a worse position. We shall bankrupt the scheme in the first place.

The Temporary Deputy Chairman (Mr. Musila): I suppose you can consult now. Hon. Members, you should bear with the Assistant Minister as he consults.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Mr. Temporary Deputy Chairman, Sir, on the consultations and the advise I have received, I think we will go with the minimum that we have been advised earlier, which did not take into account the single term. We would like to propose that the New Clause 2(a) reads as follows:-

THAT, Section 4 of the Principal Act is amended in sub-section I, by deleting the expression "five per cent" and substituting thereof with the expression "twelve and three fifths per cent".

Mr. Temporary Deputy Chairman, Sir, I

[The Assistant Minister for Finance and Planning]

have mentioned the need for this higher rates, and I think, it will not be long before we have to come to this House with a further amendment to take care of the new developments as I explained. But this is the minimum.

(Question of the new clause proposed)

(New clause read the First Time)

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

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

(The new clause was read a Second Time)

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

(Title agreed to)

Clause 1

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Mr. Temporary Deputy Chairman, Sir, I would like to propose the following amendment:-

THAT, Clause 1 be amended by deleting the words "and shall be deemed to have come into operation on 1st July, 1994".

Mr. Temporary Deputy Chairman, Sir, the intentions of this amendment is so that, when the Bill is eventually passed, it should have effect from the date of publication. This is in view of the fact that the Bill as amended is meant to apply to the existing and future hon. Members of Parliament. Since it is a funded scheme, there is no way we can go backwards to the earlier indicated rate. Because, that would mean that if we have to incorporate whoever was in place then, they would have to bring in contributions and so on, which would be impractical. So, this is specifically to say, once this Bill is an Act, it will take effect from the date of publication.

(Question of the amendment proposed)

Mr. Obwocha: Mr. Temporary Deputy Chairman, we are not being fair to the former hon. Members of Parliament. First of all, we have argued here and we have shown even the payslip of one of them, whose pension is very low. Now, the Assistant Minister wants to close lock them out again. We would like the Assistant Minister to reconsider his decision. The applicable date should be 1984 when the first amendments were effected. The law was supposed to be revised in 1994, but it was not. We should have the applicable date as 1984 so that if any of those former hon. Members want to buy what we are now providing for, he will be free to do it. If he has some money, he should be free to do that. Let us consider the plight of former hon. Members of Parliament.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Chairman, while I wholly support hon. Obwocha's sentiments, but even were we to take 1st July, 1994, as the commencement date, we would realise that it was not the

mistake of those hon. Members of Parliament who were in the Seventh Parliament. It is really our mistake. This Bill has been in the offing for the last six years. It is precisely because of the inefficiency of our Parliamentary programme. The fact that we dare not even sit up to eleven o'clock to pass Bills has resulted in the delay. It would be penny wise and pound foolish to say that the thing comes into effect when the Bill has been passed. The least we can do is to leave it as it is. The best we can do is to endorse hon. Obwocha's proposals.

Mr. Kombo: Mr. Temporary Deputy Chairman, I want to endorse hon. Obwocha's sentiments about having the applicable date as 1984. It is not the fault of the former hon. Members that the amendments were not effected. Our starting point should be at the last time when the amendments were effected. This country has got to start honouring its heroes, people who have done good jobs for the country. If the Assistant Minister goes back and does his arithmetic, he will find that he is worrying for nothing. Probably, there are 30 former hon. Members. There will not be very many former hon. Members. On that basis, if these former hon. Members are willing to fill the gap and pay in, then we should cater for them.

The Assistant Minister for Finance (Mr. Arap-Kirui): Mr. Temporary Deputy Chairman, I know it sounds very nice and I do not know of a better word to use to say that we would like to take care of our friends, that this was a failure by the House and that some of the former hon. Members of Parliament may wish to pay a contribution or a lump sum. This is a scheme for Members of Parliament. In fact, any new changes that come in are meant to affect those hon. Members that are currently sitting. Otherwise, if we were to go back, there would be nothing to stop us from going as far back as 1963. Why not go that far back?

Mr. Kombo: On a point of order, Mr. Temporary Deputy Chairman. We are talking about the Principal Act and the date in that Act is 1984. So, I do not think there is any problem there at all [**Mr. Kombo**] because the Principal Act that we are talking about has a date of 1984.

The Temporary Deputy Chairman (Mr. Musila): Yes, the commencement date was 1st July, 1984, but this is a proposed amendment to that Act.

The Assistant Minister for Finance (Mr. Arap-Kirui): Mr. Temporary Deputy Chairman, I think we are looking at the practicability here of what can be and cannot be done supposing it was legally possible. I am yet to go through all the provisions of this Act to determine its purport. We have got to understand that this is a contributory scheme based on the salaries of the sitting hon. Members. The contribution at the end of the day also is based on the emoluments of the sitting hon. Member. To say that we can have the effect of this Act retroactive is to be unrealistic and to negate the very basic provisions of a pensions scheme, which is for assisting hon. Members who are able to contribute.

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

(Clause 1 agreed to)

The Assistant Minister for Finance (Arap-Kirui): Mr. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Parliamentary Pensions (Amendment) Bill and its approval thereof, with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT, CONSIDERATION OF REPORT AND THIRD READING

PARLIAMENTARY PENSIONS (AMENDMENT) BILL

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, I beg to report that the Committee of the whole House has considered the Parliamentary Pensions (Amendment) Bill, and approved the same with amendments.

The Assistant Minister for Finance (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Information, Transport and Communications (Mr. Mudavadi) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Finance (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Parliamentary Pensions (Amendment) Bill be now read the Third Time.

The Minister for Information, Transport and Communications (Mr. Mudavadi) seconded.

(Question proposed)

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I wish to thank the hon. Members for supporting the amendments that I proposed. Secondly, I would like the Assistant Minister to go back to the Principal Act; there are certain issues that are in the Principal Act which he should harmonise. For example, Section 22 of the Principal Act says that this Act should be reviewed after every ten years at the direction of the President. He should review this Act to come down to five years to cover one Parliamentary term, and provide for the review to be undertaken at the direction of the proposed Parliamentary Service Commission.

We would like the Minister to consider bringing a miscellaneous amendment to the Principal Act.

Thank you.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I also rise to enjoin my sentiments to the importance of this Bill as amended. I would like to encourage the Assistant Minister that, he should not be downcast because his proposals were turned down by the House. That is the hazards of his trade. I think it is important to note that the old instance of giving Members of Parliament a good pension is so that they could continue, after being in Parliament, to serve the public in honorary capacities. Generally, a Member of Parliament, after being in this House, finds it reasonably difficult to be employed in other sectors, because of having been a public servant in a very public place called Parliament. He should have a pension that encourages him to be the chairman of the Girl Guide Association; the patron of the Kenya Boy Scouts Association and things like those, which really give him honour, rather than money.

So, the Assistant Minister should understand that, this is the spirit of this Bill. I do hope that he will look into their coffers and ensure that the Bill is honoured as passed by this House.

With those few remarks, I beg to support.

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, I also would like to tell the Assistant Minister that, he should take what the House has passed in good faith, and ensure that the coffers are not empty. This is because he was worried about the Vote being bankrupt within a short time. He should ensure that it goes on because some of the amendments will encourage the younger generation to come to Parliament. That is very important as we go into the next millennium. It will be good for the young people to be encouraged to be Members of Parliament. Thank you.

(Question put and agreed to)

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

BILLS

Second Reading

THE MEDICAL LABORATORY TECHNICIANS AND TECHNOLOGISTS BILL

(The Minister for Medical Services on 16.11.99)

(Resumption of Debate interrupted on 23.11.99)

The Temporary Deputy Speaker (Mr. Poghiso): Who was on the Floor? It was time for the Minister to reply. Proceed, Dr. Anangwe!

The Minister for Medical Services (Dr. Anangwe): Mr. Temporary Deputy Speaker, Sir, I beg to reply on the debate on the Medical Laboratory Technicians and Technologists Bill, under the Second Reading. Let me begin by thanking all those who made their contributions during the debate. Specifically, let me mention Prof. Ogeri, my colleague in the Ministry, hon. N.M. Nyagah, the Shadow Minister for Health and Dr. Kulundu, the Chairman of the Departmental Committee on Health, Labour, Housing and Social Welfare. May I also mention hon. Muchilwa, Dr. Wamukoya and hon. Kibicho.

Mr. Temporary Deputy Speaker, Sir, a total of seven Members spoke on this Motion. Out of those, six supported the Bill, subject to some amendments, which I shall bring at the Committee Stage. Given this scenario, it is fair to conclude that this Bill is non-controversial. The majority of the Members did not see it fit to take issues with it.

QUORUM

Prof. Anyang'-Nyong'o: On a point of order, Mr. Temporary Deputy Speaker, Sir. Much as I appreciate the Minister's reply to this very important Bill, I would like to draw the attention of the Chair that we need a quorum in this House. The Minister's important reply should receive due attention of the House.

The Temporary Deputy Speaker (Mr. Poghiso): The hon. Member has brought to our attention that there is no quorum. The Division Bell should be rung.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Members! I think we now have a quorum. Dr. Anangwe, continue.

The Minister for Medical Services (Dr. Anangwe): Mr. Temporary Deputy Speaker, Sir, now that we have a quorum, let me continue.

Majority of the Members did not see it fit to take issue with this particular Bill. Let me thank all those who opted not to raise issues thereby facilitating a quick conclusion to the debate on this Bill. For the benefit of those hon. Members who may not have been in the House when this Bill was being debated, I wish to reiterate that before this House is an important Bill, relating to a group of professionals, numbering about 6,000. For those people who may not know this particular group, we are referring to health professionals whose job entails examining and analyzing biological or human specimens for the purposes of identifying and determining causes of diseases. Eventually, this assists clinicians in arriving at definite diagnosis of the disease afflicting the patient and its management. Therefore, this is a very critical group that interfaces between the patient and clinical or medical officer. Of course, unless this group performs its role effectively and efficiently, the management of diseases in this country can be a complex matter.

Mr. Temporary Deputy Speaker, Sir, the members of this particular profession provide the following services; preventive and promotive, medical-cum-legal-curative control as well as applied medical research and training. This particular profession is composed of a number of disciplines such as bacteriology, bio-chemistry, transfusion science, histology, virology, immunology, parasitology and medical entomology. There are two categories of these professionals as the title of the Bill suggests; there are technicians and technologists. Of course, technicians are holders of certificates which they get after completing a two-year course in Medical Laboratory Technology at the Kenya Medical Training Institute College or any other recognized institution. Technologists hold diplomas, higher diplomas or degrees in the same field of study which they get after varied periods of study in **[The Minister for Medical Services]** the same institutions or at any other recognized institution. Half of these professionals are employed in Government service while the other half is spread in the private sector, mission institutions and other NGOs. Of course, they are employed in research or diagnostic laboratories. Those who are employed in Public Service are deployed in national, provincial, district, sub-district and health centre laboratories. Others are deployed in specialised departments such as the National Public Health Laboratory Services and the Division of Vector-borne Diseases at national, provincial and district levels where they are engaged in the control of insect-borne diseases such as malaria. Therefore, the role of these professionals in the health-care delivery system is very pivotal in the prompt and effective management of diseases which require accurate laboratory diagnosis. They are also central in the primary health-care system as the Ministry's emphasis on preventive and promotive health-care require accurate laboratory diagnosis of diseases at the community level for ease of their management and control.

Mr. Temporary Deputy Speaker, Sir, therefore, there is a very strong rationale in enacting this Bill. There is need to firstly safeguard and protect the interest of the public. So far, we do not have such an Act but as I have already

stated, this particular group of professionals is privy to very confidential information pertaining to various diseases affecting individuals. Unless we put in place a regulatory framework to protect these people and the information they hold, public interest may be compromised. Secondly, we need a regulatory framework which will vet and regulate standards for the training of Medical Laboratory Technicians and Technologists. So far, some of the institutions that offer training in medical laboratory are credible while others are not. In addition, some Kenyans acquire similar skills abroad but because we do not have a regulatory framework, we are not able to regulate the acquisition of such a skill in order for them to conform to our standards.

Mr. Temporary Deputy Speaker, Sir, let me restate here that I intend to introduce several amendments at the Committee Stage in order to respond to some of the concerns raised during the deliberations with the Departmental Committee on Health, Labour, Housing and Social Welfare, as well as other stakeholders. I wish to reiterate that these amendments were agreed upon through a consensus after a careful examination of the issues which the various clauses in the Bill raised. I hope that hon. Members will readily support these amendments so that we can have a realistic Act that will be easy to administer.

Mr. Temporary Deputy Speaker, Sir, I now turn to some of the concerns raised by hon. Kibicho because he was the only one who opposed this Bill. This, in my view, had been influenced by the response to the Bill by the students from the Kenya Polytechnic amongst others. I wish to reaffirm that it is not the express intention of the Bill to discriminate against any professional in the medical laboratory field, if he or she is qualified. It is also not the intention of the Bill to favour the Kenya Medical Training College students. In fact, let me be categorical by stating that it will be the responsibility of the proposed Board to determine which institutions are qualified and which ones are not; and what remedial measures may be needed to redress the shortcomings. Thus the playing field is level for all institutions engaged in training of technicians in medical laboratories. In fact, all will be qualified unless and until the Board says otherwise and in the latter case, a satisfactory explanation will be given. In short, no institution needs to worry about this Bill, and indeed Clause 5 (c) states:

"The Kenya Medical Laboratory Technicians and Technologists Board shall approve institutions for the training of laboratory technicians and technologists".

The issue of the term "college" in the Bill to signify the Kenya Medical Training College is not intended to preclude other training institutions in the medical laboratories. It is a standard practice in law to make one institution as a reference point and in the case of this particular Bill, the institution in question is the Kenya Medical Training College. However, the Bill is also very explicit that other similar institutions approved by the Board may also train medical laboratory technicians and technologists. Indeed, the Bill states:

"That approved training institutions means the Kenya Medical Training College or such other institutions as the board may approve for the purposes of this Act".

Regarding the need for the Bill to be explicit on certain minimum qualifications for registration as suggested by hon. Kibicho, this would be pre-empting the work of the proposed Board as stated in Clause 5 (b). In other words, it is a responsibility of the Board to consider and approve the qualifications of laboratory technicians and technologists for the purposes of registration. The requisite qualifications are bound to change in years to come and as the profession develops in a complex way. Therefore, it would not be appropriate to make such a qualification in a statute Act of this nature which is made by Parliament.

With these remarks, I beg to move.

(Question put and agreed to)

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

Second Reading

THE BUKURA AGRICULTURAL COLLEGE BILL

(The Minister for Agriculture on 23.11.99)

(Resumption of Debate interrupted on 23.11.99)

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Affey was contributing.

The Assistant Minister for Local Government (Mr. Affey): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this very important Bill. The main intention of the Minister to upgrade

Bukura College to be able to provide diploma certificates is very important and I do support it. At the moment, there is a vacuum in as far as the provision of this particular course is concerned because we used to have Egerton College which used to provide this particular course and Jomo Kenyatta College. These two institutions have since been upgraded to university status. So, there is currently a vacuum in as far as the provision of diploma certificates is concerned and I find it very important that this institution is upgraded.

Mr. Temporary Deputy Speaker, Sir, if we pass the Bill which we shall do in a short while, we would like to request the Minister to provide the necessary facilities that will make this provision relevant. That is the facilities in as far as the books and the physical facilities are concerned so that at least it can be able to now show the level of a diploma awarding institute.

Mr. Temporary Deputy Speaker, Sir, the other very important thing I would like to say about this Bill is that if we establish it, I would like to request the Minister to establish many more institutions in North-Eastern Province. This is because livestock is the backbone of the economy of the people in North-Eastern Province, but we do not have institutions that train our people. In fact, the only one institution in the whole province is the teachers training college in Garissa. We would like to request the Minister to establish many more institutions that will cater for livestock training in the North Eastern Province and ASAL regions in general.

With those few remarks, I beg to support.

Prof. Anyang'-Nyong'o: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to speak on this Bill. I would like to caution Members who want to railroad this Bill through Parliament to desist from such uncharacteristic Parliamentary behaviour.

The Vice-President (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to cast aspersions on his own fellow Members because that is totally unparliamentary?

The Temporary Deputy Speaker (Mr. Poghiso): Prof. Anyang'-Nyong'o, you understand the Standing Orders.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I was making a factual observation.

The Temporary Deputy Speaker (Mr. Poghiso): Leave that to the Chair and proceed.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I said that because I was being ambushed by people who want to railroad this Bill through the House and that was a fact. It was not unparliamentary. It is just a scientific observation which the hon. Mathematician---

The Vice-President (Prof. Saitoti): On a point of order Mr. Temporary Deputy Speaker, Sir. Can the hon. Member substantiate his own statement and name the Members who ambushed him? In any case, we do have Standing Orders which state that if one wants to cast aspersions on an hon. Member, he brings a Substantive Motion here. You cannot do that!

The Temporary Deputy Speaker (Mr. Poghiso): Prof. Nyong'o, I would say you are wrong.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, but I did not mention any Member by name. I said: "Those who". This was a speculative statement and so I cannot substantiate. It is factually impossible.

Mr. Temporary Deputy Speaker, Sir, the Bukura Agricultural College Bill, is extremely important. First, it is important because it is upgrading this College to issue diplomas in agriculture. This is important mainly because agriculture is the mainstay of this country's economy. However, the Bill is also important because we must go beyond just training extension workers to training those who do research in agriculture. I agree with the hon. Member who just spoke that agricultural research cannot be confined only to high potential areas; agricultural research must be extended to those areas which also need research. In this regard, if you go to the University of Nairobi Kibwezi Research Station, you will see how by intensifying research in dry areas, you can in actual fact turn those dry areas to potential agricultural productive areas.

What we need in agricultural research and in such colleges and in training people who are awarded diplomas, is to realise that we need value addition in agriculture. In this regard, the former Minister for Agriculture, hon. Mudavadi, and the former Minister for Planning, hon. Prof. Saitoti, should listen to this because what will make a difference and what perhaps they did not pursue when they were Ministers in those respective Ministries was emphasis on value addition in agriculture. If you visit Naivasha today, you will find that horticultural exports to Europe have been upgraded to the level of having value addition. We can now export horticulture from Kenya already packaged which goes straight into supermarkets in Europe, thereby cutting out all kinds of middle persons in our economic relationship with the European Union markets. This means that Kenya earns per unit of exports much higher values in terms of money than if we were to continue export horticulture as a raw material to Europe.

Mr. Temporary Deputy Speaker, Sir, if we extended this to our other agricultural products like tea, coffee, maize etcetera and began emphasising exports based on value addition, you will realise that this kind of activity will be taught right from colleges like Bukura Agricultural College. Whereby, in actual fact, people will be given diplomas on

value addition in agriculture as a specialised field, so that, if somebody in Pan-African Vegetables hires a graduate from Bukura Agricultural College to go and work there, and that particular graduate is a specialist in value addition in horticulture, that graduate will know that, if you are going to have flowers that are destined to be packaged for export, these are the kind of inputs you need in order to get this kind of quality of flowers, which will be packaged and whose shelf-life will be for so many days or months.

Mr. Temporary Deputy Speaker, Sir, it is this kind of technology in agriculture where countries like Israel, which are pure deserts, begin beating countries like Kenya, which have higher agricultural potential in terms of exports. Kenyans begin wondering why we are buying oranges from Israel in our supermarkets whereas, just by travelling to Kibwezi, we could be exporting the same oranges to the European Union. Or, we could be exporting the same oranges to COMESA. This is because in our agricultural practice, we have not really paid attention to one important factor of linking agriculture with industry; that is value addition.

Mr. Temporary Deputy Speaker, Sir, I would also like to say another thing. Precisely because the commercial agriculture in this country was, from colonial times, dominated by tea and coffee; we have tended to emphasise research on tea and coffee rather than research on other agricultural produce. I know that we have the Sugar Research Station at Kibos; we used to have a Potato Research Station in Limuru but that Potato Research Station is now almost non-existent. This is very dangerous because potato as a tuber is an extremely important source of carbohydrates. Potato as a tuber can actually be processed into sugar. Otherwise, the French today would not be exporting sugar made from beetroot.

Mr. Temporary Deputy Speaker, Sir, if we are thinking of having self-sufficiency in food and we are not carrying out agricultural activities like potato production, when we know that potato can be produced in large quantities in North-Eastern Province under irrigation--- North-Eastern Province could be one of the biggest exporters of potatoes to the COMESA region. I find it extremely disheartening that we ran-down our potato research station in Limuru and we seem to be sitting pretty, not realising that this was a disaster. I further find it extremely disheartening that the Sugar Research Station in Kibos has never gone beyond doing research on the improvement of this or that species of sugar cane that has been grown in that area for so long. While we can think of doing research on sugar in terms of yield, productivity, less reliance on rain and reliance on irrigation in those areas where we can grow sugar--- While we cannot think of altering the culture of growing sugar, given the spaces in between the rows and going further and realising that the African peasant farmer performs better in terms of mixing farming and intercropping sugar cane with something else---

Mr. Temporary Deputy Speaker, Sir, for example, in Cote D'Ivoire, when they realised that mixed farming leads to better agricultural produce by the farmers, they started practising the art of intercropping palm oil with other crops. For instance, they intercropped palm oil with vegetables, cassava *etcetera*, so that, as the farmer cultivates, he is not just producing palm oil for export, but he will also be producing the food crop that is needed to feed the family.

Mr. Temporary Deputy Speaker, Sir, this also leads to another factor that, once you are intercropping with food crops, the farmer is also able to pay lower wages because there will be share-cropping with the workers. Share-cropping is not just a creature of feudal farming, it can be a creature of capitalist farming provided that, the share-crop is calculated on the basis of living wages. This is something that Cote D'Ivoire has used very effectively in making sure that farmers have access to migrant labour, without necessarily paying wages that are too low for the effective living wages of the farmer; by letting the worker take away the food crop, that is intercropped with palm oil; a commercial crop.

Mr. Temporary Deputy Speaker, Sir, I am saying that these are the kind of things that the Bukura Agricultural College will do, for example. As the Minister for Agriculture and Rural Development has said quite clearly, we realise that this College should be updated, not just in terms of awarding diplomas, but be upgraded in terms of the content of that diploma. The content of that diploma in terms of agriculture, must be the scientific knowledge that the student who graduated from an institution like Bukura College has. So, I am trying to say that, one of the things that the College should do, as we upgrade it, is to examine the syllabi in the College so that, that diploma has a content. One of the major contents of that diploma that I would like to see, is agricultural technology as an important component of learning in a College like Bukura Agricultural College. This, is because I do envisage that, the majority of the diploma holders from this College will do what is currently done by agricultural officers who are not very well-trained in extension work. This is the time, more than ever before, that the Ministry of Agriculture and Rural Development should lay emphasis on extension work. I am particularly critical of our blind faith in a new liberal ideology that seems to be pervasive in the world today that, the State should not involve itself in an effective way in economic development. I am not saying that the State should turn itself into an entrepreneur in economic development, but it must involve itself, not just being a regulator of certain relations within the economy, but the State must be a provider of certain essential inputs that can uplift an underdeveloped agricultural system to an industrialised agricultural system. This cannot be done in a society like ours without the State being involved effectively in extension work and extension

work which is done by people who are properly trained in agricultural technology; sociology and people who are patriotic and committed to their work and who are properly remunerated by the same Government.

Mr. Temporary Deputy Speaker, Sir, the importance of research was emphasised only yesterday when there was a graduation ceremony at the University of Nairobi; when the Vice-Chancellor, Prof. Gichaga and the Chairman of the University Council, Prof. Wasau, informed Kenyans that, the University of Nairobi researchers and their counterparts in American and British Universities have discovered a vaccine that can deal with the killer-disease; HIV/AIDS. This is a research that has been going on almost for the last 15 years. These people have been working quietly, they are unsung heroes in our nation; they have not been given much recognition, but because of their commitment to scientific pursuit, they may form that very important link in our search for good health; that is a vaccine for HIV/AIDS. This is something that is not going to be produced by a few people who have been high-flying, calling themselves leaders or savers of the nation or heroes of the nation *etcetera*. This is done by scientists working quietly without seeking publicity and ensuring that, that knowledge is translated into a product that helps mankind.

Mr. Temporary Deputy Speaker, Sir, we in this nation must learn to respect knowledge and research. We must learn to give institutions proper facilities and space for those who seek to advance knowledge, in the universities and our research institutions and those who seek to do socio-economic scientific inquiries into problems and issues which the layman takes for granted; which the politician may talk about but know very little about and which leaders may take credit for but do very little for.

Mr. Temporary Deputy Speaker, Sir, I am appealing that when we pass Bills like this one, which have to do with the production of knowledge, we should give them due attention and we pay them sufficient discourse so that in the annals of the history of the National Assembly, this Parliament will have been seen to take as seriously the Bukura Agricultural College Bill, as it takes the Parliamentary Pensions (Amendment) Bill, on the same day; in the year of our Lord, 1999.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Time up, Prof. Anyang'-Nyong'o! Hon. Members, it is now time for us to interrupt the business of the House. The House, therefore, stands adjourned until tomorrow, Wednesday, 1st December, 1999, at 9.00 a.m.

The House rose at 6.30 p.m.