

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 3rd July, 1996

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Mr. Ojode: Mr. Speaker, Sir, before I ask this Question, let me take this opportunity to thank His Excellency the President for having visited my constituency. I beg to ask---

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. If you look at the Order Paper, there is Administration of Oath, Communication from the Chair, Petitions, Papers and Notices of Motions. Now, we are on Oral Answers to Questions. Are you allowed, or is anybody allowed, to introduce anything else other than standing up and saying: "Mr. Speaker, Sir, I beg to ask Question number this-and-that?"

Mr. Speaker: Quite right! But at the same time, unless I am told by Mr. Wamalwa that you are among eight hon. Members who should be recognised under Standing Order No.172, you should be addressing the House from the Back Bench.

Proceed, Mr. Ojode! Order! Until I hear from Mr. Wamalwa, can I get everybody addressing the House from the Back Bench?

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. I thought I heard you when you made a ruling this morning, that you will get in touch with Mr. Wamalwa to furnish you with the names of hon. Members who should sit on the Front Bench. Has hon. Wamalwa given you the names?

Mr. Speaker: Order! I said until this afternoon, but maybe he probably requires time to sort out his own problem to get eight hon. Members of his people to be on the Front Bench. So, I will allow Mr. Wamalwa time for today, and to be most generous, by Tuesday, I will have your list and everybody else who is not listed by Mr. Wamalwa must sit on the Back Bench.

Mr. Wamalwa: Mr. Speaker, Sir, in spite of the provisions of the Standing Orders, I have found it difficult, indeed, irrational, that there is a Shadow Cabinet of 20 Members and I have to chose only eight hon. Members from those to sit on the Front Bench and the others to sit on the Back Bench. If the worst comes to the worst, we will all opt to sit on the Back Bench.

(Applause)

Mr. Speaker: Very well. If there is one person who does not find it difficult to comply and enforce the Standing Orders, it is the Speaker. The Speaker will enforce the Standing Orders as they are from time to time and it will not worry the Chair one bit whether any hon. Member or a section of hon. Members will find it difficult to comply with the Standing Orders.

It is my duty to ensure that they are, indeed, complied with.

(All Opposition Members moved from the Front Bench to the Back Bench)

Mr. Speaker: Let us move on to Mr. Ojode's Question.

Question No.465

SEARCHING OF PRIVATE HOUSE BY POLICE

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

- (a) why the administration policemen stationed at both Ndhiwa and Nyarongi divisions are searching private houses in various sub-locations within Ndhiwa Constituency without search warrants from the Magistrate;
- (b) if he is aware that suspects arrested by the same officers are being chained by the neck at Ndhiwa Police Station; and,
- (c) what specific duties of administration policemen, in particular in these two divisions are.

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

(a) Administration policemen have powers to enter any premises and conduct a search in accordance with Section 10 of the Administration Police Act, Cap.85 of the Laws of Kenya.

(b) No, I am not aware.

(c) The duties of all administration policemen are clearly spelt out in section 8 of the Administration Police Act.

Mr. Ojode: Mr. Speaker, Sir, the answer given by the Assistant Minister is a very bad one. He knows very well that the administration policemen are invading homes asking for bribes and he is now telling me that he does not know what is happening in Ndhiwa. I am asking the Assistant Minister to tell this House what specific duties these administration policemen are supposed to do. The reason why I am saying so is that administration Policemen are supposed to walk with administration fellows; that is the chief, assistant chief or an elder. All these APs, both in Nyarongi and Ndhiwa divisions, invade private homes in search of *chang'aa*, and, consequently, for bribes. Could the Assistant Minister come up with a good answer? I do not want this shallow answer!

Mr. Awori: Mr. Speaker, Sir, the hon. Member does not have to like the answer I have to give, provided it is the correct answer.

Mr. Wamae: Mr. Speaker, Sir, would the hon. Assistant Minister tell this House why there have been so many complaints against the administration policemen (APs) from each corner of the country? Are they properly trained and disciplined?

Mr. Awori: Mr. Speaker, Sir, wherever and whenever there are complaints from any part of the country and substantive evidence is given against police officers, action is taken. Further, we are constituting training for the APs so that they can improve in their conduct of safeguarding the security of wananchi.

Mr. Achieng Oneko: Mr. Speaker, Sir, the Assistant Minister is fond of defending his Ministry and more particularly, the APs, who bother *raia* in different places in Kenya. I would like the Assistant Minister to say here and now that since we have complained severally, he will he take action and investigate this particular fact that he has been given.

Mr. Awori: Definitely, Mr. Speaker, Sir, I can assure the hon. Member that every time a question comes in here, although I get the answer, nevertheless, we continue to investigate and we will investigate and get to the truth of the matter and the necessary action will be taken.

Mr. Ojode: Mr. Speaker, Sir, I cannot afford to sit in this House---

Mr. Anyona: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to tell the House that these officers are acting lawfully when they search people's houses without search warrants? In fact, as far as we know, these APs are looking for an excuse to terrorise people and claim to be looking for *busaa*. Yet under Section 25 of the Traditional Liquor Act, the provision is that you cannot have an officer who does not have a warrant from a magistrate to search anybody's home. Secondly, that officer must be of a certain rank, and yet these are just mere APs terrorising wananchi. Is he in order?

(Applause)

Mr. Awori: Mr. Speaker, Sir, the relevant section reads as follows:-

"If an officer has reasonable cause to believe:

- (a) that anything necessary to the investigation of an alleged offence is in any premises and that the delay caused by obtaining a warrant of arrest to enter and search the premises would be likely to imperil the success of the investigation; or
- (b) that any person in respect of which a warrant of arrest is in force or who is reasonably suspected of being guilty of cognisable offence---

Mr. Speaker: Mr. Awori, I think that is enough.

Mr. Awori: Thank you, Mr. Speaker, Sir.

(Mr. Ojode stood up in his place)

Mr. Speaker: I am sorry, we have given you 15 minutes.

Mr. Ojode: Mr. Speaker, Sir, I am going to be brief.

Mr. Speaker: Unless you are going to be very brief.

Mr. Ojode: Mr. Speaker, Sir, I am going to be very brief.

Mr. Speaker: Very well.

Mr. Ojode: Mr. Speaker, Sir, through your Chair, I cannot afford to sit in this House while my people are being chained by the neck simply because of petty offences. Apart from this nonsensical reply, could the Assistant Minister investigate and come back to this House and tell us what measures he is going to take, so that my people are not illegally taxed, terrorised at night and their women abducted from them?

I cannot afford to sit in this House while the Assistant Minister is sitting and giving me this nonsense as a reply.

Mr. Speaker: I am sorry, Mr. Ojode, you have to withdraw that word "nonsense" as it is unparliamentary.

Mr. Ojode: Mr. Speaker, Sir, I am not going to withdraw it the Assistant Minister is not able to give me a good answer; I am not going to withdraw that word "nonsense".

Mr. Speaker: Mr. Ojode, I am asking you to do that in the interest of the House, not on an individual interest. It is an unacceptable word in this House; it is un-parliamentary. Will you withdraw that word?

Mr. Ojode: Mr. Speaker, Sir, I am sorry I am not going to withdraw.

Mr. Speaker: But you are defying the Chair.

Mr. Ojode: Mr. Speaker, Sir, I am sorry I am not going to withdraw because my people are suffering.

(Applause)

Mr. Speaker: Order, Mr. Ojode! I am not disputing at all that your people are suffering, or that you are not pleased with the answer given to you by the Assistant Minister. The only thing I am saying is that those words cannot be allowed to be used by hon. Members against each other in the House.

Mr. Ojode: Mr. Speaker, Sir, I totally agree with you, but I am not going to withdraw it. Read my lips; I am not going to withdraw because the Assistant Minister is not giving me the correct answer. Let him investigate and confirm to this House that my people are not going to suffer. We are independent.

Mr. Speaker: Mr. Ojode, if I read your lips clearly, I do read that you have defied the Chair, that is all.

An hon. Member: He had better go home!

Mr. Speaker: I have already ordered Mr. Ojode to leave the Chamber.

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

Mr. Speaker: Order! I have already told hon. Ojode, as far as the Chair is concerned, to use the word "nonsensical" against another, in my view, is unparliamentary. I only asked you to withdraw the unparliamentary language and that was an order. I would like to know whether--- You have just told me to read your lips which, by the way, is a term borrowed from elsewhere.

I still would like you, because of the sensitivity of what you are asking, to comply with my order. Failure to do that, it means that I will have to invoke Standing No. 88.

Mr. Ojode: Mr. Speaker, Sir, I know you want to throw me out of the House, but I am confirming that I will stick to what I had said earlier. I am not going to withdraw.

(Applause)

Mr. Speaker: Very well! If you insist that you refuse now to comply with the order given, it means you will have to leave the Chamber under Standing No. 88 for the balance of today.

Mr. Ojode: Fine.

Mr. Speaker: Very well!

Mr. Ojode: Fine, so long as the Ndhiwa people are heard.

Mr. Speaker: Very well.

(Applause)

Mr. Speaker: What is it, Prof. Mzee?

Prof Mzee: Mr. Speaker, Sir, can the Chair---

Mr. Speaker: Order, until hon. Ojode withdraws from the House.

(Mr. Ojode left the Chamber)

What was it, Prof. Mzee?

Prof. Mzee: Mr. Speaker, Sir, I was just seeking the guidance of this House. Can the Chair give us the list of the words considered to be unparliamentary so that we can be careful in the future, because we do not know exactly---In my opinion, 'nonsensical' may not be---

Mr. Speaker: Order! Order, hon. Members! Hon. Prof Mzee is in no doubt raising a sensible issue and I think we should listen to him. In fact, it is not possible for me to give you a list, but I can refer you to a fair guide. You can refer to Erskine May as a guide to what is and what is not parliamentary. You will find those words there. I will also refer hon. Members to good sense and decency as to what the House can decide to be decent and what is not decent. The whole idea of words being declared unparliamentary is to make the House a decent place to debate in, and not to personalise issues. That is the whole idea. It is not something that I am manufacturing.

Now, we will have to move on to Mr. Shikuku's Question.

Dr. Otieno-Kopiyo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! I am sorry.

Mr. Shikuku: Mr. Speaker, Sir, before I ask my Question, I would like to make a slight correction. The sub-location is 'Bubala' and not 'Bubalo' as shown on the Order Paper.

Question No. 303

ARREST OF ERRANT ASSISTANT CHIEF

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

(a) if he will tell the House why an assistant chief of Bubala Sub-location, a Mr. Ben Omurunga, who whipped Mrs. Margaret Namiba Odhiambo of Bubala Sub-location in Butere Constituency on 14th July, 1995, has not been arrested and charged, despite the fact that the matter was reported to the Police by the said lady;

(b) whether he is aware that the said assistant chief is still discharging his duties as an assistant chief in the said sub-location after confirmation that Mrs. Namiba was whipped; and,

(c) what steps he is taking to redress the above issues.

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

(a) The Assistant Chief for Bubala Sub-Location, Mr. Jonson Ben Omurunga, was charged for assaulting Mrs. Margaret Namiba Odhiambo and case No.1571/1/95 is pending before a Kakamega Magistrate's court.

(b) The Assistant Chief was interdicted on 20th November, 1995 vide letter, 510845/5 of the same date, pending the outcome of the case in line with Regulation 23 of the Public Service Commission Act, Cap. 185 of 1985 (Revised) of the Laws of Kenya.

(c) My office will decide on the fate of the Assistant Chief after the court has delivered its ruling on the matter.

Mr. Shikuku: Arising from that reply, where the Assistant Minister has chosen to use the word assault, but in my Question, I am saying this lady was whipped and she passed both urine and faeces into her pants. This is what happened and let hon. Members know what this Government is capable of doing. Is the hon. Assistant Minister satisfied that whipping a 56 year old woman to that extent was justified? The court case that he is referring to was only instituted after I had tabled this Question in the House. Why have they taken so long? If it was an hon. Member, he would have been dealt with immediately just as hon. Icharia was arrested and when I went to sign a bond for him, I was also put in.

Mr. Awori: There were investigations taking place and that is the reason why it took that long.

Mr. Ndicho: We have a lot of problems with assistant chiefs and chiefs in this country. These assistant chiefs are terrorising Kenyans. They are stealing relief food. I have got an Assistant Chief in Munyu

Sub-Location, a Mr. Kimondo Thungu, who was arrested with 12 bags of relief maize and we took him to the police station and was later charged. He was released and he is now discharging his duties as the Assistant Chief of Munyu Sub-Location. Can the Government not take action against such fellows because they are destroying the name of the Government? Why are you letting them loose like this?

Mr. Awori: Every time an assistant chief or a chief commits a crime and it is reported, action is taken. In this case, there is a case in court and if the man is convicted, he is going to lose his job. That is enough punishment.

Dr. Otieno-Kopiyo: Could this Assistant Minister, who is fond of giving answers which do not make sense, tell this House what part of this crime was being investigated for one year? If somebody is whipped, it is a fact. What part of this offence took you one year to investigate? I want to repeat that the answers he gives normally, do not make sense.

Mr. Awori: I am known for my generosity and I will continue to be generous to the hon. Member to satisfy what is inside his heart. It did not take a year to investigate. It took only a few months and action has been taken.

Question No.610

ASSISTANT CHIEF FOR TURA SUB-LOCATION

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

(a) whether he is aware that Tura Sub-location in Nyando Division has remained without an assistant chief for too long; and

(b) if the answer to "a" above is in the affirmative, why has this position not been advertised.

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

(a) Yes, I am, indeed, aware.

(b) The delay in retiring the Assistant Chief in public interest was occasioned by the prolonged consultations between my office and that of the Public Service Commission.

Mr. Karan: The answer given by the Minister is faulty. This assistant chief had already applied for the golden handshake. After that, the DO, the chief and an AP corporal called in the

[**Mr. Karan**]

assistant chiefs house in the morning, arrested him, took his uniform and put him in a cell for one day. After that, the DO appointed an AP corporal to act as an assistant chief of Tura Sub-location and yet he does not come from the area. Can the Assistant Minister tell this House the criteria used by the DO to appoint an AP to act as an assistant chief in an area where he was not born? He is terrorising the residents of this area.

Mr. Awori: I have not got the information about an AP corporal who is terrorising people in the area represented by hon. Karan. Nevertheless, it has been the practice in certain areas to appoint an officer of the law for short periods, to act as an assistant chief while arrangements are being made for the appointment of a substantive chief.

Mr. Obure: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in Order to mislead this House that APs are appointed to act as assistant chiefs when he knows very well that assistant chiefs who are appointed must be local residents of that area? They give bribes to the chiefs and that is why they are appointed. If they cannot give bribes to the chiefs continually, they are relieved of their duties. Is he in order to mislead the House?

Mr. Speaker: That was not a point of order. That was a point of argument. Mr. Karan proceed.

Mr. Karan: The Assistant Minister has just said that it is normal to appoint any officer to enforce law for a short period. He has also said that a period of two years of consultations in order to retire a civil servant is normal. Could he tell this House why it has taken the Government more than two years to consult in order to retire an officer who had applied for golden handshake, unless they are deliberately frustrating this officer? Why was he arrested and put in a cell? Be honest, at least, for once!

Mr. Awori: Indeed, the Opposition Members are having a field day, today, over the Office of the President. I have answered the Question as asked originally, quite satisfactorily and I have no intention of adding any more on it.

Mr. Falana: Mr. Speaker, Sir, the Question asked by hon. Karan is a very valid question and the Assistant Minister has evaded answering it. What is happening in Nyando is a replica of what is happening

everywhere in the country. Nyando is lucky because an AP corporal has been appointed to act. There are so many places where APs who do not know the traditions of the local people are appointed and they act as chiefs for as long as a year or so. Could the Office of the President, through the Assistant Minister, here be very kind to this House and tell us the criteria which is being used to appoint APs to act as chiefs?

Mr. Awori: Mr. Speaker, Sir, the Office of the President has got the powers to appoint anyone to the position within the Provincial Administration.

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

Mr. Speaker: No, let us go to the next Question since we are running out of time. Mr. Njoka Mutani.

Question No. 231

PAYMENTS TO THE INCOME TAX DEPARTMENT

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

(a) whether he was aware that the Income Tax Department did not accept payment of income tax by money order and,

(b) whether he could consider and direct the Income Tax Department to rescind its decision and accept payments by money order, besides bank cheques.

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

(a) Yes, I am aware that the Income Tax Department does not accept payment of income tax by money order.

(b) I cannot direct the Income Tax Department to rescind its decision and accept money orders due to the problem the department experienced in the past in clearing money orders and the resultant delay in the revenue collection and accounting.

Mr. Mutani: Thank you, Mr. Speaker, Sir. Arising from the answer by the Assistant Minister, is he aware that this is a very tedious exercise of lining up in the bank buying banker's draft for taxpayers, me included? Can he not devise other methods other than use of only bank cheques for this exercise?

Mr. Koech: Mr. Speaker, Sir, I know that the hon. Member is very much interested in having some of the projects in his constituency completed and we must get the tax on time so that we can be able to effect what should be done in the Government.

Mr. Maore: Mr. Speaker, Sir, since the Assistant Minister wants to insist on use of banker's cheques when he knows very well that there are some fees that are involved in obtaining the banker's cheques, could he issue a directive that the fee be deducted from the figure that the people send to Income Tax Department?

Mr. Koech: Mr. Speaker, Sir, I do not think that is valid because in any case, if a taxpayer is compiling taxation, he would normally also include his cost which would have been considered in the process. So, that does not arise.

Mr. Mutani: Mr. Speaker, Sir, the Assistant Minister has said that if I want to continue being a Member of Parliament, I should allow income tax to be paid.

I did not say that it should not be paid. Can the Assistant Minister tell this House the difference between a money order and a banker's draft?

Mr. Koech: Mr. Speaker, Sir, if the hon. Member followed very well, I said that we want to avoid delays with the money orders and that is why we prefer banker's drafts and I do not think the hon. member needs some lectures here. He may need some lectures in school.

Mr. Wamalwa: Mr. Speaker, Sir, I would have thought the Assistant Minister's primary interest would have been the payment of income tax and really not how it is paid. Would it not be more valuable for him to get the income tax people to change their accounting system because after all a money order is from one Government arm to the other and it is as good as a bank cheque. Would it not be better for him to get them to change their accounting system so that they can accept money orders so long as the department receives payment?

Mr. Koech: Mr. Speaker, Sir, if I got the hon. Member well, that Question is more or less related to what I was asked before and in that particular case, I feel I have answered that part of the Question.

Mr. Wamalwa: On a point of order, Mr. Speaker, Sir. The Assistant Minister said that the Income Tax Department does not accept money orders because of their accounting system and I am asking him whether he could get the department to expand its accounting system to accommodate money orders also because it is a formal payment?

That is the specific Question.

Mr. Koech: Mr. Speaker, Sir, I did not say it is because of the department, but is because of the delay in getting the money from the money orders rather than ---

Dr. Otieno-Kopiyo: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead this House that the reason for not accepting money orders is due to the delay in receiving this money when he knows fully well that the reason is because the Kenya Posts and Telecommunications Corporation which issues money orders are bankrupt and they cannot meet the payments? So, those money orders actually bounce. Is he in order to mislead us?

Mr. Koech: Mr. Speaker, Sir, we do not need to go to irrelevant issues. I have put my answer very clearly that we do not want any delay in getting the money to the Income Tax Department.

Question No. 604

RELEASE OF MISS THAIRU'S EXAMINATION RESULTS

Mr. Nyanja asked the Minister for Education:-

(a) whether the Minister was aware that Miss Wanjiku Thairu who, sat for the 1994 Kenya Certificate of Secondary Education, Index No. 205315/074, at Moi Girls Kamangu Secondary School, had not been shown her examination results to date because of her inability to pay Kshs. 20,180.00 contrary to the Government directive and,

(b) if the answer to "a" above was in the affirmative, when was the poor girl was going to be shown her results albeit belatedly.

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

It is not true that the headmistress of Moi Girls Kamangu Secondary school has refused to release the Kenya Certificate of Secondary Education (KCSE) results of Miss Mary Wanjiku as claimed by the hon. Member, but I would advise the hon. Member to ask the mother of the girl to go and see the headmistress.

Mr. Nyanja: Mr. Speaker, Sir, I am very disappointed by this absurd, insincere and false reply because it does have any sense. This student saw me around April and I filed this particular Question on the 29th, April this year. That is nearly one and a half years since the girl sat for the exams.

Mr. Speaker, Sir, I do not know what the Assistant Minister wants to tell the nation and the House, because I can have the girl swear an affidavit and I would challenge the Government, and the Assistant Minister himself to prove either through a letter of admission or any signatures that this girl has tried to collect her certificate to no avail. This is a shame because we are ruining the lives of innocent children, especially those from Opposition zones. Up to date, this girl has not seen her results. She has lost the chance to go to the university or any college or to seek any gainful employment.

If what I am saying is not true and I tend to say that what you are telling this House is not the truth, then why do you advise me or the mother to go and see the headmistress? For what business and for what reasons should the headmistress be seen?

Mr. Komora: Mr. Speaker, Sir, I am very happy that the hon. Member has asked this Question because it enables our Government to make on position very clear. While this Government has made it clear that no student will go uneducated because of lack of funds, at the same time there is no free education. Therefore, schools must be financed. Therefore, while we are assisting students to continue with education through bursaries, we are also asking Members of Parliament, leaders and parents to provide funds to supplement the education of poor students.

Mr. Speaker, Sir, the headmistress of this school must be congratulated for enabling this student to go through education despite the fact that the family was not able to pay the money. The parent has failed to go to the school and indicate ways of making sure that the debt is paid.

Prof. Mzee: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead this House because in his reply he told the Member of Parliament to ask the girl's mother to visit the headmistress to go and get her results, but now he is standing up and saying that unless this fee arrears is paid this poor girl will not get her results. He misled this House when he said that the girl's mother should go and get her daughter's results. You are playing with this House!

Mr. Komora: Mr. Speaker, Sir, I am sure that the hon. Professor knows English. What I have said is very clear. The results will be released to the girl, but the parents must go and make arrangement for the payment of the debt.

Mr. Nyanja: Mr. Speaker, Sir, it is very good when you and the hon. Assistant Minister said that the headmistress should be congratulated for allowing this girl to go through the whole four-year education in secondary school.

(Applause)

Do not applause me because I do not know what you are up to. There is no point of even getting degrees, not alone Form Four graduates, as some of them never get anywhere. Even getting all the certificates and honours that you can get, if they would not help you after school, what are they for? Of what importance are they? If this girl has gone through the entire education---

Mr. Speaker: Do not make a speech! Ask your question!

Mr. Nyanja: He is misleading the House. The Government directive is that no Kenyan pupil should be denied the examination results because of her inability to pay the required school fees. That is a Government directive. But here is an Assistant Minister saying that she should not get the results before she clears her fees balances and she is from a very poor family. Of what importance is it because she has wasted one and half years?

Mr. Komora: Mr. Speaker, Sir, my statement does not refute or withdraw the Government directive that no students will be denied their examination results. This student has not been denied her results, but the school shall also not be denied its funds that it has incurred in educating any student. Therefore, the parents, and the leaders in those areas, should make sure that the schools do survive and give service.

Mr. Speaker: Mr. Katana Ndzai.

Question No 612

CRITERIA FOR ADMISSION TO UTALII COLLEGE

Mr. Ndzai asked the Minister for Tourism and Wildlife:-

- (a) what criteria is used by the Utalii College to take its students; and,
- (b) whether he could table a list of names of students admitted by the College between 1992 and 1995.

The Minister for Tourism and Wildlife (Mr. Ngala): Mr. Speaker, Sir, I beg to reply.

(a) The criteria used by Utalii College to admit its students are as follows: One, the position of certain minimum academic requirements as stipulated for each course category. Two, satisfactory performance in the interviews and other tests conducted by the College.

(b) I wish to table the list of names of the students admitted to Kenya Utalii College between 1992 and 1995.

(Mr. Ngala laid the list on the Table)

Mr. Ndzai: How many students does the Kenya Utalii College admit annually?

Mr. Ngala: Mr. Speaker, Sir, the College admits over 300 students every year.

An. hon. Member: Why can you not answer in Kigiriama?

(Laughter)

Mr. Gitau: Mr. Speaker, Sir, this College has had a lot of problems in admitting students and there has been rumours that the admissions officers are bribed to admit students there with Kshs 10,000. I think that is why this Question is perhaps being asked and it is the truth.

Secondly, could the Minister confirm or deny that certain prestigious courses like the chefs or cooks are reserved for particular students from a particular tribe because this is a very prestigious course?

Mr. Ndicho: The tribe that knows how to cook?

Mr. Gitau: Yes.

Mr. Ngala: Mr. Speaker, Sir, I do not agree with the hon. Member. There are no briberies taking place in the College. We are very careful and when we get such information, we do check and so far there is no truth in that information. The other question about the cooking course, I wish to remind this House that there is no course by the name "cooking" or "chefs".

Mr. Wamae: Food production!

Mr. Ngala: Yes, there is a course by the name Food Production, Mr. Speaker, Sir. This course is not reserved for any particular tribe in this country. Any student who qualifies for the Food Production Course is

taken on.

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

Mr. Speaker: Mr. Mumba.

Mr. Nthenge: Mr. Speaker, Sir, I asked the other day about what is happening when a Minister is misinformed by the informer, who is supposed to give him information to tell us, to defend himself because now the Minister is given wrong answers purposely by an officer somewhere?

Mr. Ngala: Mr. Speaker, Sir, I was only responding to what the hon. Member had alleged that there was a rumour that people were being charged Kshs 10,000, and I was denying that. I said that we have checked and there are no such things happening, so I do not understand why hon. Nthenge is shouting about it.

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

Mr. Mumba: In training colleges in this country---

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

Mr. Speaker: Mr. Shikuku, can we hear Mr. Mumba, and then you can ask your point of order.

Mr. Shikuku: Mr. Speaker, Sir, did you hear what the Minister said that he does not know why the hon. Member is shouting? Do we shout here?

An. hon. Member: Yes!

Mr. Speaker: Order! Order, hon. Members! As I said, hon. Members let us be guided by the Standing Orders, decorum, etiquette, respect for each other and gentlemanly behaviour. That way we will make a Parliament. Proceed, Mr. Mumba.

Mr. Mumba: Mr. Speaker, Sir, places offered to Form Four graduates in this country in training is very much biased against the people of the Coast Province, particularly Kilifi District. We have a lot of respect for our Minister for Tourism and Wildlife.

Mr. Speaker: Put up your question.

Mr. Mumba: The question I want to put to him is: In view of the fact that about 70 per cent of tourism industry in this country is in the Coast Province, can he, as the Minister, give favourable bias to those districts, and in particular Kilifi District where he comes from, Lamu, Mombasa, Kwale, Taita Taveta and Tana River Districts so that the in-take in Utalii College relates to the proportion in which those areas contributes to the revenue of this country since the tourism industry is the highest foreign exchange earner? Can the Minister assure this House that the in-take---

Mr. Speaker: Order, Mr. Mumba.

Mr. Mumba: Have I made my point, Mr. Speaker, Sir?

Mr. Speaker: Order, Mr. Mumba. You do not realise that we do not have time and you say that you come from Kilifi as him. I suppose you can press that point on down there, but not here. Would you want to answer, Mr. Minister?

Mr. Ngala: Mr. Speaker, Sir, you do realise it is not very easy to reply to that question. I would like to say that the criteria we are using is the one that is applying to all Kenyans in the country. The only thing that can be done is through the Board of Directors to decide and if they think the criteria used is unfair in certain districts or provinces, they will probably come out with a fair way of doing it. But for the time being I cannot do anything different from what has already been set all these years in terms of admission.

Question No 600

DISCRIMINATION OF GENERAL
PLASTICS LIMITED WORKERS

Mr. Speaker: Very well. Is Mr. Raila Odinga not here?

(Question dropped)

Questions by Private Notice, Mr. George Anyona.

QUESTIONS BY PRIVATE NOTICE

BREAKING UP OF KCC'S GENERAL MEETING

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

In view of the interpretation of "meeting" under Section 2, of the Public Order Act (Cap 56 of the Laws of Kenya), will the Minister tell the House:-

(a) In what circumstances a legally convened Annual General Meeting (AGM) of the Kenya Co-operative Creameries (KCC) was broken by the police and the Provincial Administration at the Eldoret ASK Showground on 14th June, 1996?

(b) Will the Minister assure the House that henceforth the Police and the Provincial Administration will adhere to and comply with Section 2 and other provisions of the Public Order Act regarding such meetings?

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

(a) The Annual General Meeting of the KCC was stopped by the Government for security reasons.

(b) The action of the Government was in the interest of maintaining public order.

Mr. Anyona Mr. Speaker, Sir, earlier on you made a ruling about this particular Assistant Minister, in a matter in which he was involved. Whereas I do not want to challenge that ruling, this Assistant Minister has become an enemy of Kenyans, because our people are suffering and that is why we bring these Questions here. We do not do it for pleasure, and he stands here without any sign of a clear conscience and makes statements that hurt Kenyans when they hear them on the radio. I want to tell the Assistant Minister what the law says;

"Meeting means any gathering or assembly of persons convened or held for any purposes which include any political purpose, but does not include any gathering or assembly convened and held exclusively for the lawful purposes of any public body" - and KCC is a public body. "Any gathering or assembly of members of any registered trade union convened and held exclusively for the lawful purposes of such trade union or any gathering or assembly convened and held exclusively, for social, cultural, charitable, recreational, religious, professional and commercial" - and KCC is commercial. "Or for industrial purposes and the promotion of which any political purpose pursued by or at any such gathering or assembly is directly related and limited."

What we want the Assistant Minister to tell us is: In view of that provision of the law, did this meeting require a permit? Why was the permit given and cancelled? That is what we are told. Did it require a permit; in which case that was contrary to the law?

Mr. Awori: Mr. Speaker, Sir, notwithstanding the explanations and reading of the law, it was deemed necessary to give a permit for the meeting that was scheduled to take place. Having received information that a group opposed to the current directors were intending to disrupt the meeting violently, it was decided to move the meeting.

(Several Members stood up in their places)

Mr. Mwiraria: Mr. Speaker, Sir, the Assistant Minister knows that from the facts of what happened during the meeting, the meeting actually did take place and there was not disruption of security of any sort. Does this not prove to him that all too often the Government is clamping down on meetings for security reasons when there are no security reasons?

Mr. Awori: Mr. Speaker, Sir, it is far much better to take precaution than to regret later that the precautions were not taken.

Mr. Murungi: Mr. Speaker, Sir, it appears as if the Office of the President, the Provincial Administration and the Police do not care to read Section 2 of the Public Order Act which hon. Anyona has read to this House. Could the Assistant Minister read that section and direct all the DCs, DOs and the chiefs that the meetings of registered bodies and social gatherings like pre-weddings, funerals and meetings of such kind do not require any permits from the DCs? Could he assure this House that he will issue a circular to the Provincial Administration not to disrupt social meeting and meetings of registered bodies which do not require licensing?

Mr. Awori: Mr. Speaker, Sir, so long as there are intentions to use social meetings for purposes other than social, our Government will always take precautions.

Mr. Orenge: Mr. Speaker, Sir, there is a procedure under the Public Order Act of stopping public gatherings. Normally, the police do not only know the provision of the Public Order Act, but also the procedure to use in order to stop a public gathering. If there was an invasion of a lawful meeting, why did the police decide of disrupting a lawful meeting instead of stopping the other people who wanted to disrupt this meeting by offering protection to these people who were holding a lawful meeting? Could the Assistant Minister tell this House whether they have arrested anybody who had the intention of disrupting this meeting?

Mr. Awori: Mr. Speaker, Sir, no person has been arrested who had the intention of disrupting the meeting because we had already changed the venue of the meeting.

(Several Members stood up in their places)

Mr. Speaker: Order, hon. Members! I know this is a very topical subject. I still have two Questions. Maybe I can go to the second one.

DROUGHT AND FAMINE IN
NORTH EASTERN PROVINCE

Mr. Shidie: Mr. Speaker, Sir, though I do not have a written answer, nonetheless, I wish to ask Minister of State, Office of President the following Question by Private Notice:

(a) Is the Minister aware that there is severe drought and famine, at the moment, in Garissa, Wajir and Mandera districts of North Eastern Province?

(b) If the answer to "a" is in affirmative, what urgent steps is he taking to avert the loss of lives in the said districts?

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

(a) Yes, I am aware that there is looming but not severe drought and famine at the moment in Garissa, Wajir and Mandera districts of North Eastern Province.

(b) The Government is currently providing famine relief maize to avert the loss of lives in the said districts.

Mr. Shidie: Mr. Speaker, Sir, I am happy that the Assistant Minister has confirmed that there is famine in North Eastern Province. I want to know from him how many metric tones of maize or wheat his Ministry has sent to the province to avert this looming disaster. We as leaders have a moral obligation to make sure that our people do not go hungry, because hunger is a very dangerous thing and it should not be taken lightly. I want to establish from the Assistant Minister how many tones of the said cereals he has offered to these three districts; Garissa, Wajir and Mandera in the North Eastern Province?

Mr. Awori: Mr. Speaker, Sir, during the last six months of this year, the Government provided famine relief maize to the three districts, Garissa, Wajir and Mandera, as shown. Garissa District received 8,500 bags, Wajir District, 4,500 bags and Mandera District 8,500 bags.

Mr. Wamalwa: Mr. Speaker, Sir, while appreciating what the Government is doing for the people in the ASAL regions, is the Assistant Minister aware that there are people in Mathare and various other Metropolis in this country, who are just as worse off as the people in the ASAL regions and the Government is doing nothing for them? Would the Government consider doing something for poor in the urban areas as much as they are doing the ASAL regions.

Mr. Awori: Mr. Speaker, Sir, the poor people in Mathare are suffering from factors which are man-made. At the moment, we are dealing with the ASAL areas where the problem has come out of nature and, therefore, for the moment, the funds we have got cannot be used in Mathare.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to say that problems in urban areas are caused by people themselves and yet there is nobody to employ them?

Mr. Awori: Mr. Speaker, Sir, they do that out of choice. They should go back to the rural areas.

Mr. Falana: Mr. Speaker, Sir, the hon. Assistant Minister has quoted a large number of thousands of bands, but I am sure he will not confirm to this House that these bands have benefited the supposed to be beneficiaries. Mr. Speaker, Sir, you will bear me witness that on many occasions, famine relief food meant for hungry people has always been sold out or misappropriated before it gets to the people. Could he ensure from now henceforth that famine relief food meant for hungry people get to the people and not through the chiefs, DOs or the DCs?

Mr. Awori: Mr. Speaker, Sir, right now the only channel we have of distributing famine relief is through the established Provincial Administration.

Hon. Members: No! No!

Mr. Speaker: I will arbitrate all this. It is time for next Order.

COMMITTEE OF WAYS AND MEANS

(Order for the Committee read)

MOTION

APPROVAL OF TAXATION MEASURES

THAT, the proposals relating to:-

- (a) Customs Tariff
- (b) Excise Duties
- (c) Value Added Tax
- (d) Income Tax
- (e) Miscellaneous Fees and Taxes

contained in the Financial Statement for the year of Account 1996/97 be approved.

(H.E. the President has signified his consent to this Motion)

(The Minister for Finance on 2.7.96)

(Resumption of Debate interrupted on 2.7.96)

Prof. Mzee: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute on this Motion.

The Executive Chairman of the Kenya Ports Authority recently indicated that there is no reason whatsoever why cargo should not be off-loaded from ship directly into the wagon or into a lorry. The Minister for Finance under Customs in the opening paragraph has indicated that from now onwards all documentation will be required ahead of the cargo. Such documents as cargo manifest will be required ahead of cargo being off-loaded. If this is implemented then cargo can be off-loaded from vessels directly into the lorries awaiting or directly into the wagon. I will very much like to support this move that requires that all the documents are cleared before the cargo is off-loaded. If this is implemented then there can be efficiency at the Port of Mombasa.

The current problem at the Port is corruption. From the top level in this country to the bottom, corruption is practised. On a daily basis, containers at the Port of Mombasa are known to leave the Port without paying any duty whatsoever. I cannot see any reason why a container can be sneaked through the Port without paying any duty or meeting any formalities unless there is organized crime at the Port which involves every person who is supposed to check the goods which arrive at the Port. Here I have in mind the Police, Ports Authority, and many other people. There is a conspiracy at the Port to allow this Government to be denied revenue where goods pass through the Port without paying any duty.

I was going to suggest that at the gate of the Port, a camera with sound system be installed and somebody stationed there to watch the movement of the people at the gate. This is very important because all forms of corruption at the Port takes place at the gate. We have private companies like SDS and DV which are performing an important task of conducting free shipment inspection. We should also hire a reputable private company to keep security at the Port and do away with our corrupt policemen, the Kenya Ports Securicor and the Customs people. If we hired a private securicor firm to man our gates then I can assure you that the level of corruption at the Port will go down considerably.

There is too much paper work at the Port. In actual fact, the bureaucracy at the Port and the number of papers people have to fill is so much that it takes somebody more than 21 days to complete the bureaucracies at the Port. The 21 days which have been set aside by the Minister to clear goods is an impossible thing to me.

I was going to suggest that we reduce this paper work. I think we should make all the payments at the Port at one point only instead of people making them at several points. Currently, those payments are made at the Ports Authority, Customs and Long Room. I was going to suggest that all the payments should only be made at one point.

In 1989, there was an attempt at the Port to computerize the Customs section. Sophisticated computers were bought but to date these computers have not been used and they are obsolete because the Customs people failed to buy an important component for the operation of these computers and, therefore, these computers are completely useless. Taxpayer's money has been wasted. We are being told that we should set aside money to computerize the Customs Department. What assurance do we have that they are not going to do the same things of buying equipment and putting them in room for 16 years unused? This is a complete waste of money. Computers

become obsolete in a very short period of time. In five or ten years, you have to change them and now we have these computers locked up in a room and they have been lying there for over 16 years. The Minister requires Import Declaration Forms (IDF) and the Pre-Shipment Tax of 2 per cent to be paid through Kenya Revenue Authority instead of commercial banks.

First of all, there is no good reason which the Minister has put forward, as to why he wants this. I can foresee another queue for payments now. The 2 per cent which was being paid as IDF fees which was previously being paid at commercial banks has been stopped. From 1st of July, 1996, the Minister directed that this payment should be made at the Kenya Revenue Authority. I can clearly see another type of bureaucracy and chasing of forms, making it a very tedious thing to clear things at the port.

I would urge the Minister to go back to the old system, where revenue was collected by the commercial banks. There are many commercial banks where people who want to pay IDF fees. Then the commercial banks can remit the money to the Kenya Revenue Authority with absolutely no delay.

Mr. Speaker, Sir, there is also the fact that certain commodities like sugar, wheat, rice, et cetera are now not allowed into bonded warehouses, and we know the conditions at the port. If these commodities were to be off loaded from the ship and they are left outside, the elements of nature will destroy these things. By putting them in bonded warehouses while the clearing process is taking place, we are protecting these things. I cannot see any reason why sugar, wheat rice et cetera are not being allowed in bonded warehouses. It is not hoarding which is taking place. It is the protection of these foodstuffs in bonded warehouses that is taking place.

Mr. Speaker, Sir, when we come to the question of contraceptives, the number of institutions which are allowed to clear duty-free contraceptives from the port has increased. I would like to have an assurance from the Minister, in view of the fact that a lot of people are talking about condoms being laced with HIV virus, and these have been imported duty free. I want to be assured by the Minister that this is not so, and the condoms are not laced with the AIDS virus. A lot of important people, including Prof. Obel, have claimed that most of the condoms which are being imported to this country are laced with HIV virus. The Minister is now widening the scope of the people who can clear condoms from the port, duty-free. I would like to ask this question: "Is there any need for contraceptives, since the number of people who die in this country outstrips the number of births through HIV virus and lack of drugs in the hospitals? Now we are having more deaths than births. We are going into a negative population growth and yet we are encouraging contraceptives. I would like to know the policy of this country. Does it want the population to be extinct?"

With those few words, I beg to support.

Mr. Nthenge: Thank you very much, Mr. Speaker, Sir. I am a very, very strong tax believer. Since I went into public leadership many years ago, I have never opposed taxation.

However, I do not believe that when we are taxing, we should bother the ordinary poor person. Rich people like us here in this House, and all the other working people who have a reasonable income can be taxed very heavily and I will not mind so long as their money is also well spent. This is because taxation is obeying God's rule to help the others, and to love others as you love yourself. So, we collect money to go and buy drugs for the rich and the poor together for medical treatment.

Mr. Speaker, Sir, I am objecting very strongly to the taxation which is interfering with the very poor people. Things like sugar have become very expensive. Sugar is food, and food is for everybody. It is not a preserve for the rich only. If you talk of a mercedes or a big car, you are talking about something for the rich which is not essential. Let hon. Nthenge who drives a big car pay for his petrol. It is quite alright. But when it comes to taxation, and it is becoming a bother to the very low and ordinary people like the ones I have the honour of representing in Kamukunji Constituency, then it is very wrong.

The tax should be increased only where the ordinary person is not being interfered with. Recently, we increased tax on Kerosene. That is wrong. Who are the people who use it? It is not me or you. It is the ordinary low bracket income person. Why should you tax that person who wants the Government to subsidise his requirements? There are people who want to be given famine relief now. A few minutes ago, I was worried when they were told that they will be on their own. Many people in my own constituency are born here. They are looking for jobs of any kind like sweeping. They do not have shambas and homes, and they belong to this nation. Those are not the people to be taxed, unless they get jobs.

Mr. Speaker, Sir, I am strongly objecting to some methods of taxation. I expect the Minister for Finance to take note of what I am saying, and see what he can do to relieve the ordinary people who go by bus, and those who are in the middle class. If the buses increase their fares, what does that mean? It means that we are taxing those very ordinary people who are already finding it very expensive to exist. They are finding it terribly expensive. A lot of these people cannot afford one good meal a day. What do we want them to do?

Mr. Speaker, Sir, you know that the worst animal when most annoyed is a human being. They can turn

on us. When they turn on us, what do we gain? The best thing will be to look for a taxation method which will not harm the ordinary people, who are represented by most of us here, except in places like Westlands where there are a lot of rich people. Some of us represent very poor people, and you can even find ten people sharing a single room. Where you have poverty, it is poverty. Poverty is poverty when people do not have shelter and enough food to eat.

Mr. Speaker, Sir, I am again saying that, now that we have discovered the medicine for curing AIDS, the Government should tax people who come to be treated. We now have that medicine and people come from overseas and, therefore, we should tax them a little bit, and make a lot of money. Instead, we are now jealous that professor so and so is the one heading this thing. We now say it is not good, and yet he is curing. We know of people who have been cured. We know of people who were dying and now they are reviving.

Dr. Lwali-Oyondi: On a point of order, Mr. Speaker, Sir. The hon. Member who is speaking now, and who is my Vice-Chairman has just said that we have discovered a drug for curing AIDS, and that a few people have been treated and got cured. Could he substantiate that?

Mr. Nthenge: Yes, Mr. Speaker, Sir. Some people like Mr. Mutuku and many others started with the Kenya Medical Research Institute (KEMRI). They have now gone to this other one and they are getting cured. I know of a teacher who was teaching here in Nairobi who was HIV positive. Her daughter who happens to be a medical student insisted that she should go to the Professor, and she went. Now, she is gaining weight. There are very many other cases.

Prof. Mzee: On a point of order, Mr. Speaker, Sir. The statement that has been made from this august House that there is a cure for AIDS, and the hon. Member is trying to name people who have been cured. It is going to have a serious repercussion if the truth is not established in this august House; whether there is a true cure for AIDS or not.

Mr. Speaker: What would you like me to do Prof. Mzee? He was asked by Dr. Lwali-Oyondi to substantiate and he has said that he knows some people who were cured. What would you like me to do? Disprove him?

Mr. Nthenge: Mr. Speaker, Sir, the truth is that, there is no disease that does not kill. We know how to cure malaria, but it kills. We know how to cure pneumonia but it still kills. Any disease kills, and, so, the idea that this person may treat somebody and that person dies. What are the mortuaries for in all the hospitals? They are for the dead and what kills them is known. We are just getting jealous of a Professor who happens to be---

Dr. Lwali-Oyondi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, Dr. Lwali-Oyondi?

Dr. Lwali-Oyondi: Mr. Speaker, Sir, this is a very serious matter in that, so far even the Professor who is purported to have discovered this particular drug has denied that it can cure anybody of AIDS. Is it, therefore, in order for us to try to confirm that we have any drug at all, that can cure AIDS?

Mr. Nthenge: Mr. Speaker, Sir, that one is a very simple one. If you tell me I am not George Nthenge all the time and I do not want to argue with somebody who does not want the truth, what do I tell him? I will tell him" - " Yes I am not". The Professor, for some of us who know psychology--- Some of his colleagues who are most learned are accepting, that he should be encouraged, but those who are jealous are the ones telling him that he cannot cure. Therefore he goes ahead to say, "okay I cannot cure" but the patients are accepting. They are being helped. I have interviewed Mutuku and others. There are those people who have been testing positive and now are testing negative. The disease is not a disease, it is an inability for the blood to resist a disease.

Mr. Mulusya: On a point of order, Mr. Speaker, Sir. This is very serious. The hon. Member has said he has interviewed Mutuku and yet there are so many Mutukus in Ukambani. Can he tell us which Mutuku because he is not just going to generalise that all the Kambas who are called Mutuku have AIDS and they have been cured?

Mr. Speaker: Order! Order! What does "Mutuku" mean?

Mr. Nthenge: It is a name of a person.

Mr. Mulusya: Mr. Speaker, Sir, it is a name of a person.

Mr. Speaker: A Mkamba!

Mr. Mulusya: And there are so many, Mr. Speaker, Sir, there may be some of them sitting in the galleries, they are all going to go home thinking that they are ones the hon. Member was referring to.

Mr. Nthenge: I am talking of people who have been examined and who have been on the radio not denying of having AIDS. Why are they all irritated? Just because one Professor happens to be lucky and he went to do research in KEMRI all this time, and has found a way of helping human beings all over the world? I

am saying he should be allowed to do his work and we sell that medicine quickly and gain some money as a country.

Mr. Kiliku: On a point of order, Mr. Speaker, Sir. This is a very honourable House. Could the Member on the Floor specify which kind of Mutuku he is referring to, otherwise all Mutukus will be divorced. "Mutuku" means---

Mr. Nthenge: Maria!

Mr. Kiliku: "Mutuku" means somebody who was born at night. That is the meaning in Kikamba and they are---

Mr. Nthenge: It is John Maria.

Mr. Speaker: Order! Order! I do not think AIDS has any tribal bias and neither do I think it is localised to any particular area or region or ethnic group. But in my view it is much worse to give the detail than generalise, Mutuku, Kamau, Njoroge, Otieno or Onyango, just a name. It may be fictitious.

Mr. Nthenge: I said Maria. He is called John Mary Mutuku and he has been on the radio advising people who were positive like him because he is a very daring gentleman. Some of them have gone on air and talked and they are the ones I am talking of. It is not a secret, but people are jealous of this Professor. Only God cures, he cannot cure.

With those few remarks, I beg to support.

Mr. Speaker: Dr. Otieno-Kopiyo!

Dr. Otieno-Kopiyo: Thank you, very much, Mr. Speaker, Sir, for giving me the opportunity to make a few remarks on this Motion. I said before that some of the considerations contained in this Motion were not well thought out. The main purpose of any legislation, particularly legislation relating to taxation, should be for the benefit and relief of the taxpayer not to become a burden on the taxpayer.

One of the areas that concern me, are the rates that are applied in relation to vehicle importation. These rates and the various penalties, the IDF fees, the inspection fees, and the dumping fees that have to be paid, make the importation of motor-vehicles prohibitive to the ordinary Kenyan. Yet, it is important that people travel across the country to conduct their businesses, to carry out commercial ventures and to move goods from one point to another. If the cost of transportation is prohibitive, then the economy becomes sluggish because the movement of goods is delayed and hence delays in the conclusion of transactions and receipt of money that is to be re-invested by whoever is moving the goods from one point to another. So, these rates need to be revised downwards and the many penalties that are imposed make Kenya look like a communist country. There is a lot of taxation that prohibits the free flow of goods and it should be done away with so that the Kenyan economy becomes an economy which is attractive and makes it possible for people to do business and invest money here in Kenya. That would create more jobs. There is a notion that when you over-tax you raise money, but actually what you raise is minimal compared to what you could actually achieve if you lowered the taxation and brought in more money so that business is done cheaply. That would be a faster way.

The second point that I want to consider, Mr. Speaker, Sir, is the whole question of indigenous enterprise in Kenya. Of all the 82 countries that I have been to, this is the only country where I have seen business people; genuine entrepreneurs being chased around the town like thieves. I have seen market women with their tomatoes, onions and so on being chased around like thieves in their own country. This is abominable, it is unacceptable and it is almost pre-colonial. The by-laws that prevent people who have a little money to put it somewhere and create self-employment and, maybe, some other employment for one or two people should be done away with forthwith. The Minister did not attend at all to this particular aspect, yet the Government says they are anxious to create more employment in the market place. I think, that should be done away with.

Mr. Speaker, Sir, the third aspect the Minister should consider, is the means and ways of providing legislation that will discourage corruption. We are quite concerned that the National Social Security Fund is provided for in the Budget to be privatised. We are quite concerned because as I speak to you today, there are almost 12 companies run by one top Asian who presides over a mafia gang in this town operating from Prudential House. This is a man called Mukesh Gohil, together with another Ajay Shah, and another Praful Shah at the behest of one Gideon Moi. These people have ripped off the NSSF of over Kshs11 billion. Yet the Minister comes here and says: "Now we want to privatise it. We want this matter to be closed". This is money belonging to people who are waiting for a rainy day to retire. I will lay these documents on the Table, because I am not fond of making allegations which are not proven. These gentlemen should be prosecuted forthwith.

Mr. Speaker, Sir, one problem with this Mr. Mukesh Gohil is that he is even a British citizen: He is not a Kenyan. He holds a British passport, but comes here to rip off old tax payers who put a little money in the National Social Security Fund (NSSF). A solution must be found to this problem. But that solution is not in

privatising the NSSF. You remember what happened to the Kenya Airways. The tax payer is up to now paying Kshs1.6 billion back to banks in Europe. Yet at the same time, the tax payer is being asked by the Kenya Airways to put money in Kenya Airways. So, the net effect of this activity is that the tax payer is paying for Kenya Airways twice.

This kind of practice should stop. We saw it in the Milling Corporation of Kenya and the Kenya National Trading Corporation. Why and when is the Government going to take action on corruption? More particularly, when is it going to arrest these specific individuals? There is evidence here. There is evidence in the Public Investment and Public Accounts committees reports of past years, yet nothing happens. We speak here everyday and people laugh at us and say: "Parliament is a talking class". When we pass resolutions here, the Government does not want to act on them! We should not fail to act because of one Mukesh Gohil, who is an Indian.

African politicians who are sitting here should learn to do business by themselves. Kenyans are tired of Ministers being used as courier agents for Asians! Ministers are Kenyans and if they have minds, they should learn to do some business, instead of acting as couriers for promoting documents from one Government to another one.

Dr. Lwali-Oyondi: On a point of order, Mr. Speaker, Sir. The hon. Member has just said that Kenyan Ministers are used as courier agents for Asians. Can he substantiate that?

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, the hon. Member is not aware of the Standing Order that requires me to bring a substantive Motion in order to name a specific Minister.

Mr. Speaker: You better not do it. He is provoking you to breach the Standing Orders.

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, I will not do that for the time being. I have named Messrs Kuldip Chawla, Ajay Shah, Prabhu(?), Chandaria and Mukesh Gohil, who work for Mr. Gideon Moi. I will not name a Minister because doing that is out of order. But why do these Ministers here not devise a method for making money, which is honourable and profitable? Why are they acting as if they want to leave this country tomorrow, and want to earn whatever they have to earn very quickly? How many beds do they sleep on, in a night? How much money do you need to live? It has become a shame to be Kenyan! The Asians are growing fatter and fatter, while our people are starving on the streets. It is such a sad testimony of our Independence, that more than 30 years later, we still have two million people on the streets!

Mr. Speaker: Hon. Otieno-Kopiyo, did you want to table those documents?

Dr. Otieno-Kopiyo: Yes, Mr. Speaker, Sir. But I am prevented from using the Dispatch Box. So, how can I table them?

Mr. Speaker: Nobody refused you to table documents.

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, I will bring them to the Table now, and speak from there.

Mr. Speaker: Hon. Otieno-Kopiyo, are you one of the eight shadow Ministers?

Dr. Otieno-Kopiyo: Yes, I am.

Mr. Speaker: Yes, if you are one of them you can proceed.

(Hon. Otieno-Kopiyo laid the documents on the Table)

QUORUM

Mr. Moiben: On a point of order, Mr. Speaker, Sir. I think we have no quorum in the House.

Mr. Speaker: Well, I understand we have no quorum in the House. Please ring the Division Bell.

(The Division Bell was rung)

(Hon. Ligale walked across the Floor to the Opposition side)

Order! We have a quorum now. Continue, Dr. Otieno-Kopiyo.

Mr. Mulusya: On a point of order, Mr. Speaker, Sir. When you were seated there, you saw hon. Ligale walk across the Floor in total disregard of the fact that you were on the Chair. Is that in order?

Mr. Speaker: As long as the mace is on the Table, hon. Members must follow the rules.

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, I was talking on the subject of the Ministry of Finance providing a mechanism for rewarding Ministers in such a way that, they are not tempted to engage in the business of being

couriers for Asian businessmen. That practice must come to an end. The sooner this happens the better for the country.

The other aspect of the Financial Statement that I have a quarrel with is this: If this country wants to promote agriculture, and if Kenya is, indeed, an agricultural country, why are we always importing maize, sugar and all other commodities from Uganda, South Africa, Pakistan and elsewhere? Why are Ministers, the main importers of sugar, maize and such---

Mr. Speaker: Order, hon. Otieno-Kopiyo! Are the documents you purported to lay on the Table a few minutes ago any different from the ones that were laid on the Table last week by the hon. Member for Kikuyu? I am told from the Table that actually, they are the same kind of documents. Are they anything different?

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, I am not privy to what another hon. Member did. I am making my contribution as the elected Member of Parliament for Kasipul/Kabondo on a Ford-Kenya ticket. These documents come from Newman Investments Limited and are written to Mr. Chawla and Company Advocates.

Mr. Speaker: Order! I will address myself to that subsequently. Your time is over!

Mr. Mulusya: Mr. Speaker, Sir, what we are witnessing in the taxation system which has been adopted in this country by this Government is that where Kenyans find a greener area where they can make some money, an area which has not been overcrowded by the Asian community and other foreigners, that is the area where this Government is running to start imposing taxes. Those areas where the "big person" enjoys getting a lot of money, big profits and so on, this Government is ignoring that. We find that where they find the common man is able to make money like it was mentioned in this House yesterday, wheelbarrows, mitumbas and so on, they conspire to waive duty or to lower duty rates so that particular people may drive away the common man from that market. This is what is happening to Jua Kali Sector, mitumba business and so on. It is the sons of the very "big" people in this country who are in that business. Our Kenyans, "small" people are only being used as peddlers in the Jua Kali to sell those mitumbas. They are not going to be able to make wheelbarrows in their Jua Kali areas.

Mr. Speaker, Sir, ox-ploughs are being imported in very big numbers while we can be able to make them here. Why is this so? Why lower duty on ox-ploughs instead of imposing very high duty so that our locally produced material can benefit our local artisans?

There is a lot of duty which is being paid on imported motor vehicles, new and used motor vehicles. But the Registrar of Motor Vehicles is not doing anything to register new vehicles which are lawfully imported into this country and where duty has been paid. There is a big backlog. People have bought motor vehicles, dealers have sold them, they have collected money from public and yet they cannot have those vehicles registered by the Registrar of Motor Vehicles. What they are doing is to try to get a new way of getting bribes, unless, you walk to Nyayo House, see the Registrar of Motor Vehicles you cannot have your log book for the car you have imported. This is very bad, and it is costing some companies a lot of money. They are losing money in terms of overdrafts to banks because they cannot be able to pay for vehicles they have imported and which they have sold. The Minister in charge of transport and communications must issue a statement here as to why the Registrar of Motor Vehicles is sitting on the registration of the new vehicles. We know the loopholes where they were trying to evade tax have been closed, but why is there now a problem at Nyayo House?

We are witnessing on "artificial shortage" of sugar. This country has enough sugar to be able to feed the market, but because the "big man" who was importing sugar from outside has been curtailed because of the duty which has been imposed, they have now run to all sugar companies in Wester Province and they are buying sugar in bulk, exporting some to Uganda, Tanzania and putting some in go-downs to create "artificial shortage." This is economic sabotage and it is being done by the "big" people, sons of the "big people", Ministers and people in KANU because you cannot buy sugar from Mumias Sugar Company or from any other factory unless you have gone through those particular people. When you want to buy sugar and you go to Nzoia Sugar Company, they will ask you, through whom are you buying your sugar"? This is because it is only a few people who have been licensed to buy sugar from those factories. Whatever happens, this country one time will come up with a law which will make it possible for economic saboteurs to be punished. This is economic sabotage where the prices are hiked artificially and we know very well that they are not able to afford.

Tea has now become a luxury in this country. All these people are banking so much money in their banks while common man is buying sugar at Kshs60. It is unbelievable and something must be done! When we ask, we are told that we hate KANU because KANU won in 1992. They did not win, they rigged themselves into Parliament, power and they are continuing to push themselves in power, but the common man is seeing them.

[Mr. Speaker left the Chair]

[The Temporary Deputy Speaker]

(Mr. Wetangula) took the Chair

Mr. Temporary Deputy Speaker, Sir, we want taxation rates to be lowered on such items as water pumps, electrical cables, electrical transformers, drilling machines and so on, so that the common man may be able to get these services at lower rate. Water pumps are very expensive today and they are the ones which can be able to uplift the living standards of some areas, to increase the agricultural output in some areas in this country. In Ukambani, for example, we need boreholes to be drilled. If the machines for drilling boreholes are imported, duty free, we would have everything. If the water pumps are imported duty-free because we have water and what we are missing is the ability to pump that water and irrigate we would have everything. We have the best arable land in this country, good climate and very good soils. Instead of trying to lower the duty payable on these items, all there is is to look at those other areas which are not benefiting people. In Ukambani, we are now faced with famine and what we can afford to do is a group of KANU hon. Members of Parliament ganging up together in a public rally and asking the Government to keep on supplying us with famine relief. For how long are we going to be fed? We have the land and we are very hard working, and every day we are asking for famine relief. We are paying taxes---

Mr. Boy: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not like to interrupt my hon. friend, but is it in order for him to shout so much that we cannot even hear through the microphone and we cannot hear him properly? Could you, please, tell him to speak in a low voice so that we can hear him properly?

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, the hon. Boy Juma Boy shouts louder when he is on the Floor. Let him have his cake now!

What I am saying is that we have so many Cabinet Members from Ukambani. There is no other community which has more Cabinet Ministers than Ukambani. What do they do when they go to meet the President in State House, and Cabinet meetings? Are they just simply saying, keep on feeding us with relief food?

We want water! They are not going to be elected again. They have to make sure that Wakamba get water. We have given them the leeway, but they are simply sitting and calling one another names. What are they doing? We want water in Ukambani! They are telling us, those of us who are in the Opposition, that defect to KANU so that Wakamba can benefit. What are they benefitted so far from you? Hon. Gen. Mulinge and hon. Makau are here. If you go to Mbooni, the worst roads are in that area! If you go to hon. Gen. Mulinge's area, it is very dry and famine relief is needed there today not tomorrow and he is in KANU! What are they going to do? If you go to hon. Kalonzo's area and so on, everywhere is famine and people are going half naked because they cannot afford to buy clothes. Yet we voted KANU! We voted KANU! And then to hon. Mulusya, they say; defect so that we can benefit. How are we benefiting? Hon. Ndeti defected from Opposition, how has the Kamba people benefitted?

(Laughter)

We are only creating war, and if you want me to put more fire, we will do it. But these people should realise that Kambas are suffering. They are suffering inspite of being in the Government.

Mr. Murungi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute on the tax proposals made by the Minister for Finance. I think, we as Members of Parliament, should tell Kenyans the truth that, we in Parliament have no control on the taxation process in this country. We should not continue pretending and cheating the people of Kenya that Parliament has any role or any control over the taxation or budgetary process in this country. As far as taxation is concerned, Parliament is a useless and irrelevant institution.

(Applause)

An hon. Member: Why are you here?

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, the system that we are following on budgetary process in this country is a medieval system. We are following the 17th century British Parliamentary System on Budget and Taxation.

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Murungi! Parliament is not "useless and irrelevant". You must withdraw that.

An hon. Member: Why is he here?

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, I would like to withdraw that and replace it with

"Parliament is an irrelevant and immaterial institution" as far as taxation is concerned". The feudal system which was in England in the 17th century is that Parliament could not initiate any taxation measures without express approval of the King. The whole question about budget, taxation and Parliament was supposed to be solely the affair of the King and the nobles.

In this country we imported that feudal system in the year 1955 when we enacted the Audit and Exchequer Acts as a colonial base of registration on 1st June, 1955. That feudal system has not changed even today. The feudal system is contained in Section 48 of the Kenya Constitution, which says that:

"The Parliament cannot debate any Motion or any Bill unless with the express permission from the President, brought to this House by a Minister."

Those who have not read Section 48 of the Constitution had better do so. If we are not happy with the taxes today, we cannot bring in a Motion here to say that we are not happy with those taxes unless we are first cleared by the President through a Minister, usually the Minister for Finance. When the Minister for Finance comes here and reads the Budget Speech and says "with effect midnight tonight, the prices of paraffin and petrol go up"; we here in the House can do nothing about that. The tax proposals come into effect even before we discuss the Budget Speech. Although we are very unhappy about the 18 per cent customs duty raised on kerosene, there is nothing we as a Parliament can do to change that. We better tell Kenyans that Parliament can do nothing to change the percentage of customs duty on kerosene. That is purely the affair of the Minister and the President. We in Parliament can do nothing about that.

(Applause)

When I say that Parliament is an "impotent institution" as far as taxation is concerned, I am not insulting Parliament. It is because we are operating on a feudal, medieval and colonial system which needs to be changed if this Parliament is to have peace, if we are really going to be watchdogs of the people as far as taxation is concerned. So, when we call for Constitutional reforms so that Parliament can have powers in this country to protect the people of Kenya, it is not that we are against the Government. It is because we want to protect wananchi against oppressive and burdensome tax on small items like kerosene. The people of this country are very oppressed by indirect and invisible taxes. You pay tax when you buy a pin, a spoon, salt and sugar. So, we feel very bad when our farmers, who produce the foreign exchange which services foreign loans are also required to pay a punitive tax called Presumptive Tax of 2 per cent for producing tea and coffee. We are calling on the Minister and the President, who are in charge of the tax to remove this burden on the people. Let us not punish our farmers for producing foreign exchange. I also note that it is the peasant farmers who are oppressed by this burden. We have no Presumptive Tax on goats. Why should we punish the peasant farmers and not their colleagues, the pastoralists? We appeal to the Government to remove that nuisance on the farmers of this country.

Mr. Temporary Deputy Speaker, Sir, I would also like to point out that there is much inequality and discrimination in the allocation of tax resources in this country. I would urge my colleagues in KANU, especially those who have not read a book called "Animal Farm" to go and read it. It says that: "Although all animals are equal, there are some who are more equal than others". In this country, we might want to pose the question: Who are the animals who are more equal than the other animals in Kenya?

An hon. Member: KANU!

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, who are the bigger fish who are eating the smaller fish?

An hon. Member: The Opposition!

Mr. Murungi: We should not discuss this in terms of the Opposition and KANU. In fact, today, I do not want to talk about Opposition areas because the people who are most oppressed, most exploited and who are dying of hunger are in KANU zones.

I am appealing to the Government to allocate more resources to the suffering people in the KANU zones.

(Applause)

Mr. Temporary Deputy Speaker, Sir, we have some towns which are doing very well. In a town like Eldoret, business is good, the roads are good, we are building an international airport, we are building ammunition factory and people are happy there. We have other towns which are, in administrative terms, bigger than Eldoret. These include provincial capitals like Garissa. If you go to Garissa, you cannot even have clean

drinking water and yet it is a provincial capital. We should ask ourselves, what kind of animals live in Garissa and what kind of animals live in Eldoret? By the way, these are KANU zones. We are appealing to the Government to spend more of our tax resources in North Eastern province, to provide the people there with basics like clean water, food, good roads, infrastructure and that kind of thing. I am also appealing to the Government to consider the plight of the people of Ukambani. Hon. Mulusya has talked about them, but I would also like to talk about them. The people of Ukambani voted for KANU. Why are the roads in Ukambani worse than the roads in Meru? Why should the people in Ukambani be appealing to the Government every year for famine relief. Why can we not set some of this money which you have set aside for drought relief to provide water in Ukambani?

We seem to be operating a certain programme in the ASAL areas. The UNDP had a programme called food-for-work programme. What we have in the ASAL areas today is food-for-votes programme. We have food for votes in all the drought stricken areas in the country and KANU wants to keep the people in those areas starving, so that at the end of every five years, it can come with grains to give them. We are urging KANU not to be so Machiavellian. Provide them with good water so that they can grow their own foods. These people should be provided with drought resistant seeds, so that they can grow those traditional foods which used to sustain the economy in the olden days.

Lastly, we seem to be following the saying which is in the Bible which says that for those who have, more will be given to them and for those who do not have, even the little they have will be taken away. This is KANU's policy. We are urging KANU to give those who do not have and take away from those who have too much.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Education (Mr. Komora): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to add my views to what has been said before by hon. Members.

I have no doubt that the people of Ukambani including those from Kangundo, know that rain is not in the power of KANU. That Ukambani does not have rain has nothing to do with KANU, and that Ford(A), DP and the other parties have no magic for producing rains where the God Almighty has said there is no rain. Therefore, let us not make mistakes by bringing political campaigns into the Budget Speech. Let us contribute to what matters. I am also sure that hon. Murungi was not wasting time while contributing to this debate. At the same time, he has said that Parliament should be effective. We are indeed effective and we are the supreme organ of this country and this is why we are here. The Ministry of Finance has no authority to spend public funds which have not been authorised by Parliament. This is why we are here.

The purpose of this Motion is to authorise the raising of money by the Minister for Finance to run services in this country. We know that the aim is to raise money but at the same time, to raise money in such a way that the ordinary mwananchi does not suffer. Therefore, it is our duty as Parliament to ensure that the Government of this country gets enough revenue legally, to run the services of this country. It is also our duty as elected Members of Parliament to make sure that the Parliament of this country is aware of where the taxes are hurting the ordinary mwananchi. It is in this light that I stand to make a few comments with regard to how these taxes are going to affect the ordinary mwananchi. In this respect, I want to start with the issue of taxing kerosene.

The ordinary mwananchi in the rural area has no light, power and nothing else to depend on. It is only through kerosene that he can afford to light his house and sometimes he can use it for cooking and also for security. The Minister for Finance in his Financial Statement states as follows:

"To reduce the diversion of Kerosene into industrial uses by mixing it with diesel, an automotive fuel, and into smuggling into neighbouring countries which tax kerosene sales, an import duty of Kshs3 per litre, an effective duty of 18 per cent on Kerosene will be charged."

The ordinary mwananchi has nothing to do with mixing kerosene and diesel for industrial purposes because the rural man has no industry.

QUORUM

Mr. Kamuyu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the importance of this debate signified by the fact that there is no quorum in the House?

The Temporary Deputy Speaker (Mr. Wetangula): Can you ring the Division Bell?

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Wetangula): Order! We now have a quorum. Proceed, hon.

Komora.

The Assistant Minister for Education

There is nothing to do with the diversion of kerosene for industrial purposes because he has no industry. He has nothing to do with smuggling. The majority of rural Kenyans do not live at the border. And in any case, when we talk about the border, we have now gone back to East African Co-operation and our counterparts in Uganda and Tanzania have got that understanding. What is lacking is our inability to supervise and to check these taxes which we impose. If we know that paraffin is being diverted for industrial purposes, why can we not stop the sources? Why can we not stop these smugglers? If we know paraffin is being smuggled, then why do we not stop smuggling? Why do we have to punish the ordinary man who has nothing to do with these things and who actually requires his drop of paraffin to be able to survive and to live a reasonable life?

Mr. Temporary Deputy Speaker, Sir, the money the Minister for Finance wants to be raised from Kerosene can surely be raised from other sources for example where he has reduced duties from 35 to 25 per cent, he could determine reduction of 25 per cent instead of 10 per cent. There are other ways where the same money can be raised and save the ordinary man from this pressure of having to lead a hard life by having the price of Kerosene raised.

Mr. Temporary Deputy Speaker, Sir, what is the point of giving income tax relief to those few Kenyans who are earning some money and raising the amount of revenue to the average man who does not earn any salary and whose income is dependent on the vagaries of the weather like our brothers and sisters in Ukambani and other drought-hit areas? Those same people to whom we are required to supply famine relief are the people whom we are expecting to buy kerosene in order to survive. Who is going to give famine relief or kerosene relief in order for them to buy kerosene if it is not the same Government? So, I am appealing to the Minister for Finance to reconsider the taxation of kerosene and remove it and raise the revenue from other sources.

Mr. Temporary Deputy Speaker, Sir, let us look at Value Added Tax (VAT) which is the tax that is very difficult to collect. It is better collected at the source. If the source is a manufacturing plant, why can VAT not be collected in the manufacturing plant? If the source is the importation of a particular item to manufacture an article to come into the market where VAT will be required, why then can VAT not be charged at the source? Why should it be left to the businessman who can play all tricks to avoid paying VAT? Who is going to stop the business of two people, that is the customer and the businessman, colluding in a way that they avoid paying VAT? If this tax was collected at the source, a lot of problems would be solved and it would be fairly collected and we will definitely have more revenue earned by the Government than to leave it to the retail shopkeepers to charge VAT on everything they sell when we know the source production centres of the very articles they sell. Some of these articles are manufactured in Kenya and some of these articles are imported. Why do we not charge these articles at the source point when since are not able, in fact, to supervise and inspect all the businesses in Kenya to ensure the collection of VAT? This is an area which requires a lot of attention not only on VAT but in all areas of taxation. In all areas in the collection of revenue, we require training of manpower, people with integrity and total support of the whole community against corruption. If the community is anti-corruption, there will be no corruption in this country because it takes two people to commit an offence of corruption. If the Kenyan community rejects corruption, who will exercise corruption? If all leaders, including those who shout at the top of their voices assuming that it is only KANU that is perpetrating corruption when everybody is a participant in this scene of corruption desist from this act, there will be no corruption. If we close our eyes to where taxes where taxes are not being collected and where corrupt offenses are being committed and then we assume that is a political Party which is encouraging corruption, then we are making a mistake. The responsibility for objective taxation and a clean society does not depend on the Government alone. It depends on the total commitment of the community to ensure that people are honest. But what is important is that our revenue collection officers must be trained. Their appointments must be objective and it must cover the whole country. Effective training, education and supervision is what is required to ensure that revenue is collected. But let us be fair to the rural man. The Minister for Finance should withdraw this tax on kerosene.

Thank you Mr. Temporary Deputy Speaker, Sir.

Mr. Mak'Onyango: Thank you Mr. Temporary Deputy Sir for according me a chance to contribute to this Motion. Essentially, what we are talking here are mechanisms for generating or raising funds for our Exchequer. The question at issue, therefore, is whether or not the policies in place have the incentive component that is capable of attracting more in terms of revenue generated or whether there is more of this disincentives in them, in which case, we are not going to be able to generate as much as we require. We have time and again been told in this House of many projects which cannot be implemented simply because of lack of funds which to me means that this Government is not able to generate enough funds to undertake development and other work that needs to be done. That being the case, it is high time something was done to make sure that our taxation policies

have more of incentives in them than disincentives.

Mr. Temporary Deputy Speaker, Sir, I am saying this because when you look around at a number of financial policies in place, you will find that there are more of dis-incentives than incentives. I have in mind, among others, the question of interest rates that are being charged by our banks. If the idea, at the end of the day is to generate more funds, then what you need to do is to ensure that you broaden the net as wide as possible and that you make it as easily as possible for the largest number of would-be taxpayers, be they companies, individuals and what have you to, pay taxes.

Mr. Temporary Deputy Speaker, Sir, that implies that we do need to have in place policies that will ensure that as many of our youths as possible do get jobs, or have jobs so that they can also be included in the taxation bracket. The more unemployed people we have, the worse it is for this country in terms of taxation, and one of the basic requirements should be to ensure that at all the times we will have in place such policies to ensure maximum employment of our people and to ensure that, as many people as possible pay or are included in the taxation net.

Mr. Temporary Deputy Speaker, Sir, that goes with the interest rates within our banks. One way by which we can be able to attract more investments in our country, is to have in place attractive rates of interest so that as many investors as possible, especially the local ones, can be able to undertake investment. Right now, there is so much disincentive in that the interest rates in place discourages many of these investors. If the Minister wants to bring more people into the tax net, he should find ways and means of making sure that the banks charge very low interest rates in order to enable as many people as possible to benefit from the bank loans for investment purposes. I also want to raise the issue of duty and other forms of taxation on motor vehicles. As to what some of my colleagues who have spoken on this before have said, a motor vehicle is no longer a luxury; but a necessity. It is the basic requirement in life, and, therefore, whatever cost you are trying to impose on it will affect the economic life in this country. If we want to get the most we can, the duty and other forms of taxation on motor vehicles should be reduced in order to limit or to lower other costs that come as a result of the taxation on motor vehicles. I would like to call for the reduction or the lowering of duty and other forms of taxation on motor vehicles in order to reduce these other costs.

Mr. Temporary Deputy Speaker, Sir, I also want to take issue with the question of the Service Charge. The Service Charge is one form of taxation in place in this country today. Kenyans are being taken for a ride because the local authorities are raising millions and millions of shillings in form of Service Charge for no services being rendered as evidenced by the President himself going out recently to try to bring about the removal of refuse from our City. For now, I have a feeling that the local authorities are not rendering the services for which the people are paying. So, it is time that something was done. Either the local authorities are going to render the services or it is time the Minister reviewed the question of Service Charge. Either the local authorities are going to deliver or failing to deliver, this Service Charge should be withdrawn.

Mr. Temporary Deputy Speaker, Sir, I also want to touch on the question of illegal taxation. There is so much of these and if there is anything undermining development in this country, it is illegal taxation which takes many different forms. There are forms of taxation charged by the Chiefs. It is an open secret that in order for anybody to get a burial permit from the Chief, you will have to part with a minimum of between Kshs 300 and Kshs 500. Imagine that in any given locality 10 people who may be bereaved ending up paying that sum, you will find that so many of the local people have fallen victim of this illegal taxation. It is time that the Government took action to put an end to this form of corruption. The other issue is in relation to the issuance of the new generation identity cards. In order to get one, you do need the Chief to endorse that form and that endorsement attracts a payment of between Kshs 300 and Kshs 500. These are the forms of illegal taxation being exerted on Kenyans, and it is time an end was put to this.

*[The Temporary Deputy Speaker
(Mr. Wetangula) left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, I must, at the same time, talk about the Road Maintenance Levy. This again is another form of taxation in this country. Motorists are paying dearly in order to improve on the conditions of our roads. But despite the fact that this House has already passed this Act, which enables the Government to collect colossal sums of money, our roads are still in a pathetic state today. What is happening? This money is there because it has been collected and it is also still being collected. It is time Kenyans were not

taken for a ride. This is a service which motorists or owners of vehicles in this country are rendering the country for the good of the whole country and for the good of upward movement of the economy of this country. It is time that we found ways and means of ensuring that every cent collected, at least, towards this Levy is utilised for the improvement of the roads in order to enhance economic wellbeing of the country.

Mr. Temporary Deputy Speaker, Sir, I also want to touch a little bit on the duty on second hand clothes. It is time this was increased so that we discourage more second hand clothes coming to this country in order to promote the local textile industry.

We have the potential in our textile industry and all we need to do is promote it. But now, it is being killed by the importation of second hand clothes.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I support.

Mr. Wetangula: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to speak on this Motion. My comments will be very few. I will start by touching on the points that my colleague across here has been talking about, and this is the Road Maintenance Levy. If the Road Maintenance Levy is going to be, first, an effective way of taxation, and, secondly, the taxes to be put to good use, it is important that the Ministry of Finance comes up with a programme, I believe in conjunction with the Ministry of Transport and Communication to the extent where, first, those who benefit from this Levy should be those who pay the most. For instance, cities like Nairobi and towns like Mombasa, Eldoret, Nakuru and so on, with high concentration of motor vehicles, where there is an excessive consumption of fuel should be given top priority so that when the funds are distributed for the maintenance of the road, they are distributed on an equitable basis, so that where there is the highest concentration of the consumers, they should be offered the best services. Not only that, this Levy will not be put to good use if we do not have Government priorities on which roads are going to be dealt with first. It is not enough to have a Fund---

QUORUM

Mr. Moiben: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no Quorum in the House.

An hon. Member: Wewe leo uko na taabu gani?

Mr. Moiben: Is that a crime?

The Temporary Deputy Speaker (Mr. Kariuki): Yes, there is no Quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Kariuki): Order, now we have Quorum.

Mr. Wetangula: Mr. Temporary Deputy Speaker, Sir, I was saying that to put the levy to good use, the Ministries concerned must set priorities on which roads are going to be dealt with first---

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is a stranger who is sitting on this Bench on your left. This is hon. ole Tuya and it is contrary to the Standing Orders of this House. This is reserved for the Opposition.

According to the ruling of the Speaker, is ole Tuya in order to sit on this side?

Mr. Wetangula: Thank you, Mr. Temporary Deputy Speaker, Sir. I am sure if hon. Shikuku was speaking he would have not liked that kind of a point of order.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir, I stood under Standing Order No.68. Now, I am trying to follow the rules, the left of the Speaker is for the Opposition. I am asking whether the hon. ole Tuya is in order to sit there.

The Temporary Deputy Speaker (Mr. Kariuki): Order! You are out of order, Mr. ole Tuya! Stick to your place.

Mr. Wetangula: Thank you, Mr. Temporary Deputy Speaker, Sir. On the question of VAT, again this is one area where the Government loses a lot of revenue and the ordinary man also suffers in the process. I think it was hon. Shikuku who said yesterday, and it is true, that if you go downtown the Indian dukawallahs maintain two sets of books with their customers. You want VAT or you do not want VAT, you want a receipt or you do not want a receipt? In the process the Government is losing revenue. Not only that, there are some items on which the manufacturer is charging VAT, the wholesaler is charging VAT, and the retailer is also charging VAT on the same item. So, at the end of the day the consumer is paying up to 45 per cent on one item. It will be a good idea if a process was worked out where there is only one level of collecting VAT. If it is from the manufacturers, then

the Government knows that every item leaving the manufacturers's area is vatted and VAT is collected and remitted to the Government. Then those who buy from the wholesaler and the retailer are not compelled to pay any VAT. Not only that, most of VAT collection is not properly policed to the extent where some unscrupulous merchants who collect VAT from wananchi but never remit it to the Government. This is again hurting both the Government and the common man. A way should be found out of harmonising the collection of VAT because it is a very important tax which will help the Government in raising revenue, but it should not be used to hurt the ordinary person, neither should it be used to enrich the unscrupulous businessman on the street.

On the question of excise duties, my humble view is that the Minister for Finance should use the levying of the excise duties as a means of protecting the local industries. I say this because reckless importation of *mitumba* or textiles has killed the local textile industry. We also have very many other local industries which are faced with extinction because of cheap imports from other countries where production is subsidised. It is important that the Government used duties as a means of insulating the local industry from unfair competition from goods coming from subsidised countries. We have problems with imported sugar, and beer which has very harshly affected the sales of breweries and many other products. It is high time we protected the local industry because these imported goods flooding our markets, wherever they are produced, are protected. There is either a government subsidy or protection. If you go to South Africa which has flooded our market with wines and beers, you can hardly export your drinks there because of protection, but here we are with our arms open, embracing every lager that drops on market from South Africa. I think this is wrong and it is going to hurt our economy in the long run. We cannot be an economy that is consumer based. It is important that we must be an economy that produces what we consume.

There is the question of industrialization in this country. I urge the Minister for Finance to give an extended, very generous tax relief to investors especially the local investors. I do not see any reason why, for example, we as a country would glamour for foreign investors when we are not encouraging the local investors. First, we must encourage the local investors by giving them a 100 per cent tax relief and then we can call in the foreigners to supplement the short fall. As it is, the local investors cannot afford to borrow money from the banks because the interest is too high. They cannot afford to run the businesses because the taxation is a bit too high. They cannot afford to do anything because the environment does not support the local investor. It is high time that we started by encouraging our own people. We have many Kenyans with a lot of idle money, but because we do not have the correct environment for investment, they are not simply investing that money locally and it is high time that we gave them those incentives.

I want to urge the Minister to think of lowering the duty he has imposed on kerosene and in the alternative impose---

Mr. ole Tuya: On a point of order, Mr. Temporary Deputy Speaker, Sir, (*inaudible*)

Hon. Members: Talk into the microphone!

Mr. Wetangula: Mr. Temporary Deputy Speaker, Sir, I believe hon. ole Tuya is very interested in wasting my time.

I was saying that the Minister should think of reducing the duty imposed on kerosene and in the alternative---

Mr. Magwaga: On a point of order, Mr. Temporary Deputy Speaker, Sir. When an hon. Member raises a point of order, is it in order for the Member speaking to answer him?

The Temporary Deputy Speaker (Mr. Kariuki): Hon. Wetangula, no Member wastes time of any other hon. Member.

Mr. Wetangula: I was urging the Minister to impose very heavy taxation on luxuries like beer, especially the imported ones, cigarettes, imported food stuffs and so on in lieu of the levy imposed on kerosene so that we can ease the burden for the common man. I do know that the Minister needs to raise money to balance his Budget, but if he imposed heavier duties on luxuries that Kenyans can do without, it will be a good idea as against imposing duty on a commodity that every Kenyan in the countryside needs for survival.

We also have the question of corruption, especially in the Customs Department. We have been told many times that the Government has a lot of revenue because customs officers, instead of collecting duty for the Government, collect a little for themselves and let the rest go. I would urge the Government to step up the war against corruption which has already been initiated especially at the Customs Department, at the Port, Department of Immigration and so on, so that all the desired duties and revenue that the Government requires are collected, so that services to wananchi can be given.

Lastly, we have the issue of services charge levied by Local Authorities. It is time the Government

evaluated and found out whether these levies indeed are benefiting wananchi or not, and if they are not, then an alternative should be looked at.

With those remarks, I beg to support.

(Hon. Mwaura sat on the Front Bench)

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I did not want to waste the hon. Member's time, but I wish to draw your attention to the ruling made in this House when unfortunately my hon. friend sitting on the Front Bench was not present. It was clearly stated by Mr. Speaker, that according to his ruling and taking into account Standing Order No.172, he will be furnished with the names of the people who should sit on that Front Bench. Unfortunately, the hon. Member is not among those who are likely to be named by hon. Wamalwa because he does not belong to his party. Could you remind him of that ruling and tell him to sit at the Back Bench?

*[The Temporary Deputy Speaker
(Mr. Kariuki) left the Chair]*

*[The Temporary Deputy Speaker
(Mr. Wetangula) resumed the Chair]*

Mr. Kamuyu: Thank you very much Mr. Temporary Deputy Speaker, Sir. I also want to make ---

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am trying to uphold the ruling of the Speaker.

Mr. Kamuyu: I also want to be brief and precise in my contribution to this Motion. First and foremost, let me point out that our bank notes are the dirtiest in the world. They are the most dirty in the whole world because there is some mismanagement within Central Bank. I have a bunch of ten shillings notes and every time they come near my nose I start sneezing. It is time this Minister thought seriously.

The Temporary Deputy Speaker (Mr. Wetangula): Do you want to table them?

Mr. Kamuyu: I can give them to you, but not here. I can do that outside.

I thought I would mention that so that as we proceed with this particular Motion, we know that Kenya is among Africa's most outstanding countries politically and economically, but when we have got tourists coming here and seeing our money with extremely poor material we portray a negative image.

Vehicles do consume a big chunk of our national economy. What happened to the Nyayo Car? I wonder what happened or was it a continuation of the hoax of 1st April 1996? If this is taken seriously, Kenya can produce its own cars. We are scavenging for cars from all over the world yet we can produce our own Nyayo Car. What happened to it? If it was not a hoax then he should reconsider this kind of thing. This kind of thing highlights our image internationally.

I visited India sometimes back and found they manufacture their own local small cars. They have no foreign cars. We have a lot of Mercedes Benz, Pajeros and so on in this country. We are eroding our own economy through our own pride. Let us have our national car and let this matter be revisited so that we produce our own car. We need a Kenyan type of car. When everybody thinks of getting duty-free cars, we cannot think of having our own cars. There are too many of these cars flooding all over the country. We must ask the Minister to discourage this. We must have our own car. There is a saying in my language that when you go to the toilet for a short call, even if you are using a very small thing to bring your urine out, you should be proud of it.

Hon. Members: Say it in Kikuyu?

Mr. Kamuyu: I do not want to say it in Kikuyu. In Kikuyu it is said, "*Mundu athugumaga na gatiru gake*".

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Kamuyu!

Mr. Kamuyu: They are challenging me. You know these KANU people!

I will now speak on service charge.

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Kamuyu. You know Kikuyu language is not a recognised language on the Floor of this House.

Mr. Kamuyu: But I have withdrawn, Mr. Temporary Deputy Speaker, Sir.

Prof. Mzee: On a point of order, Mr. Temporary Deputy Speaker, Sir. I heard the hon. Member refer to something as a "thing", and then he defined it in Kikuyu language. Hon. Members in this House have the right

to know what it is.

Mr. Kamuyu: Mr. Temporary Deputy Speaker, Sir, as far as I know, there is only one instrument in the body that can assist you when you go for short calls. Is that not so?

Mr. Temporary Deputy Speaker, Sir, I will continue very briefly with this issue of service charge. Before I do that, I want to very, very briefly say that our Nairobi City Council is getting poorer and poorer. It is almost insolvent because Kshs1.6 billion is outstanding and unpaid to the Council. Out of that, over Kshs900 million is owed to the Council by the Central Government. In other words, the Nairobi City Council has not been paid Kshs900 million by the Central Government, and yet it is told that it does not know how to collect garbage, and has to be shown how. How can we collect garbage unless the money owed to the Council is paid? The Council is almost insolvent because the Central Government owes it a lot of money.

Dr. Lwali-Oyondi: That is sabotage!

Mr. Kamuyu: Mr. Temporary Deputy Speaker, Sir, we must ensure that these kind of facts come out. This is because we do not want these facts to be politicised in Nairobi, by people saying that they are coming to show us how to collect garbage and other things, while the Council is owed a lot of money.

Mr. Temporary Deputy Speaker, Sir, are you aware that on Friday next week, the entire Nairobi City Council is going to go on strike?

The Temporary Deputy Speaker (Mr. Wetangula): You are supposed to contribute, and not to ask the Speaker questions.

Mr. Kamuyu: Mr. Temporary Deputy Speaker, Sir, are you aware also that I am telling you the facts?

The Temporary Deputy Speaker (Mr. Wetangula): That is rhetoric.

Mr. Kamuyu: Mr. Temporary Deputy Speaker, Sir, these kinds of things must be considered very, very seriously.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not wish to challenge the Speaker's ruling, but it was a semi-ruling. Hon. Kamuyu is supposed to address the Speaker. So, he is quite in order to address the Speaker.

The Temporary Deputy Speaker (Mr. Wetangula): But not by asking him questions.

Mr. Kamuyu: Mr. Temporary Deputy Speaker, Sir, I will proceed. I want you to know that the City Council workers are about to go on strike. They have given a notice for next Friday because there are arrears for their salaries that date back to 1994, which have not been paid. It is amounting to Kshs500 million. They have not been paid because the Government has appointed wrong chief officers. The chief officers of the Council are running down the whole City Council because they have been nominated from some parent Ministries, and they become totally irrelevant to the Council. They do not know what to do, and yet the councillors, Nairobi City Council and its people have been blamed. That is not fair. We should not talk about the mayor and call him a cartoon and all kinds of things. As far as I know, he is a very good human being and not a cartoon.

Mr. Temporary Deputy Speaker, Sir, I also want to advice the Minister regarding blue films video cassettes. There are very many blue films video cassettes being shown in the villages and parts of Nairobi depicting naked men and women. The Ministry is not following these people to tax them. Indeed, these films are very immoral and they are being shown in places like Kawangware. I am aware of that going on there and other places. There are very many of them. We should follow them up and tax them heavily so that they can stop showing them. In any case, police will also be involved in this. That is why at one stage, we should sit and say that there are so many people who are trying to watch over all the corruption that is going on in our ports and so on. There are so many of the so-called watchers. But the question that I want answered is this: Who will watch the watchers? This is because, these watchers themselves need to be watched. In other words, corruption can never end unless there is an ombudsman. There must be a watcher to the watcher. Unless this matter is taken seriously, so that the Government can consolidate itself and say: "Look, if you want to end this corruption, and if you do not want to let the President down because he made this ruling and a year later, the same thing is still going on, then we must look for watchers for the watchers". This is very important, whether we are talking about Mombasa Port or Embakasi Airport or wherever you want to talk about, including the Ministry of Lands and Settlement. We must have serious watchers to the watchers.

Mr. Temporary Deputy Speaker, Sir, if I was the one to be consulted, I would make National Social Security Fund (NSSF) a bank for the worker, which would be completely detached from the Government or any Government Ministry, and where shares would be floated in the market. The NSSF is almost insolvent due to having its money outside, and also a lot of the money being stolen. Why should the Government interfere very much with NSSF? This morning, there was a Question about it. Somebody was supposed to have been paid in 1994 through NSSF. His cheque was only written last week. We wonder whether there is money in that bank or

not. Is there any money there?

Mr. P.N. Ndwiga: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say a few words on the Budget Speech and the tariffs. I will be very brief. Perhaps, it is telling; the reason why we are lacking quorum in this House now and then is because of the lack of seriousness with which the hon. Members of this House take the Budget. More so, it is because this country is entering into the annals of history, as the only country which has no respect for its Budget. So, the Budget Speech is a ceremonial speech after which we just go home.

By the time we come here the same time next year, of all the proposals so eloquently put in this House, nothing will have happened. We are going to be discussing about Ministries soon after this, but whatever has been proposed as money going to these Ministries, nothing will have happened by the time we come again next year.

It is also telling that all the money which was allocated to the Ministry of Works and Housing for roads, not a single road has been done, and yet, we were here passing the Budget, last year, and last year but one. For the last four years, not one single road has been done in this country, and yet, we have been here passing Budgets.

Mr. Temporary Deputy Speaker, Sir, we have also been here, but look at our health facilities like hospitals. They are all run down. We are passing and giving money to the Ministry of Health. What happens to this money? This country must be told precisely what is happening: Most of this money is being misused by the respective Ministries. I want you to take this example. For the last two days, the President has been touring Nyanza Province. All the Ministers, Permanent Secretaries and parastatal heads are there with Government vehicles, and yet, we have not seen that provision in the Budget. Where is the money coming from?

Mr. Temporary Deputy Speaker, Sir, that is evidenced even in the KANU side. That is why you find the small fellows will not be here because they know you will pass the Budget, but the fellows in the Front Bench here will consume it all before we get to the next Budget and that is a fact.

Mr. Gitau: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to refer to KANU people as small fellows? Apparently, we do not know whether he means small fellows like Kamotho, G.G. Kariuki or whoever. Who are these small fellows?

Mr. Temporary Deputy Speaker (Mr. Wetangula): Order! First of all hon. Gitau, that kind of insolence is not befitting the honour of this House.

Mr. P.N. Ndwiga: Thank you, Mr. Temporary Deputy Speaker, Sir. The other area where the Government is really misusing public funds so that once we pass the Budget here nothing happens, is, by the time we come here next year we will have had about six by-elections. There is no provision in this Budget for the by-elections yet KANU is busy out there buying councillors. I will give you an example, in the last by-elections where in Embu Town, we had only two civic seats and I have never seen the amount of money I saw flowing at that time; so much money. The councillors and their wives were carrying money in kiondos. Where did the money come from?

Mr. Shikuku: From the tax!

Mr. P.N. Ndwiga: Where is the money coming from?

Prof. Mzee: From the tax!

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir, Kenyans are tired of financing KANU. We are tired of passing a Budget to finance party activities and we want to see an end; a complete end to this kind of misuse. If the President wants to visit any part of this country he is welcome and we want that to be a State visit and not party business. If he wants to go to visit Embu, Mombasa or wherever as the President of KANU, we want him to use his own private vehicle and these Ministers too. Let them use their own private vehicles, let them fund from KANU coffers such trips.

Mr. Temporary Deputy Speaker, Sir, Kenyans are not blind. We have been saying these things and we are tired of it. Very soon this Government is going to drive Kenyans to such a corner that you will live to regret.

Prof. Mzee: You have already predicted it!

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir, coming back to the Budget Speech, it is very, very sad that the Minister for Finance saw it fitting to ask Kenyans to contribute through their taxes Kshs200 million to the National Youth Development Programme which is a KANU project. The Secretary-General of KANU has said that. It is a KANU project. Now, why are all Kenyans; Kenyans who are not KANU - KANU has a following of one-third of this nation - why are we asking everybody else to contribute to a party fund? We have not been shown a youth programme. This House has never discussed a youth programme. We are not against our youth being helped, we are not against that at all, but there is no programme; no programme has been set out, discussed or passed in this House so that we know that once this House passes this money, it is going to be

disbursed in this manner. There is none. What is going to happen is, money is going to be passed on to DCs, most of whom are acting District Chairmen of KANU in various places because KANU has refused to carry out elections.

Mr. Rotino: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to mislead this House and the entire nation that the policies that are ruling this country are not the policies of KANU because KANU is ruling this country?

An hon. Member: Sure!

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir, sometimes you want to forgive certain ignorance. You wonder what some people are doing here. I want to continue---

The Assistant Minister for Finance (Mr. Koech): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has given a very misleading statement saying that District Commissioners are Chairmen of KANU in their respective Districts. Now, this is wrong and the hon. Member should withdraw that statement.

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir, I wish to substantiate. A good example is Embu, we had the former DC who has now been transferred to Kisumu. He was the acting Chairman of KANU. Indeed, nobody could get into his office; it was just KANU affairs running the office. The man was transferred first principally because he misappropriated Kshs37 million belonging to the farmers; Tea Cess money. All the roads in Meru are impassable but the man was using cess money to run KANU affairs in the District. It is sad and I think, it is time this behaviour stopped.

Mr. Shikuku: Even in Kakamega!

The Assistant Minister for Finance (Mr. Koech): On a point of order, Mr. Temporary Deputy Speaker, Sir. I want it to be made very clear that what the hon. Member is saying is wrong. Because, no DC in this country is a Chairman of KANU in their respective districts.

Now, the hon. Member may have a quarrel with the DC, but he is not the Chairman of KANU in the district. Can he withdraw?

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Ndwiga, you are challenged to substantiate or withdraw.

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir, I already have substantiated and I can go even further and say that this man during the Siakago by-election, he was literally chairing KANU meetings; the DC in Embu at the time paid by public funds, shamelessly chairing KANU meetings!

Mr. Rotino: On a point of order, Mr. Temporary Deputy Speaker, Sir. He must substantiate by bringing the minutes of that particular meeting. He must bring the minutes of that particular meeting.

Prof. Mzee: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the KANU people to harass the hon. Member who is speaking because they are totally ignorant of the fact that there is the Government and there is KANU as the party and it is this factor that they do not realise that these are two separate things, they have merged them together? It is a fact that when the President is going to campaign for KANU he has to go in his own car.

The Temporary Deputy Speaker (Mr. Wetangula): What is your point of order? Hon. Shikuku, did you have a point of order?

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. They are interfering, the hon. Member has substantiated.

The Temporary Deputy Speaker (Mr. Wetangula): Is that a point of order, hon. Shikuku?

Mr. Shikuku: Yes, because they are harassing him on a point of order when he has substantiated. Is it in order for the hon. Member to say he must produce minutes? He saw, he heard and he has given the figures of the money. He does not need to do more than that.

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir, I want to substantiate. I have been challenged to substantiate.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, hon. Ndwiga! Unless you want to contribute, that matter is closed. The M.P for Kipipiri!

Mr. Githiomi: Thank you, very much, Mr. Temporary Deputy Speaker, Sir for giving me this chance. The Kenya Government is over-taxing Kenyans and particularly in Value Added Tax. VAT is paid by importers at the port of Mombasa and the same VAT is charged to Kenyans when they are buying commodities from Asian shops. What I am saying here is that the Government should charge VAT at the port of entry, instead of having to charge VAT twice.

QUORUM

Mr. Magwaga: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am wondering whether it is in order for the House to go on when there is no quorum.

The Temporary Deputy Speaker (Mr. Wetangula): There is no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Wetangula): Order! We have a quorum now. Continue, Mr. Githiomi.

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, the Government should decide whether to charge Value Added Tax (VAT) only at the port of entry like Mombasa, instead of having to over tax Kenyans by charging VAT at the port of Mombasa and also at the shops when people buy imported commodities. The reason why the price of essential commodities has risen beyond the level affordable by ordinary Kenyans, is because of VAT being charged twice. I would urge the Minister for Finance to make sure that this VAT is not charged twice. It should be charged only once. Most Kenyans now are unable to afford a decent living. Life has become very expensive and Kenyans have become impoverished. So, taxes need to be reduced.

On excise duty, particularly on mini buses, there is a decision that this duty should not be charged. However, this decision continues to be misinterpreted by customs officials. They say that excise duty is payable according to the number of seats in a mini bus. They are the people who decide which mini bus attracts duty and which one does not. This decision should be made in this House. Alternatively, the Ministry of Finance should issue a circular to the Customs and Excise Department and tell the officials that excise duty is not payable on mini buses. It is common knowledge to all Kenyans that any mini bus coming to Kenya from overseas is to be used by either matatu or tour operators. So, the Ministry of Finance should give a clear directive. It should not leave some of these decisions to be interpreted by customs officials. This is because that decision making is creating room for a lot of corruption within the Customs and Excise Department. Customs officials charge a lot of money which goes into their pockets. It is money which does not go to the Consolidated Fund. This happens because there is a loophole that the officials can use.

Duty on second hand machinery should be scrapped because it was imposed when the Government wanted to discourage importation of second hand machinery and vehicles. Today, there is liberalisation but Kenyans still continue to be charged 20 per cent on second-hand machinery and vehicles. That is why the cost of public transport has gone very high. This duty does not serve any purpose because the Government is no longer discouraging importation of second-hand machinery and vehicles. So, this tax should be scrapped.

The sugar industry has been destroyed because some few greedy people want to import sugar and sell it to Kenyans at a very high price. The situation has gone to the extent where sometimes, there are shortages of some commodities. It is people in powerful offices who are destroying industries. They do not want industries to continue in operation because they want to make money out of importation of such commodities. This practice must be discouraged. In fact, this country is now almost broke. Another hon. Member said here that Budgets have been repeatedly presented here since 1993 but there is no improvement. This is particularly the case in my Kipipiri Constituency. It is a constituency where no new road has been opened or constructed. The only tarmac road there is, covers only 26 kilometres and was not even meant to serve Nyandarua District. It was meant to serve other parts of the country, particularly Laikipia District. In fact, this stretch of tarmac connects Nyahururu and Gilgil Towns, which are in Rift Valley Province. I urge that money voted in this House should be put into proper use, instead of being misused.

Some Provincial Administration officials are being used to serve KANU. During elections, we see provincial commissioners, Permanent Secretaries and all other senior officials campaigning for KANU. If these officials are not part and parcel of KANU, then they should be advised to keep off KANU affairs. In fact, I would propose here that any civil servant like a district commissioner, district officer or chief seen campaigning for KANU, should be sacked immediately. This is because these officers are paid out of public coffers. We should know the difference between KANU, as a party, and the Government: There is a big difference between the two. KANU as a party, has not employed provincial commissioners or district commissioners. It is the Government that employs these senior civil servants. However, because these officers want favours from powerful politicians in KANU, they must campaign for KANU so as to please the powerful politicians and be rewarded. This must be stopped because when DP takes over the Government in 1997, we do not want to use civil servants to campaign for us. KANU will not be in power for ever. History has shown that even in the developed countries, no single party has been ruling all along.

Mr. Temporary Deputy Speaker, Sir, I take special exception with the allocation of available resources in

this country. It is a surprise that some of the forests now have been allocated to some few individuals, people who are even in this House who have registered companies for the purposes of being allocated Government resources. For example, hon. Mrs. Mwendwa, the Minister for Culture and Social Services has been allocated ten acres of land in Karura Forest, and which she has sold for Kshs15 million!

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Githiomi! If you want to discuss hon. Mrs. Mwendwa bring a Motion!

Mr. Githiomi: I was not discussing her!

The Temporary Deputy Speaker (Mr. Wetangula): You must withdraw that or bring a Motion, we shall pass it and you can discuss her for one full hour.

Mr. Githiomi: Mr. Temporary Deputy Speaker, I even want to substantiate what I have alleged.

The Temporary Deputy Speaker (Mr. Wetangula): You must withdraw that! You cannot substantiate what is already illegal.

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, but I have documents here!

The Temporary Deputy Speaker (Mr. Wetangula): It is immaterial! Order! You cannot substantiate what is illegal, Mr. Githiomi. If you want to discuss hon. Mrs. Mwendwa, Standing Order No.73 is so clear, bring a Motion.

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, again this is a matter that I cannot withdraw because I have the papers here with me, and I am relating them to the discussion that we have in this House.

The Temporary Deputy Speaker (Mr. Wetangula): Can you table them then? I will look at them!

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, I will do exactly that!

(Hon. Githiomi laid the papers on the Table)

The Temporary Deputy Speaker (Mr. Wetangula): Order! Your time is over, Mr. Githiomi.

Mr. Mwaura: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity to contribute to this very important Finance Minister's Budget, as to how our nation should be run because there is no nation which can be run without revenue. There is no Government anywhere in the world which can develop its country and which can look after the welfare of its people if revenue raised through taxation is not properly used. Let me refer back to a historical fact that this country of ours as it continues to decline economically and politically, around 1970, our GDP was as equal to other countries in South-East Asia, like Malaysia, Singapore and so on, which are truly today very highly developed. We must now start asking the question: Why is it that instead of developing, our country continues to decline economically? Let me say this: Without condemnation, but asking the public servants---

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Mwaura! Sorry for interrupting you.

Dr. Misoi: (Inaudible)

The Temporary Deputy Speaker (Mr. Wetangula): Order, Dr. Misoi and your colleague.

Hon. Members, I have looked at the document laid on the Table regarding the allegation by the hon. Member for Kipipiri, Mr. Githiomi, to the effect that hon. (Mrs) Nyiva Mwendwa was allocated a piece of land which she subsequently sold. The documents laid on the Table indicate some title to a piece of land owned by a company called Silk Investments Limited. There is no evidence on this document on the face of it that, either hon. Mwendwa is also called Silk Investments Limited or she is a director thereof. The Chair is satisfied that the hon. Member has not been able to substantiate his allegations against a colleague, and he is, therefore, ordered to withdraw those remarks.

(Mr. Githiomi stood up in his place)

Order, Mr. Githiomi! He is, therefore, ordered to withdraw those remarks. These documents will be treated as if they were never laid on the Table, and any materials to that effect will be expunged from the records.

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, I have every truth that, that company belongs to hon. Mwendwa.

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Githiomi! I have simply ordered you to withdraw the allegations against hon. Mwendwa. This House, as it is now, does not know who the directors of Silk Investments Limited are or whether hon. Mwendwa is also called Silk Investments Limited or whether she is a director of that company. To that extent your allegations are baseless and you are ordered to withdraw. I am not asking you to explain anything.

Hon. Members: Withdraw!

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, I cannot withdraw that statement as it is a statement of fact.

An hon Member: What has that got to do with Kipipiri?

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Githiomi! Hon. Members, it is very sweet, probably to you, to stand on the Floor of the House, malign your colleagues, stick to your guns with the hope that you will be expelled and you think that is heroic. Every time we do that from the Chair, the House is the poorer. We must uphold the dignity, fair and better conduct of Members on the Floor of this House.

If you think hon. Mwendwa has been unlawfully allocated the plot and you want to discuss her, bring a Motion and the Speaker will grant you all the permission. You will move it here, everybody will talk about it, you will Table all the papers in the world you have against her and you will carry the day. But to stand up here, malign others, and arrogantly say you will not withdraw, the Chair takes great exception to that. You must withdraw.

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, I will not withdraw because it is a statement of fact and I can even bring more information.

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Githiomi! I believe you are soliciting what you are about to get and you must leave the House for the remainder of the day.

(Mr. Githiomi left the Chamber)

Carry on, hon. Mwaura.

Mr. Mwaura: Mr. Temporary Deputy Speaker, Sir, I am sorry I was rudely interrupted because of that quarrel. But as I was saying, we have a country to develop and we have our people from whom we raise taxes. It is only fair that the revenue that we raise from our people must go back to develop the sector that raised this revenue. Therefore, I say that it is very important for the public officers of this country, both the Ministers and the senior civil servants to try to be patriotic to their country so that the corruption that has eroded the image of this country over the years is eliminated.

Mr. Temporary Deputy Speaker, Sir, there is another area that I would like to touch on which I think the Finance Minister must also try to consider. How is this country raising its revenue? Is its major revenue coming from the agricultural sector? The Minister for Finance should identify where the revenue of this country is coming from. He should know the provinces that give more revenue to the Government. The Ministry for Finance should define a method of telling Kenyans which areas raise what type of revenue by specifically mentioning the district and the province so that this area will get similar revenue to develop their area. This does not mean that semi-arid areas like North Eastern Province which do not have a lot of sources of revenue should be neglected. I would like to see a fair distribution of development money that is given to various parts of the country. The other area which the Ministry of Finance should consider increasing its budget is health. It is a fact that a nation whose citizens are not healthy cannot be productive. Today, we have epidemics of HIV Aids and the Government must spend a lot of money in this area in order to ensure that our people are educated properly on how to combat the increase of Aids.

On Value Added Tax, I would like to say that it is a fact that most businessmen of Asian origin do evade this taxation. They allow people to buy things without paying VAT. I must urge the Ministry of Finance to ensure that there is a good inspectorate which will ensure that those who are supposed to pay VAT do so.

Another area which has a loophole in relation to taxation is the exemption given to people who import sugar. Not too long ago, a huge consignment of sugar was brought to this country and we understand that those who brought the sugar were given a high exemption of duty, totalling millions of shillings. The Government must close this loophole.

There is also the issue of the importation of second-hand clothes which is done by people in this country who have good connections. Our understanding is that some of these people do not pay duty on the secondhand clothing. This again, is a loophole which I would appeal to the Government to close.

Mr. Temporary Deputy Speaker, Sir, you have just ordered an hon. Member out of the House for making an allegation which apparently, you were not convinced that he could substantiate. Let us avoid creating situations in this country like those, which we have seen in countries like the Philippines. We know that today the family of the late Ferdinand Marcos has been put to task by the current Philippines Government where billions and billions of illegal money that was made by that family has to be brought back to the Philippines. We must avoid situations like that where one day in this country people will be called upon to declare how they became

multi-millionaires because one day such a situation as the Marcos saga can happen here in Kenya although we do not want to see recriminations in future.

The famine relief fund is another area where we want to see fair distribution by the Treasury. The other area to which we also pay a lot of taxation, through our salaries, is the creation of new districts which have become a daily phenomenon. New districts are being created left and right. Some of these districts are politically-oriented but not economically-oriented. The Government says that by creating these districts it wants to bring development near the people. Why is it that in the whole Central Province with a population of almost 3 million people we have not seen a new district other than Thika district which was created the other day. Central Province also requires its share from that cake of new districts so that our economic development is also fairly looked into.

Mr. Temporary Deputy Speaker, Sir, let me say once again that this country is not going to develop unless the civil servants become forthright and transparent and avoid corruption.

With these few remarks, I support.

Mr. Ogeka: Thank you Mr. Temporary Deputy Speaker for giving me a chance to contribute to this major Motion which analytically looks at the cost of living in this country. I wish to reaffirm the feeling that it is very costly to live in this country. Taxation in this country by any standard is exorbitant compared to the benefit derived by the silent majority. As for the basic needs of a Kenyan, truly we have by no standards come nearer them. The common man is getting poorer and poorer day and night. The employment situation which is a typical sign of a welfare society is worsening and along our streets and the countryside you find a lot of idle manpower that cannot be engaged because we have restricted the bigger part of the wealth of this country in the hands of the minority. In our most beloved country the gap between the haves and the have-nots is awful and you will be ashamed as a Kenyan to be associated with it.

I wish, particularly, to totally say that in Kenya energy has become an essential part of life because you have to travel in one way or the other. We have a lot of battles with the petroleum industries but by and large 75 per cent of what we pay for power goes into the taxation system. Much as it could be big, we have to get back to the cost benefit analysis to justify that taxation in this country. Let us come nobly to the level of the biggest and rampant problem and this is illiteracy. In Kenya, no doubt, it costs a fortune to go to school. Actually getting a minimum basic requirement of education which is the basic primary education is a total biggest fortune to acquire.

Currently, in Kisumu, a standard one pupil has to pay Kshs 250 for a desk, Kshs 200 for text books and he has to pay inspectorate fee and the parents have to build the tuition blocks, and the Kenya Government talks of guaranteeing universal education for all by the year, 2000. What a fallacy! What a shame! If they had been literate enough to know what is meant by the word "Government", actually this Government should have been called off the leadership and a vote of no confidence passed on it. They should have been ashamed and just surrender and call it a day because a country that cannot guarantee the basic needs like literacy and talks of basic education for all by the year 2000, while are thousands of our children cannot get the minimum education for the sheer reason that the cost of education in this country has just become impossible, is not justifiable.

To my dear friend in the Ministry of Health, the World Health Organisation (WHO), and the Kenyan policy maker go to the UN Conferences boasting and looking big and talking about health for all by the year 2000. Is this a reality?

It costs a lot for a Kenyan to get even a little bit of medical attention. Actually talking of cost-sharing in an essential service like health, is like getting blood out of a stone and such a man must be considered a mentally handicapped person, in which case, my dear friend, the Minister for Health, Mr. Angatia, many Kenyans are dying because health services have become inaccessible.

But they pay through the nose in terms of taxation! Actually, you need to justify a tax. Tell the silent majority that you pay more because you must get more. Since for every debit, there is a credit, they are merely asking for what can make them have a meaningful life as people who are being administered over by those who have a responsibility on their welfare. Let us look very briefly into the so-called, Harambee.

Mr. Temporary Deputy Speaker, Sir, Kenyans in posterity will live to ask; really if you see that a colleague last week donated Kshs 200,000, you ask where he got the money. My dear friend, with all due respect, in a couple of weeks the Minister of State, Office of the President, who is my neighbour, Mr. Kones, will come over to Muhoroni. I like the way you contribute charitably, but what I question heavily is the source of these funds which are Kshs 200,000 this week, next week Kshs 500,000 and the other week, Kshs 1 million. Which Kenyan in this country can really donate handsomely that amount of money without questioning where the source of these funds is? This is a clear case of misappropriation of funds. Kenyans require equitable distribution of the meagre resources, and this is most essential.

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member for

Muhoroni in order to impute improper motive on hon. Kones, that he is getting his money from dubious sources to donate all over the country?

The Temporary Deputy Speaker (Mr. Wetangula): He did not say that, Mr. Obwocha. Proceed, Mr. Ogeka.

Mr. Ogeka: Mr. Temporary Deputy Speaker, Sir, much as that should be heard, no words should be put into my mouth. My major issue is that the Harambee philosophy is losing the basis and it has become a platform of a minority demonstrating how rich they are.

(Applause)

Harambee in the philosophy of Africans is let us come together and build a shelter for the widows, plough a farm on a communal basis, but not for a score of people to donate Kshs10 million. Where have they got that Kshs10 million from if not from the coffers of the silent majority who are jobless on the streets of Kenyan towns? This is a miss-allocation of resources and the needs to be questioned heavily. Kenya is a rich country, but it is bleeding because the looters are carrying the yoke on their shoulders and are dictating the order of live.

Mr. Temporary Deputy Speaker, Sir, it is very true that our priorities have been wrong. The priorities are favouring the haves, with white collars, the ones living in the higher estates. When you look at the classification, even in the schools, in the hospitals, you really wonder whether the word "equality" has any more meaning in this country, it does not. The innocent are filling the jails, because the security men of this country are safeguarding the haves, and they have no business for the have nots. They only gallows, have the for the innocent. Instead of rehabilitating the inmates, they make sure that they perish in the gallows and they are no more. Everything we have is falling a part, agriculture is becoming a talk of the day, nobody thinks about it. The taxation in that sector is heavily on the poor farmer, and the rich one is sipping a cup of tea in the streets of London, where his wife and children go for shopping day and night. The degree of limousines in the country is becoming exorbitant, it is high time the poor Kenyans became definitely awake and they will hit the nail on the head to determine the future of this country. The taxation in this country must have a justification, if it does not, the people must call it off and back up and go and let us lead the country.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Gitau: Thank you Mr. Temporary Deputy Speaker, Sir, for allowing me to air my views on this---

The Temporary Deputy Speaker (Mr. Wetangula): Order Professor! Can we hear the Member of Parliament for Gatundu?

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, speakers have told us a lot of things, we have listened to the relics of one of the Members here, and it appears that we are speaking to stones. But all the same, whatever we say, our children will hear and our prayers will be answered. Taxation in this country is enormous, it has become extremely unfair because Kenyans have been subjected to direct and indirect taxation. An example of indirect taxation is the National Youth Development Fund.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Wetangula): Who is this one? Order, Members! Is anybody interested in listening to the Member of Parliament for Gatundu? Can we hear him?

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, while I speak on behalf of Gatundu people and the late Mzee Jomo Kenyatta, a man we miss a lot, I would like to say that, if today that man resurrected he would shed tears, particularly when he hears that the person who took over from him is collecting money all over the country from people who sell goats. The owners of these goats from Marigat and elsewhere are being exploited because the National Youth Development Fund (NYDF) has not been budgeted for at all. Nobody in this House can tell us what the NYDF is going to do because there are no projects earmarked for this Fund. We are groping in the darkness with the taxpayer's money, and it is very unfortunate that the Minister for Finance went as far as dipping his hands into the coffers of this nation to get Kshs200 million to be used in projects not earmarked. He should be ashamed of himself for agreeing to be put into that trap of misusing public funds.

Although hon. Ogeka has talked about contributions made towards Harambee in this country, I sometimes wonder whether the money we give in Harambee is really taken care of or noted by the Income Tax officials. These people should take note of the amount of money that we contribute every Saturday, you included Mr. Temporary Deputy Speaker, Sir, because you are very generous. The source of this money should be identified so that it can be taxed, otherwise, we should be told where this money comes from.

Mr. Ruhiu: On a point of information, Mr. Temporary Deputy Speaker, Sir. Those who donate millions of shillings in Harambee in this country have been investigated by private investigators, and they have come to a conclusion that all the money donated is from drug trafficking and most KANU hawks - those who move in sleek cars and limousines - are involved heavily in drug trafficking contrary to international.

The Minister for Home affairs and National Heritage (Mr. Lotodo): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has just said that KANU hawks get money from drug trafficking. I happen to be one of those people in KANU. Would he list down the names of all these people because there are so many people who are in KANU in this Republic?

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Ruhiu. We cannot surely degenerate into a debate on such a wild unsubstantiated and apparently mis-guided allegations. I do not think we need to debate on that. Hon. Ruhiu has just made a wild allegation and he has not named anybody. I think it should be treated in that manner.

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, protect me from---

The Minister for Home Affairs and National Heritage (Mr. Lotodo): On a point of order, Mr. Temporary Deputy Speaker, Sir. We on this side of the House, including yourself, happen to be in KANU. We demand an explanation for that.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order! The view of the Chair is that the allegations which hon. Ruhiu has made are wild, directionless and deserve no debate on the Floor of this House.

The Minister for Health (Mr. Angatia): On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that our Standing Orders require that we take responsibility for whatever we say here, and you have said that what hon. Ruhiu has said is wild and directionless, who takes the responsibility for those words because they are damaging?

The Temporary Deputy Speaker (Mr. Wetangula): Order! Carry on, hon. Gitau.

Mr. Gitau: Thank you very much, Mr. Temporary Deputy Speaker, Sir. Some of the KANU hawks are not actually hawks. Some of them are "doves" and also polite people, and they do not kill. But those who cannot justify the source of this money are either drug traffickers or thieves.

We should take care of the farmers. Our farmers are taxed at source and yet when we go upcountry, you will see very bad roads used by the farmers. That is why the farmers have very poor hospitals without water, medicines and ambulances, and yet these farmers are the ones who are supporting this economy. Our Government should take care of the farmers. It is important because our farmers take their children to poor schools. They have no water and yet they support those who live in towns and who enjoy everything that is good in this country.

Mr. Temporary Deputy Speaker, Sir, I sympathise with matatu people. They have become part and parcel of our economy. Charging them Presumptive Tax even before they have even collected their money is not only evil, but it is also a crime, noting that spares are very expensive, the roads are very poor and their vehicles keep on breaking down every time. In other words, it is extremely difficult to know how much a matatu operator is going to earn at the end of the year. If you pre-tax him, you are actually sucking the blood of a dying person. Therefore, the matatu operators should be taken care of. This Presumptive Tax should be abolished immediately. They should not be pre-taxed, but there should be another form of taxing them, maybe, through road licences and Public Service Vehicle (PSV) licences.

Mr. Temporary Deputy Speaker, Sir, our parastatals which are another source of income have been run down by corrupt officials. It is unfortunate that we have never lessened it ---

ADJOURNMENT

Mr. Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, the 4th of July, 1996, at 2.30 p.m.

The House rose at 6.30 p.m.