

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 5th December, 1995

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

Statistical Abstract 1994, Central Bureau of Statistics

*(By the Minister for Energy on behalf of the  
Vice-President and Minister for Planning  
and National Development)*

Annual Report and Accounts of the Kenya Broadcasting Corporation for the year ended 30th June, 1994 and the Certificate thereon by the Auditor-General (Corporations)

*(By the Minister for Energy on behalf of the  
Minister for Information and Broadcasting)*

Annual Report and Accounts of Kenya Pipeline Company Limited for the year ended 30th June, 1993 and the Certificate thereon by the Auditor-General (Corporations)

*(By the Minister for Energy)*

### NOTICE OF MOTION

#### BAN ON MIRAA TRADE

**Prof. Mzee:** Mr. Speaker, Sir, I beg to give Notice of the following Motion:-  
THAT, *miraa* also known as *khat* is a drug widely used in Kenya and has a strong anti-social effects causing economic and medical harm to those consuming it; this House urges the Government to ban the growing, selling and consumption of *miraa*.

### ORAL ANSWERS TO QUESTIONS

*Question No. 1080*

#### SIZE OF NYAYO BUS FLEET

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

- (a) what is the size of the Nyayo Bus fleet;
- (b) how many of these buses are operating and where; and
- (c) what is the future of the parastatal in lieu of the high losses it has incurred over the years.

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

- (a) The total Nyayo Bus Corporation fleet is 334 buses.
- (b) A total of 100 buses are operational and are stationed as follows: Nairobi 50, Nakuru ten; Mombasa nine; Meru six; Kisii six; Kisumu ten and Eldoret nine.

(c) The Government is looking into the possibility of privatising the Corporation.

**Mr. Icharia:** Mr. Speaker, Sir, the figures given by the Assistant Minister in his answer to "b" can be disputed because, in Nairobi, there are only 30 buses and only 20 are working. The Nyayo Bus Corporation is technically insolvent. It is suffering from an acute shortage of working capital and it continues to incur losses amounting to Kshs235 million up to date. I would like to ask the Assistant Minister exactly what the Government intends to do because its fixed assets are nothing but "ghost" assets and---

**The Speaker:** You are now making a speech, Mr. Icharia!

**Mr. Icharia:** I am coming to the question, Mr. Speaker, Sir.

**The Speaker:** That is not a question! Can you respond, Mr. Awori? He is asking you, "what does the Government want to do"?

**Mr. Awori:** The Government is in the process of finding a purchaser under the policy of privatising parastatals.

**Mr. Michuki:** Mr. Speaker, Sir, could the Assistant Minister inform this House as to whether the figure of 334 buses is inclusive of very many new chassis which were bought and dumped at the depot and which we believe have been vandalized in order to get spare parts? Can he confirm whether this includes those?

**Mr. Awori:** Mr. Speaker, Sir, I do confirm that the figure of 334 buses include, some 89 Volvo chassis buses which indeed required body building but due to lack of funds have remained so. They have not been vandalized. However, it is likely that due to the weather conditions, they may have been discoloured here and there.

**Dr. Lwali-Oyondi:** The Assistant Minister has just stated that he is going to possibly sell or privatise this bus company. In view of the fact that in most of the parastatals that have been advertised, the tenders have not been so open, is he going to assure this House that the privatisation of this particular company or parastatal is going to be open and it is going to be advertised in the news papers?

**Mr. Awori:** Mr. Speaker, Sir, I do not know which parastatals have been sold secretly. In so far as this particular one is concerned, the tender will be very much open and it will be advertised.

**Mr. Icharia:** Is the Assistant Minister aware that anything called "Nyayo" has failed? The Nyayo Tea Zones are failing and the Nyayo philosophy, which has become a fallacy supported by nobody but intellectuals for hire has failed. Can the Assistant Minister consider donating Nyayo Bus Corporation to *matatu* operators who can do a better job than the Government in running the transport business?

**Mr. Awori:** Mr. Speaker, Sir, in the first place it is totally untrue to say that anything that has been named "Nyayo" has failed. The philosophy of Nyayo has saved this country from collapse. Any *matatu* operators who will be capable of purchasing Nyayo buses will be free to do so.

#### *Question No.516*

#### PAYMENT OF DEATH GRATUITY

**Rev. Ommani** asked the Minister of State, Office of the President:-

(a) if he is aware that since the death of Mr. Samson Wekesa Maungo, PF/No.28461, his death gratuity and other benefits due to the legal dependants have not been released to the widow; and

(b) if the answer to "a" above is in the affirmative, whether he could process and forward the same to his legal dependants.

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

(a) Yes, I am indeed aware.

(b) The death gratuity will be processed as soon as the deceased's widow forwards declaration forms, duly completed, together with other requisite documents, to the Commissioner of Police.

**Rev. Ommani:** Mr. Speaker, Sir, the widow was left with children and she has no money to even to board a bus to come to Nairobi. She has filled those forms and sent them to the particular Ministry. What else has she got to do? Could the Assistant Minister consider assisting her to get the death gratuity?

**Mr. Awori:** Mr. Speaker, Sir, the widow has indeed not sent in the information required and the information required is as follows: Declaration forms; original death certificate; photocopy of her national identity card; original birth certificates of children if any and marriage certificate if any. So far, the widow has not responded to the Commissioner's letters as follows: A letter dated 26th August 1993; the second one on the 1st of November 1993 and the last letter on the 29th of August 1994. If my colleague, Rev. Ommani, can help her to bring this information directly to me, I will ensure that the process is expedited.

**Mr. Ndilinge:** Mr. Speaker, Sir, this widow was bereaved in 1991; about five years ago. The Assistant Minister should take this case seriously. Would the Minister confirm or deny that the widow took all the necessary documents to the office concerned by last year?

**Mr. Awori:** Mr. Speaker, Sir, I deny that the widow took the forms. As I had just said earlier, she has not replied to three letters under which she should send the declaration forms required but I am willing, able and ready to assist if the Member of Parliament of the area can help the widow to bring these forms so that we can assist her to get her money.

*Question No.963*

ASSAULT ON MRS. NYAMBURA

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

(a) whether he is aware that a Mrs. Vacilia Nyambura of Munguini Sub-Location, Muthithi Location in Kigumo Division, was assaulted by Mr. Charles Ngugi Mungai, Assistant Chief of Munguini Sub-location on 6th May, 1994, and harmed;

(b) whether he is further aware that this matter was reported at Murang'a Police Station on 9th May, 1994; and

(c) whether he could tell the House what action the Government intends to take against the Assistant Chief.

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

(a) The said Assistant Chief arrested the lady after a report was made to him by the lady's step-son that she was caught in the act of stealing.

(b) Yes, I am aware.

(c) The Government does not intend to take any action as the case was closed by the Attorney-General due to lack of evidence.

**Mr. Mwaura:** Mr. Speaker, Sir, I am really surprised because I had given the Assistant Minister the true picture about this subject. The issue is not what led to the arrest but whether the Assistant Chief assaulted this lady and whether the Assistant Minister is aware that the lady was given a P3 form which I am going to lay on the Table indicating that she was assaulted by the assistant chief?

**Mr. Awori:** Mr. Speaker, Sir, I have no such information and if such information is made available to me, then certainly investigations will be carried out and the necessary action will be taken.

**Mr. Mwaura:** Mr. speaker, Sir, I really do not know what to say because the question is---

**Mr. Speaker:** Order! Order! I have ruled in the past and I will do it again. If a Member is going to lay a document on the Table of this House, he or she must take the earliest opportunity to do so; to allow his or her opposite the opportunity to peruse and consequently answer intelligently.

**Mr. Mwaura:** Mr. Speaker, Sir, thank you very much. I have already said that I am laying on the Table the P3 form but the question is---

**Mr. Speaker:** Order! Order! There is a difference between what you intend to do and what you actually have to do. I now order that either you lay it on the Table or you do not refer to it at all!

**Mr. Mwaura:** Mr. Speaker, Sir, I wish to lay the document, P3 form relating to the assault to the lady on the Table.

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

Is the Assistant Minister aware that as we speak here this Assistant chief is in remand for having committed a murder and killed a Mr.---

**Mr. Speaker:** Order! Order! First of all, there are two things you must take note of:-

(1) We do not sit here to try people accused or charged with various offences. if you have that evidence, will you volunteer to go to the relevant court and give that evidence?

(2) That issue of a person having killed another is irrelevant to the question you are asking. Will you restrict yourself to this question? Do not prejudice the case of any person pending in any court.

**Mr. Mwaura:** Mr. Speaker, Sir, I need your guidance here because we are talking about an assistant chief who assaulted a woman and I raised a question to the Ministry about that issue. The answer I am given here is that there was no evidence to either suspend the sub-chief or to interdict him. I am telling the Ministry as we

speaking here, because no action was taken on my question, this same assistant chief has gone and killed somebody else and he is in remand.

**Mr. Speaker:** Order! Order! That is a very serious allegation and you should know too that if that matter is before a court anywhere, it is *sub judice* and it does not matter whether you like it or not because that is the rule. Mr. Mwaura, you must comply with the rules of this House until they are otherwise changed. The rule is that if there is a matter before the court which is *sub judice*, you cannot bring it here. Secondly, I may also volunteer to say that no Member is allowed to stand on the Floor of this House and say "XYZ is guilty of murder". The only competent authority to find a person guilty or innocent is a court of law. Could you finish now?

**Mr. Mwaura:** Mr. Speaker, Sir, could the Assistant Minister tell this House, if this assistant chief who assaulted the lady is still working with the Government, as of now?

**Mr. Awori:** To the best of my knowledge, he is.

**Mr. Gitonga:** On a point of order, Mr. Speaker, Sir. We need your guidance here. The hon. Member asked about an assistant chief assaulting a lady, and the Government took no action, because there was no evidence. He has submitted evidence here, indicating that, the some assistant chief has been accused of beating up a young man who died later as a result of this beating. Is the hon. Member not in order to ask what the reason for beating up this young man was, because no action was taken in the first place?

**The Speaker:** Are you asking me?

**Mr. Gitonga:** I am asking the hon. Assistant Minister, through you, Mr. Speaker, Sir, and I am also seeking guidance from you, Mr. Speaker, whether the Assistant Minister is in order!

**Mr. Speaker:** I think you are asking me because I am the one who overruled Mr. Icharia! I will also overrule you because you cannot go through the back door, ask what I have already overruled.

**Mr. Shikuku:** I think from the first case that, in my position Mr. Speaker, I have a medical examination report, in which it is clearly stated that this was an assault. Would the Minister tell the House why, despite all this information, this Assistant Chief has not been charged? He has not been charged in respect of this, and he says, he is working! As far as he is concerned, the assistant chief is not in jail and he is still working. Could he tell the House why he continues working despite those facts in the P3 form?

**Mr. Awori:** Mr. Speaker, Sir, surely, this august House must give me an opportunity to examine the document, and then react to it appropriately. I have not even seen the document. It has been laid on the Table and even before I looked at it, the same side has taken the document. I must have a look at the document, and if I find that I am satisfied that indeed, this lady was assaulted by the assistant chief, then the requisite action will be taken. May, I please, have a look at the document?

**Mr. Mwaura:** Mr. Speaker, Sir, could the Assistant Minister tell this House what action the Ministry took to investigate the question I raised about this assistant chief?

**Mr. Awori:** Mr. Speaker, Sir, there was no police report of any assault. Under what circumstances would I have taken action against the assistant chief? There is no report in any of the police stations around there, stating that the an assistant chief assaulted a woman.

**Mr. Nyanja:** On a point of order, Mr. Speaker. The police happen to be in his Ministry, the police abstract is a document in black and white, coming from your Ministry, Office of the President. Is the Minister in order to mislead the entire world that he did not know when his Ministry has given us this document here? Is he in order?

**Mr. Speaker:** In addition to what the hon. Nyanja is saying, I thought Mr. Awori, you said, in answer to (b), "yes", you are aware!

**Mr. Awori:** Yes, indeed, Mr. Speaker, Sir, I beg to apologize and say that I contradicted myself on (b).

**Mr. Icharia:** On a point of order, Mr. Speaker, we have two statements, one from the Assistant Minister and the other one from the Member for the area, who said that the culprit is in police remand now but the Assistant Minister said he is working. Who do we believe?

**Mr. Speaker:** I leave that to your very good judgement. Next question.

#### *Question No. 988*

#### ALLOCATION OF PLOT

**Prof. Mzee**, on behalf of **Mr. Mwavumo**, asked the Minister for Local Government:-

(a) whether he is aware that the land belonging to Sheikh Zaid Bin Naluyah Clinic, Tudor, Mombasa, has been allocated to a private developer; and

(b) when this land was allocated and why Messrs Kanji Hirji Shah and Josodden Shah, who are developing the land, are blocking access to the clinic.

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

I would like to inform the hon. Member that the plot referred to is adjacent to the Tudor Clinic and not Zaid Bin Naluyah Clinic. The plot was allocated to Councillor Hamisi Salim in 1994, who has since transferred the same to Messrs. Kanji Hirji Shah and Josodden on 30th May, 1994. Access to the Clinic has not been blocked.

**Prof. Mzee:** Mr. Speaker, Sir, I would like to correct one impression. The Tudor Clinic is named "Sheikh Zaid Bin Naluyah Clinic" after the donor. So, we are talking about the same clinic, Sheikh Zaid Bin Naluyah Clinic, which is the Tudor Clinic and the donor has been Sheikh Zaid Bin Naluyah. The plot which has been developed, or is in the process of being developed, was part of the parking to the Tudor Clinic. It is part of the Tudor Clinic which is Sheikh Zaid Bin Naluyah Clinic. What they have done is excise the plot.

Mr. Speaker, Sir, I am building the question, it will take only half a minute! I will ask the question! The councillor, especially this one who has been allocated, has been allocated more than 50 plots in the same way.

All the civic municipal council estates, parking plots, pavements, have been allocated to the councillor, three or four times. What is the purpose of the Government to allocate plots to councillors immediately sell it to somebody else, so that they can pocket millions and millions of shillings? What is the purpose in the first place?

**Mr. Walji:** Mr. Speaker, Sir, I would like further to clarify, regarding this particular plot. This particular plot was subdivided in 1972, measuring 0.805 hectares. In 1994, the same plot for the clinic was again subdivided into two plots, giving the

[**Mr. Walji**]

clinic 0.5103 hectares and 0.2935 hectares was meant for residential plots, and it was allocated to these particular Councillors, and if the Councillor was hard up with money, then he would naturally sell his plot. If I have my plot, and I wait to sell it to somebody, I am at liberty to sell.

**Prof. Mzee:** Mr. Speaker, Sir, is it in order for the Assistant Minister for Local Government to mislead this House, in the first place by saying that this plot did not belong to the clinic and then, admitting that this plot was subdivided, it used to belong to the clinic and then subdivided into two. Is that not misleading the House in the first place, when he said it did not belong to the clinic?

**Mr. Walji:** Mr. Speaker, Sir, I said that, at the moment that plot does not belong to the clinic. It was earmarked for the clinic and then subdivided again and made into two plots, one for the clinic and one for the residential purposes.

**Mr. Farah:** Mr. Speaker, Sir, to the best of my knowledge, this Tudor clinic serves a big area there. When initially this plot was given to Sheikh Bin Zaid Nahyah of United Arab Emirates to assist the people of Mombasa so that they can get proper medical facilities. I am sure adequate feasibility study was done for the expansion of that. Can the Minister tell us how he intends to have that facility expanded? Because the population has increased since then, what provision is there in the Local Government itself for somebody to say that, I have no money I need a plot so that I can sell it and get some money? Is there a provision like that? Can somebody be allocated a plot on the basis of that?

**Mr. Walji:** Mr. Speaker, Sir, not anybody can be allocated those particular plots, but the Councils are issuing plots to individuals and there is no way we can block the issuing of plots.

**Mr. Kiliku:** Mr. Speaker, Sir, Tudor Clinic is a Government clinic and the Mombasa District Development Committee has approved the expansion of this clinic and would be upgraded to sub-district hospital, but only to discover that an individual was given that plot. Could the Minister tell this House what we are going to do with the Mombasa people if we want to expand this clinic to be a fully fledged sub-district hospital? We cannot because of an individual.

**Mr. Walji:** Mr. Speaker, Sir, they can only expand upwards.

**Prof. Mzee:** Mr. Speaker, Sir, On a point of order. As I stand here at the present time, we already have a donor and we already have plans for the expansion. This is an overseas donor and it is a very serious issue here. Since we already have a donor, and since all these plots around have been allocated, how is the Minister going to assist us?

**Mr. Speaker:** That is actually a plea not a point of order. Would you like to assist him?

**Mr. Walji:** Mr. Speaker, Sir, since the plots have already been allocated and resold, I do not think my Ministry can do anything to recover those plots again, unless, the clinic decides to buy those plots from the owners.

*Question No.847*

## ALLOCATION OF COTTON PLOTS

**Bishop Njeru** asked the Minister for Local Government:-

- (a) if he is aware that the residents of Kirwara, Mutithi Location, are having disputes with Kirinyaga County Council with regard to the size of the plots allocated to the cotton farmers in this location; and
- (b) how many acres were allocated to cotton farmers in this area and how many people were allocated these plots.

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

Yes, I am aware that 1,015 acres were allocated to 203 cotton farmers. The list of allottees is attached herewith. The dispute between the Kirwara Mutithi Location, Mwea District and Kirinyaga District arose when 203 farmers were allocated these plots of five acres each for growing cotton and only additional one acre was allocated for building a dwelling house. This project collapsed and the farmers settled down on the 5 acre plot leaving the other one acre for the squatters to come and reside on in 1979.

Mr. Speaker, Sir, since that particular project has collapsed, we are trying to sort out this matter with the Kirinyaga County Council, and then to give this one acre plot to the squatters instead of giving it to the framers because they are no longer using that land for cotton growing.

**Bishop Njeru:** Mr. Speaker, Sir, I wish the hon. Member would have given me a written answer. However, I will request him to give it even after I pursue my Question. The land in question was for cotton growing which was given to 200 members from Kirinyaga County Council. He has said, only 115 were given, but my question is, the County Council have come up now after realising there were those plots which were allocated to individuals for one acre, who were not the owners of the 60 acres. Can the Minister confirm now, that, those people who were given this one acre, can stay instead of being evicted by the County Council?

**Mr. Walji:** Mr. Speaker, Sir, these one acre plots, the councillors decided to give to the squatters. They are still in the process of giving them and I cannot really say that, those squatters will not be removed from there, unless the Council decides that. Finally, they will be allocated to the squatters and not to the farmers. But, here we have confirmation that, the 5-acre plots were already allocated to the farmers and the title deeds have also been completed for those five acres.

**Mr. Gatabaki:** Mr. Speaker, Sir, virtually everyday here, we hear about plots being allocated by this Government to various individuals. We hear about graveyards, we hear about all the available fields of farmland being allocated. Could this Government, the KANU Government, tell Kenyans that they are not going to allocate our streets? Our secondary schools are highways everywhere before they are replaced by the Opposition and before that allocation is reversed.

**Mr. Walji:** Mr. Speaker, Sir, I would like to tell the hon. Members that there is a law and this is not a jungle law that you can come up and reposes those plots from anybody. If a person has been allocated a plot, title deeds issued to them, there is no government which can come and reposes those plots.

**Mr. Speaker:** Very well, next Question!

*Question No.1062*

## LIQUIDITY OF TRUST BANK

**Mr. Karan** asked the Minister for Finance:-

- (a) if he is aware that millions of Kenyans have in the past lost their hard earned savings in the financially unstable banks, and that thousands of depositors are currently worried as to the liquidity strength of Trust Bank Limited; and
- (b) what the current liquidity ratio of Trust Bank Limited is, based on its past records and history.

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

(a) Yes, I am aware that some Kenyans, and not millions, have in the past years lost their savings in collapsing banks. But, I am not aware that thousands of depositors are currently worried as to the liquidity strength of the Trust Bank Limited.

(b) The liquidity ratio of the Trust Bank has over the last one year averaged 29 per cent, whereas the

Central Bank requirement is a ratio of 25 per cent.

**Mr. Karan:** Mr. Speaker, Sir, banks which have previously collapsed have shown healthy liquidity position until the time of their collapse. The problem we have in this country is that banks are institutions of trust and the Government is not taking due care at the time of licensing these banks. They have been allowing people with dubious records---

**Mr. Speaker:** What is your question?

**Mr. Karan:** I am building up the question.

**Mr. Speaker:** Then you better come straight to it.

**Mr. Karan:** they have been allowing people with dubious records to open commercial banks without checking their records. Before I ask the supplementary question, I would like to lay documents on the Table to help the Assistant Minister to check on the liquidity position of Trust Bank. This is because we do not want to see a situation like that of Trade Bank again.

*(Mr. Karan laid the documents on the Table )*

The position of Ajay Shah, who is the Chairman of the Trust Bank--- The dubious way in which he came to this country and he was supposed to be deported---

**Mr. Speaker:** Order! Order! If any Member has a grudge against any Kenyan, he can go and sort it out there! The Question before the House is about the liquidity, or otherwise of the Trust Bank. It has nothing to do with any individual. Shall we stick to what is relevant? You are absolutely irrelevant! Ask a supplementary question that is relevant to your question.

**Mr. Karan:** Mr. Speaker, Sir, I have given a preamble.

**Mr. Speaker:** Order! Order, Mr. Karan! Preambles shall not be used in this House to circumvent the rules of this House! So, you should go straight to the Question before the House.

**Mr. Karan:** Mr. Speaker, Sir, is the Assistant Minister aware that the Audit Department which is supposed to check the bank has been scrapped with an intention of dubious development?

**Mr. Keah:** Mr. Speaker, Sir, I would like to thank you for the ruling you have given. Before I answer that question, I want to say it here, loud and clear, that it would be most unfortunate, if this august House were to be used to carry out vendetta against individuals and, more particularly, against institutions such as banks, because of the sensitivity of---

**Mr. Shikuku:** Is the Assistant Minister replying to the Question, or he is commenting on your ruling?

**Mr. Speaker:** He was in fact! I have already ruled that this House shall not be used---

**An hon. Member:** Tell them!

**Mr. Speaker:** Order! This House shall not be used as a platform, as I have said in the past, of character-assassinating other Kenyans who cannot stand here to defend themselves. If hon. Members were to care and read their Standing Orders, it is stated that:-

"No name of any person shall be used in the Question unless it is absolutely necessary to identify that person."

The primary cause, in my view, of having a Parliament is not to character-assassinate your own electors. It is to uphold their integrity and the integrity of this House. In my view, any Member who uses the Floor of this House for character-assassination is lowering the dignity of this House.

**Mr. Keah:** In response to the supplementary question by the hon. Karan, my answer is no. Certainly, there is no dubious intention on the part of the Government, nor the Central Bank of Kenya, to conduct dubious business in this country.

**Prof. Ouma:** Thank you Mr. Speaker, Sir. It is true that---

**Mr. Speaker:** Order! Order, Prof. Ouma! What did I hear from hon. Ndicho? Did I hear anything Mr. Ndicho?

**Mr. Ndicho:** I did not say anything Mr. Speaker Sir!

*(Laughter)*

**Mr. Speaker:** Anyway, sit down. Proceed Prof. Ouma.

**Prof. Ouma:** I was saying that it is true that Kenyans have had a lot of soul searching because of past collapsed banks and whenever another bank's name appears in the newspapers, and there is even a question in this House, Kenyans have a right to be told whether they should be sleepless again. Could the Minister reassure

Kenyans if he knows that it is the truth? Could the Assistant Minister categorically reassure Kenyans, that Trust Bank is steady and they will not lose their money?

**Mr. Keah:** Mr. Speaker, Sir, I can give that reassurance through the monthly statistics available from the bank. All I can confirm from our records available is that; October, 1994, 39 per cent, November, 1994, 29 per cent, December, 1994, 25 per cent, January, 1995, 26 per cent, February, 1995, 26 per cent, March, 1995, 25 per cent, April, 1995, 26 per cent, May, 1995, 27 per cent, June, 1995, 26 per cent, July, 1995, 27 per cent, August, 1995, 33 per cent, September, 1995, 27 per cent and October, 1995 39 per cent. That is my reassurance.

**Mr. Speaker:** Mr. Mwangi Gichuki's Question!

**Mr. Githiomi:** Mr. Speaker, Sir, I am not Mwangi Gichuki. I am Mwangi Githiomi.

**Mr. Speaker:** I am sorry. You are both Mwangi and both of you are from Nyandarua. Anyhow, Mr. Mwangi Githiomi.

**Mr. Githiomi:** The MP for Kipipiri!

**Mr. Speaker:** Very well, proceed.

*Question No.1056*

ISSUANCE OF TITLE DEEDS

**Mr. Githiomi** asked the Minister for Lands and Settlement:-

(a) whether he is aware that the residents of Geta Location of Kipipiri Constituency have not been issued with title deeds and;

(b) if the answer to "a" above is in the affirmative, whether he could inform the House when the issuance of the title deeds will be done.

**The Assistant Minister Lands and Settlement** (Mr. Khaniri): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the residents of Geta Location in Kipipiri Constituency have not been issued with title deeds.

(b) The issuance of title deeds will begin as soon as the necessary arrangements for the exercise are completed.

**Mr. Githiomi:** Mr. Speaker, Sir, the residents of Geta Location were promised, sometime in August, that they will be issued with title deeds. They were promised by the Provincial Administration and indeed they started paying for the title deeds. The President of this country went to Geta Location on 2nd of October, 1995 and promised that the title deeds would be issued. I do not know whether the Minister is implying that he has defied the orders of the President and that we should believe him more than we should believe the President.

**Mr. Speaker:** By the way, Mr. Githiomi, I know that you are new, you had better revisit your Standing Orders. But any way, finish the Question.

**Mr. Githiomi:** What plans does the Assistant Minister have to process the title deeds for the residents of Geta Location since they have already paid for the title deeds?

**Mr. Khaniri:** Mr. Speaker, Sir, it is true that we promised to make the title deeds ready. Up to now we have 832 title deeds ready which are supposed to be issued but consultations are being made as to when these title deeds will be issued.

**Mr. Busolo:** The Assistant Minister has referred to necessary arrangements. What are these [Mr. Busolo] necessary arrangements that will be made before the title deeds are issued?

**Mr. Khaniri:** Mr. Speaker, Sir, when we have got a large number of title deeds, like the ones I have mentioned, 832, we require proper arrangements and coordination between the Provincial Administration, my Ministry and, if possible, the Office of the President to issue them ceremoniously.

**Mr. Gichuki:** Could the Assistant Minister make arrangements to have the title deeds that are ready given out at the district level, because there are land officers there who can do that? Right now, we know that title deeds are given out from the district offices, instead of waiting for a long time until they get a big chunk to give out.

**Mr. Khaniri:** Mr. Speaker, Sir, as I have said, we are organising a ceremony to issue all these title deeds together in that scheme.

*Question No.1084*



## SACKING OF MR. ALI

**Prof. Mzee** asked the Minister for Energy the circumstances leading to the termination of the services of Mr. Mohsin Ali, S/No.3490, who was working with the Kenya Power and Lighting Company Limited (KPLC), Commercial Engineering Department, Coast Province.

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

KPLC terminated the services of Mr. Mohsin Ali as a result of his failure to satisfactorily account for losses of company stores entrusted to him by virtue of his employment.

**Prof. Mzee:** Mr. Speaker, Sir, there has been a lot of correspondence between Mr. Mohsin and KPLC. At no time was he told that he was summarily dismissed because he failed to account for stores. Why, in the first place, if that is the reason, was he not taken to court, if it was true that that was the reason why he was dismissed?

**Mr. Mbela:** Mr. Speaker, Sir, as far as I am aware, Mr. Ali has been made aware of the problems he had with his employer, and he is lucky to have had his services terminated mainly because he had worked for the company for 35 years. The idea of terminating his services, as opposed to dismissing him, was to allow him to collect his terminal benefits.

**Dr. Lwali-Oyondi:** Mr. Speaker, Sir, the Minister has alleged that this particular worker lost some goods, or probably stole some goods. This is an allegation since he has not been taken before a court of law which is the only authority that can know whether somebody is guilty or not. Is the Minister, therefore, in order to allow this man to lose his job on suspicion?

**Mr. Mbela:** Mr. Speaker, Sir, there was evidence that he lost the stores and the choice of not taking him to court was meant to assist him.

**Mr. Speaker:** Next Question! Mr. George Anyona! Sorry, I apologise to Mr. Anyona. I am sorry. It is Mr. Shikuku's Question coming next. I am sorry Mr. Shikuku.

**Mr. Shikuku:** Thank you, Mr. Speaker, Sir. Before I ask Question No. 1004, let me say that there is a typographical mistake here, where it is written "at 6.30 p.m." when the House adjourns. It should be 9.30 p.m.

**Mr. Speaker:** 9.30 p.m.?

**Mr. Shikuku:** It is 9.30 p.m. and not 6.30 p.m.

**Mr. Speaker:** Let it be so amended to 9.30 p.m.

**Mr. Shikuku:** It is 9.30 p.m. because at 6.30 p.m. we are always here. It should be 9.30 p.m.

*Question No.1004*

## AIRING OF "TODAY IN PARLIAMENT"

**Mr. Shikuku** asked the Minister for Information and Broadcasting whether he is aware that *wananchi*, who are tax payers, would like to listen to *Today in Parliament* programme both at 9.30 p.m and 6.30 a.m., as it used to be in the past?

**The Minister for Information and Broadcasting** (Mr. Makau): Mr. Speaker, Sir, I beg to reply.

Before giving my reply I would like to state that I was doubtful of the timing of hon. Shikuku's Question.

**Mr. Speaker:** We realised the problem, Mr. Makau, and we have amended the timing.

**The Minister for Information and Broadcasting** (Mr. Makau): If you have amended the timing, I will amend my answer too.

**Mr. Speaker:** Yes, very well.

**Mr. Makau:** Mr. Speaker, Sir, the reporting of parliamentary proceedings that goes on in *Today in Parliament* is a very popular programme. *Today in Parliament* as amended goes on air at 9.30 p.m. which is prime time after news; on the two major radio services, that is the National Service and the English Service at the same time, 9.30 p.m. on the dot. On television, proceedings from the House are carried as part of the news.

[**Mr. Makau**]

Since the current Parliament began its business, the Ministry of Information and Broadcasting has committed itself to the promotion of Parliamentary democracy through verbatim coverage of hon. Members' contributions in Parliament. The report of the proceedings in *Today in Parliament* at 9.30 p.m., as per hon. Shikuku's Question, is repeated at 6.30 a.m. at KBC---

**Mr. Gatabaki:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Order! Order! Order, Mr. Gatabaki! As an hon. Member of this House, I can also somehow learn when there is disorder. You can raise your point of order if it does not relate to what he is saying. Is the House on fire?

**Mr. Gatabaki:** It is very important, Mr. Speaker, Sir.

**Mr. Speaker:** Is the House on fire?

**Mr. Gatabaki:** Mr. Speaker, Sir, it is very important! This point of order is very, very, very important and significant! Is it in order for the Minister of Information and Broadcasting to mislead this House and this country that this Ministry of his, promotes Parliamentary democracy when he knows that KBC only promotes KANU democracy?

**Mr. Speaker:** Order! Order, Mr. Gatabaki! Mr. Gatabaki, I was asking whether the House was on fire! Why I was asking this, is because I never heard any disorder being created by the Minister. What you were seeking was just to forward your own argument. You should have waited until he finishes answering the Question, to give the hon. Shikuku the first choice and then try to catch my eye and then you could have proposed what you wanted to say! Proceed, Mr. Makau!

**The Minister for Information and Broadcasting (Mr. Makau):** Mr. Speaker, Sir, with regard to that point of order, let me say that the KANU democracy that he is talking about is part of our democracy and if it is the best, then he has to accept it. As to whether we can repeat *Today in Parliament* the following morning, at 6.30 a.m., KBC is carrying out an audience research on the issue. KBC is guided, and this is very, very important, by the listeners preferences and could not just ignore the findings of the audience research. But I promise this House that KBC---

There are two issues here. One is to check what is happening; by doing research to establish what is the preference of the listeners. For example, if they say they do not want Parliament proceedings because they are stale, we cannot give them that. That is why a research is going on. We have to do research to make sure that the listeners' preferences are taken into consideration. If the listeners preference show that it should be repeated and done again, we shall do so. But if they feel it is repetitive, we will not repeat it.

**Mr. Shikuku:** Mr. Speaker, Sir, arising from that reply, is the Minister aware that this was the case in the past? We had it at 9.30 p.m. and then in the morning, instead of having this continuous music. Could he tell me when he carried out the research and found out that people did not want to listen to *Today in Parliament* in the morning and in the evening? When did he do that research?

**Mr. Makau:** Mr. Speaker, Sir, I have said that there is an on-going research to check on that one. At the same time, when KBC became a commercial enterprise, there was also the question of the commercial consideration. I would like the hon. Members to realise that tomorrow you are going to ask why KBC is not making any profits. Why is it not meeting its obligations as per Treasury's instructions? What I have said is that now there is an on-going research to check the possibilities of re-introducing it and if that is positive, then we will have no other alternative, but to do so.

**Mr. Mulusya:** Mr Speaker, Sir, arising from the answer given by the Minister, is he aware that the research he says was carried out and which now he denies---

**Mr. Makau:** On a point of order, Mr Speaker, Sir. I have said "on-going research." I can give the House the interim report on that research. Currently, saying *Yesterday in Parliament* is stale news.

**Mr. Mulusya:** Mr Speaker, Sir, the HANSARD report would bear us witness that he said a research has been carried out.

**Mr. Speaker:** Order! Order, hon. Members! I think, to save time, the Minister has said they are undertaking, it means, it is a continuous research. So, could you now ask your question having that in mind?

**Mr. Mulusya:** Mr. Speaker, Sir, could the Minister tell this House why it is only the Ministers and their Assistant Ministers, at the Front Bench, who are reported in the verbatim report in the KBC TV and Radio? It is only the radio which goes further to cover the proceedings of this House, as pertains to Backbenchers, Members of the Opposition and even KANU Backbenchers. It only talks about what the Ministers have said and mostly their answers to Questions by Members of this Parliament.

**Mr. Makau:** Mr Speaker, Sir, I would like to say that we report everybody in this House and contributions of hon. Members in this House. Answers to Questions raised by hon. Members of Parliament, are very crucial because you are asking questions pertaining to the problems in your constituencies and *wananchi* need to hear those answers. We have continued reporting even to the extent when hon. Mulusya is thrown out of Parliament. We report it!

(Laughter)

**Mr. Mulusya:** On a point of order, Mr Speaker, Sir. Is the hon. Minister not insulting the name of the Member of Parliament for Kangundo Constituency? Is he in order to talk in a language to show the Member of Parliament for Kangundo Constituency, is not anywhere near---

**Mr. Speaker:** Order! Order, Mr Mulusya! I have, of course, all the time said that hon. Members must address each other in a manner that is civil, but I do not think in this particular incident, the Minister offended any of the provisions of Standing Order No.73. I think, he was just stating a historical fact and what happened. So, I do not know what we would say when the Member has been expelled, whether we should say, "he was kindly asked to leave." But nevertheless, it is a historical fact.

(Laughter)

**Mr. Mathenge:** Mr Speaker, Sir, we are told that the policy of the Ministry of Information and Broadcasting is to entertain, educate and inform. Could the Minister tell this House today why most of the valuable time on the KBC TV and Radio, is spent on entertainment, showing men and women kissing one another, instead of the TV and the Radio, teaching our people their democratic rights, the meaning of liberalisation and the politics of this country, as dominated by KANU, as led by the Minister for KANU Broadcasting Corporation?

(Laughter)

**Mr. Makau:** Mr. Speaker, Sir, that is interesting! I do not think that KBC spends a lot of time showing people kissing and doing all sorts of things. I said that I do not think we spend a lot of time, but any programme that shows people kissing and whatever, well, it depends on people's preference. But we try to balance the objectives of KBC or that of the Ministry of Information and Broadcasting; the objectives that have to be met.

**Mr. Michuki:** On a point of order, Mr Speaker, Sir. I am astonished by what the Minister, is saying when, in fact, they have three times in a week a video movie called "Loving", where kissing is more than anything else.

**Mr. Makau:** Mr Speaker, Sir, I think, he is talking of a different television station. That programme of "Loving" is on KTN, not on KBC.

**Mr. Ndicho:** On a point of order, Mr Speaker, Sir. I am rising on a point of order arising from what the Minister said before and, as a news person, I am a newsman. Did the Minister not mislead this House by claiming that if KBC reads, *Yesterday in Parliament* it is stale news while what we read in the *Daily Nation*, *The Standard*, and *Kenya Times*, it is yesterday's news? So, there is no way we are reading in the print media is stale news, but what he is giving us, is fresh news. Is he in order to mislead the whole nation that even when the radio broadcasts about the President having gone to Israel, they are telling us stale news? Is that what he is telling us?

**Mr. Makau:** Mr Speaker, Sir, I just hope that my friend, hon. Ndicho, understands the meaning of "stale." When KBC Radio reports *Today in Parliament* the newspapers cannot say it is "today" because the newspapers get it and they print the following morning. The newspapers proceedings or reports are still fresh, but it is the repetition that will make it stale. But I have said the research is being carried on to check whether that is the preference of the listeners.

**Mr. Shikuku:** Thank you very much, Mr Speaker, Sir. Could the Minister tell this House when this research he is talking about started and when it is likely to be concluded, and whether he could consider to have the deliberations of this House broadcast live just as it is in Tanzania or is that asking too much?

**Mr. Makau:** Mr Speaker, Sir, the research is an on-going process. The KBC Research Department continues doing research on the programmes that it broadcasts. Not only *Today in Parliament* but this is an on-going research for every programme of KBC. On the question of live coverage, I believe there was a Motion that was discussed here, it was mainly on television coverage. But on live coverage, on KBC TV and Radio, this can only be done when Parliament passes that Motion. But I would like to say that what Tanzania carries out live coverage, every country has its own way of doing things. But we cannot rule out a time that the proceedings of Parliament would be covered live, but when time comes, it will be considered, if it will be appropriate, then, that can be done. But we cannot say just because Tanzania is doing that, say that we are going to do it.

**Mr. Speaker:** Very well. I have given all of you airtime. So, can we go to Mr. George Anyona, now!

*Question No.523*

#### WITHDRAWAL OF CO-OPERATIVE FUNDS

**Mr. Anyona** asked the Minister for Co-operative Development:-

(a) whether he aware that Kamasega Farmers Co-operative Society Limited in Makenene

Location of Borabu Division in Nyamira District opened savings and account, No.149133804, at the Kenya Commerce Bank, Kisii Branch in 1977 with deposit of Kshs122,000;

(b) whether he is further aware that the Society was placed under a Commission in 1987 with the District Officer for Borabu Division as Chairman; and

(c) whether he is also aware that the respective Commission Chairmen (District Officers for Borabu Division) withdrew money from the Account without the authority of the Ministry as follows: Messr E.M. Maeri, Kshs45,000 on 26th October, 1990; Mark D. Maina, Kshs80,000 on 24th September, 1991 and Aggrey Busena, Kshs.45,000 in 1993.

**The Assistant Minister for Co-operative Development** (Mr. Titi): Mr. Speaker, Sir, I beg to apologize to the House and hon. Questioner because I came---

**Mr. Speaker:** We cannot hear you, Mr. Titi?

**The Assistant Minister for Co-operative Development** (Mr. Titi): Mr. Speaker, Sir, I beg to apologize because I came with the wrong file. So, I do not have the answer now but maybe by tomorrow I can provide the answer.

**Mr. Speaker:** Very well. Mr. Anyona, have you heard what he has said?

**Mr. Anyona:** Mr. Speaker, Sir, I did not hear what he said?

**Mr. Speaker:** He said that he is apologizing to the House because he has brought the wrong file which means that it contains a wrong answer. So, he wants time to bring the right file and the right answer!

**Mr. Anyona:** Mr. Speaker, Sir, I do not understand this because I have a written answer of sorts here. I do not know which file he want to go for.

**Mr. Speaker:** Well, he has the wrong one. We will defer it to tomorrow.

*(Question deferred)*

## QUESTIONS BY PRIVATE NOTICE

### BANDITRY MENACE IN SAMBURU

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

(a) Is the Minister aware that between the 26th and 27th November, 1995, heavily armed bandits attacked a Samburu Manyatta at Lerata in Waso and Killed several people and drove away hundreds of cattle towards Isiolo District?

(b) What action is the Minister taking to track down the bandits and recover the stolen animals?

(c) What further action is the Minister taking to equip the police in the area and the local people to counter such attacks?

But, Mr. Speaker, Sir, I would like to appeal to you to tell hon. Assistant Minister to move to the Front Bench because I am not happy with the way he is going to answer me?

**Mr. Speaker:** Will you move and answer from the Front Bench? Are you likely to intimidate him from there?

**The Assistant Minister, Office of the President** (Mr. Awori): No, Mr. Speaker, Sir.

I beg to reply.

(a) Yes, I am aware that a Samburu Manyatta at Lerata was attacked by cattle rustlers in the date mentioned by hon. Member. But the rustlers took away only for camels which were later recovered. Hundreds of cattle is an exaggeration. During the exchange of fire between the homeguards and the raiders, one woman namely Natawan Lilale was hit by the stray bullets and died instantly.

(b) Security personnel tracked the bandits and as a result the four camels were recovered.

(c) Police in the area are reasonably well equipped while there are several homeguards also equipped and capable of encountering any attack.

**Mr. Leshore:** Mr. Speaker, Sir, I really pity the hon. Assistant Minister because the information I have shows that since on 25, September, 1995, 600 goats were stole, on 25th October, 1995, 150 goats were stolen again, on 9th October, 1995 40 goats were stolen again, on 24th November, 1995 four camels were stolen, on 26th November, 1995 Natwan Lilale was killed and on 28th November, 1995, 67 donkeys were stolen.

**Mr. Michuki:** On a point of order, Mr. Speaker, Sir. We have a Frontbencher who is answering a Question at the back there in this House and the hon. Questioner is sitting next to him as if it was a personal

conversation. Does this Question belongs to the hon. Awori or to this House?

**Mr. Speaker:** It belongs to this House! Mr. Awori, the only hon. Member I know who will speak from any place in this House and ask questions from anywhere is the Deputy Speaker. Are you the Deputy Speaker?

*(Laughter)*

Will you move straight to where you belong?

**Mr. Leshore:** Mr. Speaker, Sir, thank you for protecting the hon. Assistant Minister from my punch because I was going to punch him.

Now, the hon. Assistant Minister is telling us that the security in that area is fine.

**Mr. Mulusya:** On a point of order, Mr. Speaker, Sir. Did you hear the hon. Leshore say that he was about to punch the Assistant Minister?

**Mr. Speaker:** Mr. Leshore, did you threaten the Assistant Minister with physical violence?

**Mr. Leshore:** Mr. Speaker, Sir, I think the hon. Member misunderstood me because I was not intending to do so. If he was going to provoke me ---

**Mr. Speaker:** Order! Order! It does not matter what you intended to do. By the mere fact that you threatened to do so, for the purposes of this House, is bad enough and it is worse if any hon. Member ever tried to do it in this House. So, will you withdraw the threat immediately?

**Mr. Leshore:** Mr. Speaker, Sir, there were no threats and---

**Mr. Speaker:** Will you withdraw the threat?

**Mr. Leshore:** I withdraw it, Sir.

**Mr. Speaker:** Very well!

**Mr. Leshore:** Mr. Speaker, Sir, I will now come to the question of the police equipment. Now, when that incident happened on that very day that the woman was killed, the police got the information after two days. I happened to be there, I informed the DC and he came after four days. The security team came after four days, and yet the hon. Assistant Minister is telling us now the police are well-equipped. That division has got no vehicles. The only police station which is there has been missing communication equipment batteries for the last two and half months. The homeguards there are ill-equipped, they hardly have five rounds of bullets each. So what type of security is the Assistant Minister talking about; that the police are well-equipped? From Archer's Post to Seloriri is about 110 kilometres away yet they have one only one lorry which does not have tyres and lights. Could the Assistant Minister tell us when he is going to provide those facilities for the police in that area so that they can cover that area?

**Mr. Awori:** Mr. Speaker, Sir, first of all, I accept the apology from my surrogate son at the back; that he did not intend to inflict violence on my person.

The police in the area are reasonably well-equipped. We would like them to be better equipped but we are doing the best we can with the funds that we have. In so far as that particular incident is concerned, the information reached the police on the same day and the bandits were engaged by the police and the homeguards and it was in the cross-fire that the lady was killed.

**Mr. Shikuku:** On a point of order, Mr. Speaker, Sir. I was just digesting what the Assistant Minister said before he replied to that supplementary question. He talked about "surrogate son." Could he explain that because I understand that surrogate sons are these chaps you get through the test tubes---

**Mr. Speaker:** Order! I think it is not part of the question!

**Mr. Shikuku:** He said that the hon. Member was his surrogate son!

**Mr. Speaker:** You see, Mr. Shikuku, in these issues that are completely personal, I have said the Chair cannot help! Yes, Mr. Leshore!

**Mr. Leshore:** Mr. Speaker, Sir, this is a very serious issue and I would not like the Assistant Minister to take it lightly because the only vehicle we have in that district is for the OCPD. Our district is about 20,000 square kilometres. My constituency is 10,000 square kilometres and here the Assistant Minister is telling us that the police there are well equipped. I would now like to ask the Assistant Minister when his Ministry is going to form an elite force for the entire North-Eastern Province and Turkana because everyday what you read in the newspapers is that cattle rustlers have killed a number of Kenyans and so on. When are they going to be serious and form an elite force to handle such issues?

**Mr. Awori:** Mr. Speaker, Sir, the Government is quite serious in safeguarding the welfare of all its citizens. The Government can only do so much with the funds that are available. As far as Samburu District is concerned, and the whole area neighbouring bandits, we will try and bring in sufficient vehicles and ensure that the radios have got live batteries so that the information can reach us immediately.

**Prof. Mzee:** Mr. Speaker, Sir, could the Assistant Minister consider forming a special unit consisting of Samburus, Somalis, Turkanas and Bajunis, who come from areas infested by bandits, who are familiar with the environment, to combat these attacks? These are the people who will be able to completely counter such attacks if a special unit of these people is onformed. Can he consider forming that unit?

**Mr. Awori:** No, Mr. Speaker, Sir, this Government is very much against tribalism and sectionalism and it is not going to start a precedent by having members of ethnic groups guarding only their areas. When anyone is recruited into the Government service, he accepts to serve anywhere within the Republic.

**Mr. Speaker:** Very well. Next Question!

#### AUCTIONING OF SUGAR FARMS

**Mr. Rai:** Mr. Speaker, Sir, I beg to ask the Minister for Agriculture, Livestock Development and [Mr. Rai]

Marketing the following Question by Private Notice.

(a) Is the Minister aware that many sugar-cane farmers in Ramisi are unable to repay the Agricultural Finance Corporation loans acquired for sugar-cane production?

(b) Is he further aware that the said loanees' properties, which were lodged as security for the acquisition of these loans, are about to be auctioned?

(c) Since the loanees cannot pay due to the collapse of the Associated Sugar Company Limited, could the Minister direct the Agricultural Finance Corporation, Ukunda Branch, to stop auctioning the *shambas* until the AFC Board's decision is received?

**An hon. Member:** They have run away!

**Mr. Speaker:** Is there anybody here from the Ministry of Agriculture, Livestock Development and Marketing? We will defer the Question till tomorrow.

*(Question deferred)*

#### REHABILITATION OF SEWERAGE SYSTEM

**Mr. Mbeo:** Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that the sewerage systems in Mathare, Huruma, Kariobangi, Kahawa and Ruaraka wards in Mathare Constituency is completely non-functional and an epidemic could easily occur in the area?

(b) If the answer to "a" above is in the affirmative, what corrective measures is the Minister taking to avert the crisis?

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

(a) Yes, I am aware that the sewerage systems in Mathare, Huruma, Kariobangi, Kahawa and Ruaraka wards in Mathare Constituency are non-functional. There are frequent sewerage blockages in these estates and the City Council, therefore, attends to such blockages as they occur as they could be a health hazard. However, the City Council efforts, particularly in Mathare North, are usually frustrated by the frequency of the blockages. A line can be opened in the morning and by the afternoon, the same line is blocked due to dumping of solid materials into the manholes by the public.

The City Council is currently undertaking the following measures to arrest the situation:-

(a) Replacement of stolen, vandalised manhole covers to stop dumping of solids into the sewer lines.

(b) Upgrading of sewer lines which are old and narrow with the bigger size lines able to cope with the increased flows.

(c) Planning demolition of illegal structures on the sewer venues that make access for maintenance purposes difficult.

(d) Public education, in liaison with the Provincial Administration, to stop the use of sewage water for irrigation purposes.

(e) The council has purchased more sewer opening rods to enhance operations.

**Mr. Mbeo:** Mr. Speaker, Sir, this is a very, very serious question that needs to be properly addressed. Although the Assistant Minister has tried to answer the Question, he has not really gone in depth to tell this House what the Government is planning to do in the whole of Mathare Constituency where the sewage system is completely non-functional.

Mr. Speaker, Sir, if the Assistant Minister cared about Mathare, he would have come himself to see the

situation there and to walk through the streets that are called streets because we do not have streets there and to see for himself that anything in Mathare that is supposed to be a street is basically a sewer line which is overflowing.

I would request the Assistant Minister to do the following:-

(a) Come to Mathare to see for himself the damage and the near-epidemic about to break out in Mathare because of the poor sewer system; and,

(b) tell this House when the structures that he claims to be illegal will demolished, with immediate effect.

**Mr. Speaker:** Very well!

**Mr. Mbeo:** Mr. Speaker, Sir, it is a very simple question!

**Mr. Speaker:** Order! Order, Mr. Mbeo! I think it is about time, again, hon. Members took time to read the Standing Orders, particularly Standing Order No.35(2) as to what is and what is not a question. It appears to me that lately, hon. Members are taking Question Time as a pretext for debate. Now, will you ask your question; and one question at a time?

**Mr. Mbeo:** Mr. Speaker, Sir, could the Assistant Minister tell this House when the illegal structures that are on the sewerage lines in Mathare will be demolished to pave way for the sewer to pass through? And will the Assistant Minister---

**Mr. Speaker:** I said one question at a time!

**Mr. Mbeo:** Mr. Speaker, Sir, may I just ask it? It is a simple one.

**Mr. Speaker:** Hon. Walji, will you answer that one?

**Mr. Walji:** Mr. Speaker, Sir, the City Council is planning very soon to demolish all the illegal structures on the sewer lines and also make sure that those sewer lines are in order.

**Mr. Ndicho:** Mr. Speaker, Sir, could the Assistant Minister tell this House why Nairobi City is the dirtiest city in the world? Mr. Speaker, Sir---

**Mr. Speaker:** Mr. Ndicho, one question at a time! Let him tell you why.

**Mr. Ndicho:** Yes, Mr. Speaker, Sir, I am asking a question and I have not told you why the City of Nairobi is the dirtiest in the world.

**Mr. Speaker:** Order! Order, Mr. Ndicho! If you know why Nairobi City is dirty, then why do you ask him? Is it the dirtiest city in the world?

**Mr. Walji:** Mr. Speaker, Sir, the hon. Member has not been heard in the newspapers. So, he wants to blow his trumpet and talk about the world.

I would like to remind the hon. Member that there are other---

**Mr. Speaker:** Order! Order, Mr. Walji!

**Mr. Shikuku:** On a point of order, Mr. Speaker, Sir. I think the Assistant Minister should be told that Standing Order No.68 states clearly that once another hon. Member stands on a point of order he should resume his seat. Does that statement not sound like a very sad innuendo on the part of the hon. Member that; "the hon. Member wants to blow his trumpet?" Is he in order?

**Mr. Speaker:** It is not only an innuendo, but I think it is also offensive. Hon. Walji, will you withdraw that statement?

**Mr. Walji:** Mr. Speaker, Sir, I wish to withdraw that statement.

Mr. Speaker, Sir, I think the hon. Member is not correct when he says that Nairobi is the dirtiest city in the world. There are other cities which are dirtier than Nairobi.

**An hon. Member:** Bombay!

**Dr. Lwali-Oyondi:** Mr. Speaker, Sir, could the Assistant Minister tell us why the Nairobi City Council cannot make manhole covers which are inscribed with the words "Nairobi City Council (NCC)" so that they cannot be stolen and used by private developers?

**Mr. Walji:** Mr. Speaker, Sir, we will try to make sure that the City Council in future puts their inscriptions on the manhole covers and hon. Members should help us to see that they are not vandalised.

**Mr. Speaker:** Next Question!

#### CLOSURE OF POST OFFICE

**Dr. Opere:** Mr. Speaker, Sir, I beg to ask the Minister for Transport and Communications the following Question by Private Notice.

(a) Is the Minister aware that the only post office at Magunga, Gwassi Division, which has been catering

for over 50,000 people in the division has been closed?

(b) Could the Minister instruct Kenya Posts and Telecommunications Corporation to re-open this post office without delay as it provides essential services to the residents of Gwassi Division?

**The Assistant Minister for Transport and Communications** (Mr. Morogo): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that Magunga post office, Gwassi Division has been closed down. However, I am aware that the post office has been down-graded to a sub-post office.

(b) Magunga post office was down-graded to a sub-post office because it was uneconomical to run it as a department. The essential services are still being offered by an agent and not Kenya Posts and Telecommunications (KPTC).

**Dr. Opere:** Mr. Speaker, Sir, I am sorry that the Assistant Minister is saying that he is not aware that the post office was closed, which is a factual statement. Could he investigate this matter and ensure that the over 50,000 people in the whole division get at least a post office?

Could you please investigate because I am giving a factual statement?

Thank you.

**Mr. Morogo:** Mr. Speaker, Sir, I do not have to investigate the matter because I know that the post office is functioning under agency at the moment.

**Mr. Mbeo:** Mr. Speaker, Sir, I have always thought that the decisions of the KANU Government to continuously increase and subdivide the country into small segments is to enable the people to reach and receive better treatment and services from the Government. Now, the Member for the area has categorically said that Mabunga Post Office, which is a new division within his constituency, is not functioning. Could the Assistant Minister ensure that Mabunga which is a new division within Suba District gets proper services such as a post office that they deserve?

**Mr. Morogo:** Mr. Speaker, Sir, what do I have to ensure when I have told the hon. Members that *wananchi* still get the services under the sub-post office? All the essential services such as sale of stamps and others are still being provided.

## POINT OF ORDER

### CRISIS IN MAIZE GROWING AREAS

**Dr. Kituyi:** Thank you, Mr. Speaker, Sir. In the light of looming crisis in the maize growing areas of this country at a time when a bag of maize is being sold at a price of less of Kshs 200 in the absence of a clear national cereal marketing or cereal storage policy, I rise on a point of order to request **[Dr. Kituyi]** for a Ministerial Statement from the Minister for Agriculture, Livestock Development and Marketing on what immediate plans the Government has to deal with this major crisis which threatens the possibility of any serious investment in maize farming next year.

**Mr. Speaker:** Very well. Hon. Members, I wish to advise the House that from henceforth we will transact our business in accordance with the Supplementary Order Paper.

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[Mr. Speaker left the Chair]*

### IN THE COMMITTEE

*[The Temporary Deputy Chairman*

*(Mr. Ndotto) took the Chair]*

### THE EXCHANGE CONTROL (REPEAL) BILL

*(Clause 2 agreed to)*



*(Title agreed to)*

*(Clause 1 agreed to)*

**The Assistant Minister for Finance** (Mr. Keah): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Exchange Control (Repeal) Bill and its approval thereof without amendment.

*(Question proposed)*

*(Question put and agreed to)*

THE CUSTOMS AND EXCISE (AMENDMENT) BILL

*(Clauses 2, 3, 4, 5 and 6 agreed to)*

*(First Schedule agreed to)*

*(Second Schedule agreed to)*

*(Fourth Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Assistant Minister for Finance** (Mr. Keah): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Customs and Excise (Amendment) Bill and its approval thereof without amendment.

*(Question proposed)*

*(Question put and agreed to)*

THE VALUE ADDED TAX (AMENDMENT) BILL

*(Clauses 2, 3, 4 and 5 agreed to)*

*(First Schedule agreed to)*

*(Second Schedule agreed to)*

*(Third Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Assistant Minister for Finance** (Mr. Keah): Mr. Temporary Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Value Added Tax (Amendment) Bill its approval thereof without amendment.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[Mr. Speaker in the Chair]*

## REPORTS AND THIRD READINGS

### THE EXCHANGE CONTROL (REPEAL) BILL

**Mr. Ndotto:** Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Exchange Control (Repeal) Bill and approved the same without amendment.

**The Assistant Minister for Finance** (Mr. Keah): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

**The Minister for Labour and Manpower Development** (Mr. Masinde) seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Assistant Minister for Finance** (Mr. Keah): Mr. Speaker, Sir, I beg to move that the Exchange Control (Repeal) Bill be now read a Third Time.

**The Minister for Labour and Manpower Development** (Mr. Masinde) seconded.

*(Question proposed)*

**Mr. Shikuku:** Mr. Speaker, Sir, we are all hon. Members in this House and when we say we want to co-operate, we better mean what we say. At least, I am glad that on the Opposition side of the House, not only did we say that we want to co-operate, but we went further and really did it in practice, as far as the Procedural Motions were concerned. This is a new Bill because it is Bill No.17 while the other one was Bill No.10. However, to our surprise, one of our brothers on the other side had the guts to move a closure to the debate, thereby, curtailing our views.

Mr. Speaker, Sir, either you are tall or you are short. From the physics that I learned at school, you cannot be tall and short at the same time. So, if our honourable friends want us to co-operate, we are ready to do so, honourably, but if they are doing it with a dagger under their coat, that is sad. We would like to warn them that we are here, and the Opposition is here to stay, and we shall, again, catch them on the wrong foot. Until that time, we are sure that they are honourable and that they can behave honourably. This Bill is very important and we hope that, now that it is becoming law, it will go a long way to help and enhance the economy of this country. It is my sincere belief that once it has become law, those who are charged with the duty of seeing to it that this law operates will be serious and really nationalistic. It is one thing passing a Bill in this house and enacting it into a law, but it is quite a different and difficult thing to have it implemented. Let us hope that this Bill is not going to be the source of syphoning of the meagre foreign exchange that we have here.

I hope that the regulations that are going to be made and, which the Minister promised will be brought to this House for us to debate, so that we can monitor our economy. The emphasis should be on the monitoring of our finances here, otherwise, it is useless for us to talk about economic development in this country if we are not capable of monitoring the incoming and outgoing of our foreign exchange. We, on this side of the House are much concerned, just as those Members on the other side of the House, because, the fall of Kenya will be the fall of us all. I, personally, will never be a refugee, so no country should ever hope to see the face of Shikuku. I will be right here because I know that, even if you are a refugee, you will die wherever you go. Death is all over the place. I shall be here. I am committed to Kenya and I shall remain in Kenya. I shall die in Kenya and never shall I run away from Kenya.

Mr. Speaker, Sir, it is in this spirit that we feel very strongly that we are not opposed to the Bill. We are for it and this is sort of underhand business that our brothers on the opposite side are engaged in is, to say the least, very shameful.

I support.

**The Assistant Minister for Finance** (Mr. Keah): Mr. Speaker, Sir, I want to take this opportunity to thank the entire House for the support they have given to this Bill and, indeed, their sentiments have been noted.

I can assure the House and the entire nation and the world that we, in the Government, mean business. When we pass a Bill here, we intend to operate or execute it to make sure that that Bill has been acted upon. I just want to assure hon. Shikuku that his sentiments have been well taken care of and, with a light touch, I thank him particularly for pointing the KANU finger as he was talking.

With these remarks, I beg to move.

*(Question put and agreed to)*

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

#### THE CUSTOMS AND EXCISE (AMENDMENT) BILL

**Mr. Ndotto:** Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Customs and Excise (Amendment) Bill and approved the same without amendment.

**The Assistant Minister for Finance** (Mr. Keah): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

**The Minister for Labour and Manpower Development** (Mr. Masinde) seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Assistant Minister for Finance** (Mr. Keah): Mr. Speaker, Sir, I beg to move that the Customs and Excise (Amendment) Bill be now read a Third Time.

**The Minister for Labour and Manpower Development** (Mr. Masinde) seconded.

*(Question proposed)*

*(Question put and agreed to)*

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

#### THE VALUE ADDED TAX (AMENDMENT) BILL

**Mr. Ndotto:** Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Value Added Tax (Amendment) Bill and approved the same without amendment.

**The Assistant Minister for Finance** (Mr. Keah): Mr. Speaker, Sir, I beg to move that the House doth agree with the House in the said Report.

**The Assistant Minister for Local Government** (Mr. Walji) seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Assistant Minister for Finance** (Mr. Keah): Mr. Speaker, Sir, I beg to move that the Value Added Tax (Amendment) Bill be now read a Third Time.

**The Minister for Labour and Manpower Development** (Mr. Masinde) seconded.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read*

*the Third Time and passed)*

**ADJOURNMENT**

**Mr. Speaker:** Hon. Members, for lack of further business, and for the convenience of the House, the House is now adjourned until tomorrow, Wednesday, 6th December, 1995 at 9.00 am.

The House rose at 4.25 p. m.