

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 11th July, 1995

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table of the House:-

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

(By the Assistant Minister for Commerce and Industry (Mr. Osogo) on behalf of the Minister for Commerce and Industry)

Annual Report and Accounts of National Oil Corporation Limited for the year ended 30th June, 1991 and the Certificate thereon by the Auditor-General (Corporations)

(By the Assistant Minister for Commerce and Industry (Mr. Osogo) on behalf of the Minister for Energy)

Annual Report and Accounts of Ewaso Ng'iro North River Basin Development Authority for the year ended 30th June, 1994 and the Certificate thereon by the Auditor-General (Corporations)

(By the Assistant Minister for Commerce and Industry (Mr. Osogo) on behalf of the Minister for Land Reclamation, Regional and Water Development)

Annual Report and Accounts of Milling Corporation of Kenya for the year ended 30th June, 1992 and the Certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of National Cereals and Produce Board for the year ended 30th June, 1990 and the Certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of National Cereals and Produce Board for the year ended 30th June, 1991 and the Certificate thereon by the Auditor-General (Corporations)

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

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

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

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

Annual Report and Accounts of Pest Control Products Board for the year ended 30th June, 1992 and the Certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of Pest Control Products Board for the year ended 30th June, 1993 and the Certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of Horticultural Crops Development Authority for the year ended 30th June, 1993 and the Certificate thereon by the Auditor-General (Corporations)

*(By the Assistant Minister for Commerce and Industry
(Mr. Osogo) on behalf of the Minister for Agriculture, Livestock Development and Marketing)*

Annual Report and Accounts of National Museums of Kenya for the year ended 30th June, 1985 and the Certificate thereon by the Auditor-General (Corporations)

*(By the Assistant Minister for Commerce and Industry
(Mr. Osogo) on behalf of the Minister for Home
Affairs and National Heritage)*

ORAL ANSWERS TO QUESTIONS

Question No.245

OPPOSITION MEMORANDUM TO POLICE BOSS

Mr. Deputy Speaker: Is Mr. Shikuku not here! Next Question by Mr. Ogeka.

Question No.193

SALE OF SUGAR MILLS

Mr. Ogeka asked the Minister for Agriculture, Livestock Development and Marketing:-

(a) whether he could enumerate the organisations which tendered to buy Miwani Sugar Mills with offers given by each of them; and

(b) whether the company was valued prior to the sale and if so, what the value was.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I would like to make it clear from the outset that Miwani Sugar company was not a State corporation but a private company. The Company was placed under receivership in July 1988 by the following three debenture holders namely:-

Chase Manhattan Bank of USA.

Bank of Baroda of India.

Finnish Sugar Company Limited of Finland.

Mr. Deputy Speaker, Sir, these three debenture holders appointed Messrs Coopers and Lybrand as their official receiver whose duty was to sell the company's assets. As such, it was the responsibility of the official receiver, and not the Government, to decide on the method to use in disposing off the company's assets. The Government came in as a buyer and not as a seller of these assets and was not involved in the tendering process. The question of tendering of these assets on the part of the Government does not, therefore, arise.

(b) Yes, prior to the selling of Miwani Sugar Company, there was a financial valuation which assessed the company's assets as Kshs588,951,000 million with a replacement value of Kshs.1,161,788,000.

Thank you Mr. Deputy Speaker, Sir.

Mr. Ndicho: On a point of order Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to pretend that he is reading a budget speech? His answer should be as brief as possible!

Mr. Deputy Speaker: Mr. Ogeka, ask your supplementary question!

Mr. Ogeka: Thank you Mr. Deputy Speaker Sir. This Question, as far as my Constituency Muhoroni and the entire Republic of Kenya is concerned is significant and has moved between the Minister of Agriculture, Livestock Development and Marketing and the Ministry of Finance. The Question is quite clear and in the Republic of Kenya we have the Registrar of Companies. The Government of the Republic of Kenya is entitled to protect the citizens, the farmers and the workers of this country. The Provincial Commissioner and the Director of Agriculture visited the site several times up to an extent that the indebtedness of the company was not properly liquidated.

Could the Assistant Minister accept or deny that this Question is failing to get the exact answer in terms of who tendered for the purchase of the plant and from those who tendered how much did each one of them quote and in offsetting the commitment of the company including the workers whose fate still lies at over Kshs22 million because they are condemned for unsecured debt--

Mr. Deputy Speaker: What is your question?

Mr. Ogeka: What is the Government doing with regard to this? Alluding that the Government is not

responsible nor does it know what was quoted, is far from the truth. Could the Assistant Minister make this clear?

Dr. Misoi: Mr. Deputy Speaker, Sir, I have answered the Question as clearly as possible. If the hon. Questioner is not satisfied with that answer, he could put up another Question.

Mr. Raila: Mr. Deputy Speaker, Sir, the Question is very clear. Could the Assistant Minister tell this House the names of the companies who tendered - if there was any tendering at all - and which number was Ketan Somaia's company which eventually purchased this company? This is a very specific Question. How much did each and every company quote if there was any tender at all, if it was not single sourcing?

Dr. Misoi: Mr. Deputy Speaker, Sir, I do not have the names of the companies which tendered and, as I have answered, I said the question of tendering of these assets on the part of the Government does not, therefore, arise. However, if that answer is not satisfactory, the hon. Member concerned could put up another Question and we will give the answers.

Mr. Deputy Speaker: Order! Order! Order! I am afraid we have only one hour for Question Time and there are 13 Questions.

(Loud consultations)

Order! Order! Order! I can only allocate four minutes for each Question. I think the Question was very clear from the beginning. Part (a) where it says, "Could the Minister enumerate the organisations," don't you have the list?

Dr. Misoi: I do not have the list.

Mr. Deputy Speaker: Could you undertake to bring it?

Dr. Misoi: Yes, Mr. Deputy Speaker, Sir. I will do so, next week on Tuesday.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Order! He will bring the list next Tuesday.
Let us go to Question No.342.

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

Mr. Deputy Speaker: I will recognise you when he comes back with the answer which has now been wanting. Please we have 40 minutes for 12 Questions.

Question No.342

EXPENDITURE ON SCHOOL MILK PROGRAMME

Mr. Sifuna asked the Minister for Education how much money was spent on Primary School Milk Feeding Programme in Kanduyi Constituency, in particular, and Bungoma District in general for the years 1993 and 1994.

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

Kanduyi Constituency, of Bungoma District, was supplied with 7,520 cartons of UHT milk for 1993. This was worth Kshs3,654,720. In 1994, 1,366 cartons were supplied costing Kshs918,316.80. The whole of Bungoma District received a total of 23,314 cartons of UHT milk costing Kshs11,330,604. In 1994, the district received 1,962 cartons costing Kshs1,319,052.60.

Mr. Sifuna: Mr. Deputy Speaker, Sir, arising from that misleading reply from the Assistant Minister, you will agree with me that we Members of Parliament are Members of District Education Boards (DEBs) but during the whole of 1993 and 1994, Bungoma District and particularly, Kanduyi Constituency, never received any drop of milk. Could the Assistant Minister, therefore, tell this House who consumed that milk?

Mr. Lengees: Mr. Deputy Speaker, Sir, I think the answer here is seriously given by the District Education Board and there is no doubt that the milk was taken to Bungoma District and in particular to Kanduyi Constituency.

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, given the details provided by the Assistant Minister, as to the number of cartons and the amount of money spent, could he tell this House how many school children benefitted from the supply of this milk? What was the total population covered?

Mr. Lengees: Mr. Deputy Speaker, Sir, that is a different Question. The statistics of the children who

consumed the milk are not appearing in my papers.

Dr. Kituyi: Mr. Deputy Speaker, Sir, arising from the Assistant Minister's reply, first of all I put it to him that the DEB, Bungoma, does not to reply to any Parliamentary Questions. I am a Member of that Board and we have never replied to any Question.

So, to claim that this fictitious reply comes from the DEB, Bungoma, is to mislead this House. Having said that and having been confirmed at Bungoma DEB meeting that there is no milk being distributed in Bungoma, could the Assistant Minister now go and seek a clear reply which explains why they continue keeping a civil servant in charge of school milk in Bungoma, when he is not distributing a single drop of milk in that District?

Mr. Lengees: Mr. Deputy Speaker, Sir, it appears that the Bungoma District people did not receive the said milk. However, the answer is normally sorted out through the grassroots, that is the District Education Officer. So, this answer must have been from Bungoma District.

Mr. Deputy Speaker: Next Question!

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

Mr. Deputy Speaker: Order, Mr. Sifuna!

Mr. Sifuna: On a point of order, please!

Mr. Deputy Speaker: Disallowed! Before I move on to the next Question, Question No. 248 is stood over at the request of the hon. Questioner.

Let us go to Question No.294, Dr. Otieno-Kopiyo.

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

Mr. Deputy Speaker: Not on that Question!

Question No.248

PROVISION OF MUSIC TEACHERS

(Question deferred)

Question No.294

PROVISION OF AMBULANCES

Dr. Otieno-Kopiyo asked the Minister for Health:-

whether he could provide ambulances to serve Oyugis and Ramula Health Centres as a stop gap measure before the Oyugis Sub-District Hospital is constructed, in view of the scarcity of medical services in Kasipul-Kabondo Constituency.

(Consultations)

Mr. Deputy Speaker: Order! Order! Order! Mr. Sifuna, could you please repeat your remarks?

Mr. Sifuna: Mr. Deputy Speaker, Sir, I am seeking your guidance.

In case Members of Parliament do not get satisfactory answers, and this Question came last week, and the same Assistant Minister---

Mr. Deputy Speaker: Order! Order! Order! I think you are very lucky to get away with that because I was not very attentive. The Chair has unfettered discretion to determine whether you have had sufficient time on a Question or not, and that is not something which you can question. I am afraid if you are not satisfied with answers either because of the quality of the answers, or because you go about beating about the bush, and you waste your five minutes, you are eating into the time for the remaining Questions. I will not allow that! Mr. Mutiso, continue with your answer.

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

The Ministry of Health has allocated a vehicle/ambulance which is stationed at Oyugis Health Centre. The vehicle, GK 953X (Land Rover LWB) serves the Health Centre and dispensaries within the environs of Oyugis Health Centre area, including Kabondo Dispensary.

Kasipul-Kabondo is comparatively well-provided with health facilities as follows:-

Oyugis Health Centre
 Kabondo Sub-Health
 Othoro Dispensary
 Sino Dispensary
 Ober Dispensary

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, following this very ill-informed answer from the Assistant Minister I wonder whether he knows the population of this constituency. Does he think 250,000 people can be properly served by one ambulance based in Oyugis an area covering 1600 square kilometres?

We have very bad situation in Kasipul-Kabondo where people are digging up roots to be able to provide medicine for their children when they fall ill due to lack of adequate health services in the area. For example, Kabondo Sub-Health Centre has been a Sub-Health Centre for the last 40 years. My younger brother who follows me and I am now 40 years old was born in this Sub-Health Centre 38 years ago. Could the Assistant Minister tell us how long this Sub-Health Centres shall remain a Sub-Health Centres?

Mr. Mutiso: Mr. Deputy Speaker, Sir, I am sure the hon. Member will agree with me that the actually problem which the country is facing is due to financial constrains. If we had enough funds, and if the hon. Members of the Opposition did not begin badly by asking donor countries to stop helping the Kenya Government we would be having enough funds to buy enough ambulances and medicine for the country.

Mr. Ogur: On a point of order, Mr. Deputy Speaker, Sir. We all know how difficult it is to acquire or buy an ambulance and not necessary to take to Kasipul-Kabondo. Why is the hon. Assistant Minister finding it difficult to say that the Government has no money to acquire new ambulances for areas that need them and that it is not possible either if we acquire them to take one to Kasipul-Kabondo. What is so difficult in saying just that!

Mr. Deputy Speaker: What is your point of order!

Mr. Ogur: Mr. Deputy Speaker, Sir, it is on what I have just said. I will repeat. It is not possible to buy and send an ambulance to Kasipul/Kabondo like in any other area in Kenya because you have no money!

Mr. Mutiso: Mr. Deputy Speaker, Sir, the hon. Member was an Assistant Minister for Health, in fact, only one or two years ago and he was in position if there was money to provide an ambulance for that area. He is exactly saying what I am saying that we have financial constraints which forbids us from having sufficient ambulances for every Health Centre.

Mr. Deputy Speaker: Last one from Dr. Otieno-Kopiyo.

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir. I have told the House that my people are now resulting to the use of traditional herbs to try and contain this very pathetic health situation. Could the Assistant Minister now consider sending another Land Rover to Kabondo Sub-Health Centre because 250,000 people cannot depend on one Land Rover?

An hon. Member: Give us money!

Dr. Otieno-Kopiyo: Don't be ridiculous! This Ministry is so "sick" it should be taken to hospital!

Mr. Mutiso: Mr. Deputy Speaker, Sir, I quite agree with the hon. Member but as soon as the Ministry is in a position to provide enough funds we shall buy a Land Rover for that area plus other areas which are equally in need like Kasipul-Kabondo.

Mr. Deputy Speaker: Next Question.

Question No.443

RE-LOCATION OF REFUGEES

Mr. Farah, on behalf of **Mr. Salat**, asked the Minister for Home Affairs and National Heritage why the Government is relocating refugees in Coast Province to the North Eastern Province.

The Assistant Minister for Home Affairs and National Heritage (Dr. Momanyi): Mr. Deputy Speaker, Sir, I beg to reply.

The Government has decided that refugee camps should be located away from urban areas and refugees in the Coast Province are being relocated in the existing refugee camps in the North Eastern Province and Kakuma in the Rift Valley Province.

The Coast Province is the hub of the tourist industry and the Government has decided that there should be no refugee camps there. However, those who may wish to be relocated to Kakuma Refugee Camp should do so.

Mr. Farah: Mr. Deputy Speaker, Sir, arising from the answer given by the Assistant Minister, is he

ware that North Eastern Province also has urban areas? Urban areas do not mean cities. The current Refugee Camps in North Eastern Province area also within the proximity of urban areas. Could the Assistant Minister tell us how the presence of refugees in the Coast Province has compromised or affected our tourist industry, and what statistics does he has on that issue?

Dr. Momanyi: Mr. Deputy Speaker, Sir. The tourist industry is very delicate industry, indeed, and in this particular case, the regular skirmishes and fights between the refugees and local people threaten the industry.

The establishment of refugee camps in the Coast Province was accidental because at that time these refugees instead of being located at convenient points of entry they came by boats and ships. It was expensive at that time to both United Nations High Commissioner for the Refugees (UNHCR) and Kenya Government to transport them to convenient points of entry...

Mr. Wamalwa: On a point of order, Mr. Deputy Speaker, Sir. Could the Assistant Minister confirm or deny the assertion that the refugees were removed from Mtangi because the land was scheduled to be allocated to some big fish in the Government and if the answer is in the negative, could he tell the House who was the present owner of that piece of land?

(Applause)

Dr. Momanyi: Mr. Deputy Speaker, Sir, that question should be directed to the Ministry of Lands and Settlement.

Mr. Shidiye: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that these refugees have caused untold suffering to the people Dadaab and Liboi areas? Is he further aware that these refugees have cut down trees and the area is facing a looming ecological disaster? If the Government is serious in curbing banditry in that area, it should remove those refugees from that area to a central place where they can be checked.

Dr. Momanyi: Mr. Deputy Speaker, Sir, I did not understand very well what the hon. Member wants me to answer him. If they are causing any environmental damage, then obviously there is the Provincial Administration to deal with that.

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to continue misleading the House when he knows very well that the real purpose of doing this is to move the refugees from where they are so that they can be restricted to North Eastern Province for political purpose?

Dr. Momanyi: Mr. Deputy Speaker, Sir, the allegations can only be answered by the hon. Member!

Mr. Deputy Speaker: Next Question! What is your point of order Mr. Farah?

Mr. Farah: My point of order is this: What are the statistics he has on the current crime rate but he mixes them! All that we know is that those were very few isolated cases that were instigated by the Government itself. Could he give us specific rates of crime and the nature of the crimes committed by the refugees that warranted them to be removed from Coast Province so as not to compromise the tourism industry?

Dr. Momanyi: Mr. Deputy Speaker, Sir, you will agree with me that, that is a different Question. Number two, when you talk of statistics, then that is a different Question because the question here is "why". Now, the reason is that urban centres are not supposed to contain refugee camps. That is the Government regulation.

An hon. Member: Which Government?

Dr. Momanyi: Whichever Government but, this is a KANU Government! When you form yours from Kisumu you can put the refugees in Kisumu if you want!

Mr. Deputy Speaker: Next Question, Bishop Kimani.

Question No.277

DEVELOPMENT OF MENENGAI CRATER

Bishop Kimani asked the Minister for Tourism and Wildlife:-

- (a) what tourist developments have been undertaken on Menengai Crater during the last 15 years; and
- (b) when the Menengai Crater will be developed fully with a tourist lodge, water and other necessary tourist facilities.

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

(a) There have been no tourist developments undertaken on Menengai Crater during the last 15 years.

(b) My Ministry does not engage directly in tourism investments. However, my Ministry encourages entrepreneurs and investors to undertake tourist development in areas where their efforts will be satisfactorily rewarded. I would, therefore, like to urge the hon. Member to encourage able members of his constituency, and other interested investors, to invest in the area.

Bishop Kimani: Mr. Deputy Speaker, Sir, arising from the answer given by the Assistant Minister, it is difficult to understand why I have to go looking for other investors while his Ministry has a lot of money because they are still getting funds from donors. I do not know why he has to send me to look for investors while they have the money. Would the Assistant Minister tell this House who developed Maasai-Mara and other tourist attractions? Why can he not do the same development in Menengai Crater? Why should it be forgotten while it is a Government land?

Mr. Kisiero: Mr. Deputy Speaker, Sir, I am sure that my hon. colleague knows that the Government is no longer carrying out any investments in hotels and any other similar ventures because we are divesting out of such kind of activities. Probably, he has already read in the newspapers that we are already advertising hotels that used to be under Government so that private investors may buy them. Even those investments in Maasai-Mara and many other places, were carried out by investors, and therefore, we are unable to assist directly.

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, whether the Government is divesting or not, the Government is here to direct or to guide where investments should take place. What has the Government done to attract and, therefore, guide the right investment to ensure exploitation of Nakuru's Menengai Crater?

Mr. Kisiero: Mr. Deputy Speaker, Sir, the Government, at all times encourages would-be investors to come to this country. In this respect, they would be very welcome to invest in Nakuru if they so wish.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, arising from the answer given by the Assistant Minister, the hon. Member for Nakuru North was asking about the infrastructure, the road system, for example constructing a road that could descend down to the Crater, and having the viewing points made. I think that is the infrastructure that would encourage the tourist to come. Would the Assistant Minister consider, therefore putting up a road which is a bit better than what he did and also the viewing point of the crater and advertisements also?

Mr. Kisiero: Mr. Deputy Speaker, Sir, I know very well that there is a road that leads to the bottom of the Crater from Nakuru Town. If it is in a poor condition, I am going to direct the KWS to do something about it.

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

Question No.174

REPAIRS TO KIPSONOI BRIDGE

Mr. Obwocha asked the Minister for Public Works and Housing:-

(a) whether he was aware that the Kipsonoi River Bridge, on the Chemosit-Nyamira-Kisii (C21) Road, is worn out and is in a very bad state; and

(b) if the answer to "a" is in the affirmative, what steps the Ministry has taken to repair the bridge to avert a major disaster.

The Assistant Minister for public Works and Housing (Mr. Mwamzandi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the Kipsonoi River Bridge on the Chemosit-Nyamira-Kisii C21 Road is made of timber which requires constant maintenance which the Ministry has been adhering to every year. In view of this condition, construction of a new adjacent bridge was started on Kisii-Chemosit Road. The bridge is planned to be completed this financial year 1995/96.

(b) However, the Ministry will continue to repair the present timber deck bridge on Chemosit-Nyamira-Kisii Road to maintain it in motorable condition pending the completion of the new adjacent bridge.

Mr. Obwocha: Mr. Deputy Speaker, Sir, this is a terrible reply from the Assistant Minister. We passed a Motion here on this road that it be included in the Estimates of 1995/96. I have the printed Estimates here and, on page 512, this road has not been provided for other than a small provision which is there of K£200. Now, the Assistant Minister comes and gives some misleading reply that there is a bridge which is being built there. There is going to be another "Ngai-Ndethya" in this place and this is very sad.

Could this Assistant Minister then tell this House, since this money is not included in the current Estimates of 1995/96, when he will start the construction and yet in his reply he said that he is going to start it in

1995/96? Where is the Assistant Minister going to get the money from, and how much is it going to be?

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, I did not say that we are going to start in 1995/96 but I said that the bridge should be completed this financial year, 1995/96. Apart from the money we have in the Development Estimates, we shall be having money from the Fuel Levy which after being brought into use will be distributed to all the provinces.

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker Sir. Is the Assistant Minister in order to insinuate or to allege that we can use money from the Petroleum Levy Fund without it passing through the Estimates?

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, we normally use that money to maintain roads in the whole Republic.

Dr. Kituyi: Mr. Deputy Speaker, Sir, if you heard well, the Assistant Minister alleged two things. One, that the Government will continue servicing the wooden bridge to keep it motorable. Two, the Government will complete the adjacent bridge. Now, there is no adjacent bridge and that means that you cannot complete what you have not started and there has not been anything to prove that the Government is servicing the current bridge. Now, if you do not have any allocation of money for the completion of that bridge during the 1995/96 financial year, how can you persuade this House to believe that you are not misleading it when you claim that you will complete something you have not started and you have no Vote for its construction?

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, to confirm that I am not misleading the House, if the road is not completed by the time I have stated, this financial year, then you can hold me responsible!

Question No.234

MAINTENANCE OF MURANG'A ROADS

Mr. Michuki asked the Minister for Public Works and Housing:-

(a) what type of, and how many machinery the Ministry has supplied to Murang'a District for grading and maintenance of roads;

(b) how much money was allocated by the Ministry for the maintenance of roads in the District in the 1994/95 financial year; and

(c) how much of this money was allocated to Kangema Constituency for the purpose.

The Assistant Minister for Public Works and Housing (Mr. Mwamzandi): Mr. Deputy Speaker, Sir, I beg to give the following reply.

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

Mr. Deputy Speaker: But he has not said anything!

Mr. Michuki: Mr. Deputy Speaker, Sir, this is the 12th Question on maintenance of roads that I have raised in this House!

Mr. Deputy Speaker: But the Assistant Minister has not answered your Question!

Mr. Michuki: I would rather withdraw my Question if he is the one who is going to answer this Question!

The Assistant Minister for Public Works and Housing (Mr. Mwamzandi): Mr. Deputy Speaker, Sir, I assume that the hon. Member does not need a reply because he has withdrawn his Question.

Mr. Michuki: Mr. Deputy Speaker, Sir, I have said in no uncertain terms that if he is the same person who has answered the other 11 Questions, I withdraw!

An hon. Member: President Moi should sack this Assistant Minister!

Mr. Deputy Speaker: Order! Order, hon. Michuki! A Question is addressed, through the Chair, to the relevant Ministry. As far as the Chair is concerned, the Minister, or any Assistant Minister for that matter is competent to answer you! Now, at this point the Question has already been asked and I cannot stop it. If hon. Michuki wants to ask supplementary questions he can either go ahead or abstain. I am afraid I cannot force or decide which Minister or Assistant Minister will answer the Question. Will you continue and answer the Question?

The Assistant Minister for Public Works and Housing (Mr. Mwamzandi): Mr. Deputy Speaker, Sir, I would like to say that even if it was not me who was to answer this Question, the reply would still be the same.

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

Mr. Deputy Speaker: Disallowed! We want to hear the reply!

The Assistant Minister for Public Works and Housing (Mr. Mwamzandi): Mr. Deputy Speaker, Sir, I

beg to give the following reply to the House.

(a) The Ministry has supplied to Murang'a District a total of 79 machinery of various types comprising of graders, shovels, bull-dozers, pneumatic rollers, tippers, flat lorries, pick-ups, Land Rovers, tractors, water/fuel tankers, trailers, steel rollers and motor cycles for maintenance and grading of roads.

(b) The Ministry had allocated Kshs24,858,390 for the maintenance of roads in Murang'a District in 1994/95 financial year.

(c) Budgetary allocations for the road maintenance to the districts is normally made to the districts and not to the constituencies. The actual expenditure on deserving roads in the districts is then determined by the maintenance requirements of the individual district.

Mr. Ndicho: Mr. Deputy Speaker, Sir, we are very disappointed in this House by the kind of answers we receive from the Ministry of Public Works and Housing and especially from hon. Kassim Mwamzandi. We have complained several times about this. When we ask Questions here there are either people at the grassroots who give wrong answers or he does not care to ask them to be specific.

Is the Assistant Minister now aware that there is not a single machine in Murang'a District contrary to what he has listed and if he wants to confirm that, could he undertake to go there and see that the answer he has been given by his officers from Murang'a is a pure lie and, in fact, misleading and total nonsense?

Mr. Deputy Speaker: Order, Mr. Ndicho! You know very well that the words "lie" and "nonsense" referring to what an hon. Member has said are out of order. Will you withdraw those words?

Mr. Ndicho: Mr. Deputy Speaker, Sir, what are you saying?

Mr. Deputy Speaker: That the words "lie" and "nonsense" are unparliamentary and you know that!

Mr. Ndicho: Mr. Deputy Speaker, Sir, with due respect to the Chair I beg to substitute those words with the words that deserve some correspondence to them.

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, it is true that we have sent some 90 pieces of assorted machinery but some of them, as we said, are out of order but we have a few which are serviceable.

Mr. Deputy Speaker: Next Question!

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

Mr. Deputy Speaker: I have called for the next Question. Question No.245 for the second time!

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

Mr. Deputy Speaker: On that Question? Not on that Question!

Mr. Shikuku: I would like to apologise for coming in late and ask Question No.245

Question No.245

OPPOSITION MEMORANDUM TO POLICE BOSS

Mr. Shikuku asked the Minister of State, Office of the President why the Commissioner of Police refused to receive a memorandum by 52 Members of Parliament which was to be presented to him by the Leader of the official Opposition and two other Members of Parliament on 22nd February, 1995.

The Assistant Minister, Office of the President (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply. The Commissioner of Police was not in his office at the time Members of Parliament wanted to meet him.

Mr. Shikuku: Arising from that untruth---

Hon. Members: We did not hear that reply!

Mr. Deputy Speaker: Could you repeat the answer Mr. Assistant Minister!

The Assistant Minister, Office of the President (Mr. Awori): Mr. Deputy Speaker, Sir, the Commissioner of Police was not in his office at the time Members of the Opposition wanted to see him.

Mr. Shikuku: Mr. Deputy Speaker, Sir, arising from that untrue reply, a reply that has no truth in it whatsoever, is the Assistant Minister aware that him being a Member of Parliament, he should tell the truth because all these elected hon. Members from the Opposition were there? They included hon. Kibaki, hon. Wamalwa, myself and all those other hon. Members who were there and were told that the Commissioner was in but would have liked to know why we wanted to see him. Is he in order to tell us that, and in that way, belittle his fellow colleagues and label them children who ask questions that are not true? We were there and the Commissioner was there!

Mr. Awori: Mr. Deputy Speaker, Sir, may I repeat that the Commissioner was not in. The officer on duty informed the Members of the Opposition that the Commissioner was not in and that they should leave the

memorandum behind.

Mr. Kibaki: Mr. Deputy Speaker, Sir, this Parliament's dignity is being eroded by Ministers. The hon. Assistant Minister in the Office of the President should not say what he has just said because it is not true. I was present and we were told by the officer who came to talk to us at the gate that the Commissioner of Police was there, but he first wanted to know what we wanted to discuss and who wants to go to see him! Then we told him that we were there all of us, but we were willing to have the number he would receive. So, that message was relayed to him. The officer came back and said that the Commissioner was still there but a bit busy. He wanted to arrange for a meeting later. What do we do with an Assistant Minister who persists in down-grading Parliament, a national institution, by telling fictitious stories? I do not know what he is covering up. What do we do with him? Can we pass a vote of no confidence?

Mr. Awori: Mr. Deputy Speaker, Sir, you accept him, that is the answer to the last part of the question: "What do you do with Mr. Awori?" I intend to follow up the matter and, if indeed what hon. Kibaki is stating is the correct version, I will bring it here.

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir. Could the Chair speak for us when civil servants take this House for a ride?

Mr. Deputy Speaker: Let us now go to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

CONFISCATION OF LIVESTOCK

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

(a) Why did the DC, Tana River District, confiscate several head of cattle from about 30 people from Asako Location in May, 1995?

(b) Why was Mr. Mulanja, Tukuna, from Asako Location, arrested on the instructions of the said DC on this occasion?

(c) Since the DC erred by confiscating cattle from innocent *wananchi* in order to allegedly compensate victims of cattle rustling from the neighbouring districts, could the Minister instruct the DC to return the confiscated cattle to the owners with immediate effect?

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

(a) My investigations into the allegations have revealed that no cattle were confiscated from the people of Asako Location by the DC, Tana River, or any other Government official from Tana River District.

(b) Records from Tana River Police Station do not reveal any arrests of Mr. Mulanja Tukuna as alleged.

(c) Arising from replies to (a) and (b), my Office does not intend to issue any instructions to the DC, Tana River, as no cattle were confiscated from Asako residents and compensated to the victims of cattle rustling from neighbouring districts as alleged.

Mr. Kofa: Mr. Deputy Speaker, Sir, this reply is misleading because Mr. Mulanja Tukuna was arrested, put into police cells and his cows were taken away and given away as compensation to the victims of cattle rustlers from neighbouring districts. So, this reply is misleading and I wish to go and dig for more details and present them to the House later. Does he agree with me on that?

Mr. Awori: Yes, Mr. Deputy Speaker, Sir, I am prepared to receive any further details that the hon. Member would like to bring to the House.

Mr. Farah: Mr. Deputy Speaker, Sir, I wish I could use a stronger word, but I cannot since I do not have the provision in the Standing Orders. I do not want to call the hon. Assistant Minister a "liar" since he is an old man. But whoever has given him that information, is a big liar! Whenever cattle are taken by bandits or rustlers from Kitui ---

Mr. Deputy Speaker: Order, hon. Farah! Will you withdraw the use of the word "liar" since it is unparliamentary?

Mr. Farah: I beg to withdraw, Mr. Deputy Speaker, Sir, with all due respect. However, in view of the answer by the Assistant Minister and fully aware that livestock of the whole of Asako area was brought into one camp and people from Ukambani who had lost their cattle to rustlers were told to help themselves, could the Assistant Minister agree with me on that? Why should there be collective punishment of those people?

Mr. Awori: Mr. Deputy Speaker, Sir, the allegations are entirely incorrect and nothing of the sort did

happen in Asako Location.

Mr. Deputy Speaker: Next Question, Mr. Rotino!

BAN ON CEREALS IMPORTATION

Mr. Rotino: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture, Livestock Development and Marketing, the following Question by Private Notice.

(a) Is the Minister aware that maize and other cereals in West Pokot, Trans-Nzoia, Uasin-Gishu, Bomett, Narok and other districts will soon be due for harvest?

(b) Is he further aware that the NCPB is not in a position to purchase the cereals in view of the fact that their stores are full?

(c) Is the Minister also aware that the recent lift of the ban on the importation of maize and wheat is undermining all efforts to enhance the production of cereals?

(d) What measures is the Minister taking to stop further importation of cereals so as to restore confidence in their production?

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) The NCPB normally has a storage capacity of 30.9 million bags. At the moment, the stock in the stores amounts to about 8.5 million bags. There is therefore adequate storage capacity in the Board's network to take in grain.

(c) The Government is aware of the difficulties that have faced farmers during the transitional stages of cereal markets liberalisation. It is for this reason that a variable duty was introduced. As stated by the Minister for Finance during the Budget presentation, this has now been enhanced and is expected to be effective. In addition, an *ad vorem* tax has been introduced on cereals products imported into the country to help reduce would-be-dumping.

(d) With the advent of liberalisation of the grain sub-sector, farmers are now at liberty to sell their cereals to buyers of their choice. Indeed, a number of wheat farmers have already entered into contractual arrangements with millers who buy their produce directly. However, as explained above, the Government has introduced these measures on imported cereals which will help curb dumping. My Ministry will continue to monitor the situation and will take appropriate measures should there be excess grain in the market; by using the NCPB to receive surplus grain from the farmers.

Mr. Rotino: Mr. Deputy Speaker, Sir, I just want to inform the Assistant Minister about what he does not know. He is aware that the National Cereals and Produce Board (NCPB) has subjected farmers to untold suffering by not paying them for their produce. Could he, therefore, tell this House the date on which the Government is going to pay farmers to the tune of Kshs2.2 billion which is still unpaid?

Dr. Misoi: Mr. Deputy Speaker, Sir, the Government is doing all it can to ensure that farmers are paid for produce delivered. So far the Government has done very well and it will continue doing so in the future.

Mr. Kirwa: Mr. Deputy Speaker, Sir, taking into consideration the fact that Kshs2.2 billion is yet to be paid to farmers and further considering the fact that maize has started being harvested in the areas the hon. Member has mentioned in his Question, and knowing that the Government does not have this amount of money - otherwise it would have paid the farmers - what measures will the Assistant Minister put in place to ensure that farmers will be paid the balance of last year's crop at the time of their being paid for the crop that is going to be delivered soon?

Dr. Misoi: Mr. Deputy Speaker, Sir, the NCPB has been paying farmers for the maize delivered to date.

The Government, through the NCPB, will continue doing so until the balance is finally paid. Secondly, the Ministry has assured this House that measures will be put in place to ensure that surplus maize produced by the farmers will be received by the NCPB.

Dr. Kituyi: Mr. Deputy Speaker, Sir, it is sad that an Assistant Minister is misleading this House by pretending that the Government is making any attempts to pay farmers the outstanding money for last year's crop when there is no policy whatsoever to guarantee farmers that there is going to be any payment to them for this year's crop! There is no minimum price promised for the first time since Independence! Be that as it may, considering that when the Government noticed that anti-dumping measures were not sufficient to stop the greedy from importing cereals into this country, it imposed a temporary ban on importation of cereals. However, since the publication of Legal Notice No.216 of 15.6.95 by the Minister for Agriculture, Livestock Development and

Marketing, there has been a flood of cereals into this country.

So, could this Assistant Minister tell the House what specific anti-grain importation measures are possible short of banning the importation again, so as to stop this importation by powerful people including, as I showed last week, Ms Jusung Enterprises of Bawazir and hon. Sajjad?

Dr. Misoi: Mr. Deputy Speaker, Sir, indeed, the Government is very serious about this matter. The measures which I have outlined are expected to be effectively implemented so as to reduce or stop excessive importation of grain into this country.

SALE OF BIXA COMPANY

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

(a) Is the Minister aware that Bixa Company Ltd. in Kwale District, is being sold without public advertisements as required by the financial regulations and also without independent valuation?

(b) Since Bixa Company Ltd. is among the few parastatals that pay dividends to the Treasury, why is it being sold to foreigners?

(c) What urgent steps is the Minister taking to stop the purported sale and ensure that if the company is to be sold, only the indigenous people from Coast Province will be allowed to buy it?

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

(a) Yes, I am aware that Bixa Company Ltd. was sold without public advertisements. Since the company was privatised through the pre-emptive rights it required no public advertisements.

(b) Four independent valuations were done by Ms Price Waterhouse, Githongo and Company, PMG Peat Marwick and the management of the Kenya Bixa Company Ltd. itself. I am not aware that Bixa Company Ltd. was sold to foreigners at a throw-away price. However, I am aware that it was sold at the highest valuation price.

(c) The final transactions were completed in May, 1995 and, therefore, the question of stopping the sale does not arise.

Mr. Mwavumo: Mr. Deputy Speaker, Sir, what was the purpose of selling off the only processing company in Kwale District?

Mr. Keah: Mr. Deputy Speaker, Sir, as you are aware, in the privatisation programme the Government is disposing off all the non-strategic State Corporations. The Bixa Company Ltd. is not one of those strategic corporations. Therefore, this is the reason why it had to be sold.

Mr. Kiliku: Mr. Deputy Speaker, Sir, the Kenya Cashew Nuts Company was sold under the same arrangements of the Ministry. The Assistant Minister said Kenya Bixa Company Ltd. was sold for the highest price. How much was that highest price?

Mr. Keah: Mr. Deputy Speaker, Sir, the valuations were as follows: Price Waterhouse Kshs125.00 per share; Githongo and Company Kshs658.00 per share; KPMG Peat Marwick Kshs472.00 per share and the Kenya Bixa Company Ltd. Management Kshs698.00 per share. So, the company's total shares of 100,000 ordinary shares were sold at the highest price of Kshs698.00 per share.

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead the House while knowing very well that there was no formula whatsoever for selling this company and that the company was given out to politically correct individuals?

Mr. Keah: Mr. Speaker, Sir, there is absolutely no truth in what the hon. Member is alluding to. There was a formula, which was that the shares were sold on the basis of pre-emptive rights provided for in the Companies Act!

BILL

Second Reading

THE FINANCE BILL

*(The Assistant Minister for Finance
(Mr. Koeh) on 6.7.95)*

(Resumption of Debate interrupted on 6.7.95)

Mr. Shikuku: Bw. Naibu Spika, tulipolarisha Bunge hili siku ya Alhamisi, mhe. Dalmas Otieno aliwahi kuuliza kama thibitisho linaweza kutolewa kwamba kuna ufisadi na usimamizi mmbaya katika Wizara yake, na hii ndiyo ilifanya Shirika la Ndege la Kenya kupata hasara ya Ksh.6.7 bilion, ambayo sasa anataka iwekwe kwa watoa kodi wa nchi hii. Wakati huo, nilimwambia kwamba ni jambo linalojulikana wazi kwamba kuna ufisadi. Wengine wetu tukisema juu ya ufisadi, tunajua tunasema nini. Hati iko hapa ambayo inaonyesha wazi. Hati hii inaitwa "Kenya Airways and Subsidiaries Directors Report and Accounts dated March, 1994". Sina haja ya kuingilia mambo hayo kwa sababu ni mengi sana, lakini watu wakitaka ukweli na hawataki kusoma, tutawasomesha. Pia, kuna ile hati nyingine ya "Kenya Airways Limited and Subsidiaries Directors Report and Accounts". Ile ya kwanza ilikuwa "draft", sasa hii imetiwa sahihi na Bw. Ndegwa ambaye ni Director na Mzungu mwingine hapa, na inaonyesha wazi kwamba kulikuwako na ufisadi ambao umeleta hasara ya Kshs bilioni 5.3, na hiki kiasi cha pesa kimekuwa mpaka kufikia karibu shilingi bilioni nane.

(Mr. Shikuku laid the documents on the Table)

Mimi ninawashukuru waandishi wa magazeti, hasa, gazeti la *Daily Nation* ambalo lilichora "cartoon" ya ndege ya Kenya Airways ikiwa karibu kuondoka, na huku mzigo mkubwa umewekelewa mwananchi ambaye amekonda sana. Hiyo inatoshia, hata hakuna haja ya kutoa hotuba. Ukiangalia hiyo cartoon, utajua vile mwananchi wa Kenya anavyofanywa. Mwananchi mdogo anafinywa, hata afadhali Mbeberu. Ukweli uko hapa.

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir. The Chamber is too cold for most of us. Can the Chair order that the temperature becomes normal?

(Laughter)

Mr. Obwocha: On a point of information, Mr. Deputy Speaker, Sir. Thank you, hon. Shikuku. From the accounts that have been laid on this Table, the accumulated loss for Kenya Airways as at 31st March, 1993 was Kshs6.064 billion. The following year which is 31st March, 1994, the accumulated loss had risen to Kshs8.09 billion. Now, that is an accumulation of Kshs2 billion in one year. How, then, does the management justify a Kshs2 billion increase within one year, on accumulated losses?

The Minister for Transport and Communications (Mr. Otieno): On a point of order, Mr. Deputy Speaker, Sir. I can accept hon. Shikuku to misread accounts, but I cannot excuse hon. Obwocha to deliberately misread accounts when the hon. Member for Butere tabled all the documents, including the notes to those accounts. Now, Kshs1.6 billion of that increase was exchange losses, and I expected hon. Obwocha, at least, to take note of that before he raised his question. But I am waiting for more questions.

Mr. Obwocha: On a point of information, Mr. Deputy Speaker, Sir. I am not misreading the accounts because, the Minister is explaining how the loss came about---

Mr. Deputy Speaker: Order, Mr. Obwocha! It really is not a point of information any more. You are now hijacking the debate.

Mr. Shikuku: Bw. Naibu Spika, mimi nipewa habari na msheshimiwa Obwocha, na kufatana na haya yote, hata ikiwa hiyo hasara ni kwa sababu ya "exchange losses", mzigo umeshapigwa picha kwa *Daily Nation*, na umewekelewa mwananchi asiye na kazi, asiyeweza kula chakula mara tatu kwa siku, asiyeweza kusomesha mtoto, asiye---! Haya ndiyo mambo tunayosema. Mzigo huu umeletwa na nani? Umeletwa na wakubwa ambao wamenyonya shirika hili mpaka likafilisika. Sasa hasara hiyo inawekewa mtoa kodi. Hilo ndilo jambo mimi ninakataa! Niliulizwa kama kuna ufisadi. Ufisadi uko, na hii ni Ripoti ya Public Investments Committee ya 1993. Ukiangalia ukurasa wa 78, kuanzia pale juu kuna orodha ya ploti ambazo zimeuzwa kwa shirika la NSSF kwa bei ya juu, na wameiba Ksh86 billion, na hii ni kodi ya wafanyakazi. Wananchi wanafanya kazi, huku wakokwa na jasho, na pesa zao zinaliwa hapa na Kanyingi na Wahindi wake. Kamupuni hii ya Wahindi inaitwa Sawaka Investment. Wakurugenzi wa hii Kampuni ni Bw. H.B. Dawada, P.O. Box, 46385, Nairobi, Bw. N.P. Dawada, P.O. Box, 46385, Nairobi, Bw. F.K. Kanyingi, P.O. Limuru, na Bi. F.W. Kanyingi, P.O. Limuru.

Bw. Naibu Spika, waheshimiwa Wabunge wakisema maneno ambayo yako kwa hati ya umma, kuna wengine ambao hawayasomi; wanashindana, na huku kuna ufisadi. Juzi, Mbunge wa Nakuru Mjini alitonyesha maandiko katika Biblia; Yohana 8:44, ambayo inasema kwamba mkubwa au baba ya waongo ni shetani. Ikiwa waheshimiwa Wabunge wanakataa ukweli, basi, mtu anaweza kufikia uamuzi wa kusema kwamba hawa lazima wawe ni wafuasi wa shetani. Na pengine, akiwaita "devil worshippers", itakuwa aibu. Imekuwaje kwamba Serikali hii ikiambiwa ukweli, inakataa? Ukisema kitu chochote, wanakataa! Tumekwenda kwa Mkuu wa

Polisi, wanasema hakuwapo, na tunajua alikuwapo. Waheshimiwa tuna maana. Maana ya "mhashimiwa" ni mtu ambaye anafwata ukweli; mtu aliyeheshimiwa na wananchi wote. Mtu hawezi kuchaguliwa na bibi yake. Sisi wengine yafaa tuheshimiwe sana kwa sababu tuko "senior" hapa. Mwaka kuja, mwaka nenda, tunarudi. Hatuingii hapa bila kupingwa. Ikiwa tunatoa maoni hapa na hayawezi kuaminiwa na waheshima Wabunge wenzetu, basi Mungu aisaidie nchi hii. Tumechoka kwa sababu tunatoa ukweli na hakuna anayesikia, ni kukana, kukana kila wakati na hali wananchi wanaumia. Hii ni aibu sana. Lakini hao ambao wanapuza tunayoyosema uko wakati ambapo wananchi watawapuza wao. Sitaki kuchukua muda mrefu, thibitisho nimefanya na bado mengine yanakuja. Mhe. Otieno akitaka thibitisho nyingine, mhe. Nyagah aliahidi Bunge hili kutoa thibitisho pia. Sasa hatuna haja ya kuthibitisha zaidi. Mambo yako katika maandishi, tungetaka "Watukufu Mawaziri" wasome.

An hon. Member: Wanapiga kura tu!

Mr. Shikuku: Bw. Naibu Spika, siku ya Alhamisi tulikuwa tumefikia Exemption. Katika Ukurasa wa 199 Clause 6(2) wanasema:-

"The owner or agent of an aircraft or vessel who fails to account for any of the goods deemed to be in the importing aircraft or vessel under Sub-section 1 to the satisfaction of proper officer within such a period, may be prescribed or surcharged further as the proper officer may allow, shall be guilty of an offence".

Bw. Naibu Spika, hapo mnampa mtu mmoja anayeitwa "proper officer" uwezo wote. Yeye binafsi, mtu mmoja, ndiye atasema, "umechelewa" au "hakuchelewa" na hapo ndipo mahali pa mlo. Wakati huu Bunge hili linataka kupitisha sheria ambayo itampa "proper officer" mahali pa kupata chakula chake katika nchi ambayo imelemewa na ufiisadi usio na kifani. Mimi naonelea lazima kuweko na kamati au bodi ya kuangalia mambo kama hayo. Lakini kazi hii ikipewa mtu mmoja, hapo utastaajabu kuyaona mambo yatakayofanyika katika nchi hii. Sisi kama Wabunge wa Bunge hili, tunapitisha sheria kama hii ili tupate pesa za Harambee kutoka hapo. We only hear "I understand you are going for Harambee. I can give you my contribution, but please just consider this case".

Hayo ndiyo yataendelea. Waziri akishapata hiyo hongo, anataka kuwa mgeni wa heshima baada ya kuwaibia wananchi. Anaheshimika namna gani na yeye ni mwizi?

Bw. Naibu Spika katika Clause 7 wanasema:

"Customs and Excise Act is amended by repealing Section 23 and inserting the following:

Where goods reported for discharge as a port or place specially allowed by the proper officer are not duly unloaded and deposited in a transit shed or a custom area, then the master or agent of the aircraft or vessel shall, unless he explains to the satisfaction of the proper officer, be guilty of an offence and shall be liable to pay the duty due thereon."

Sasa huyo officer ni mmoja tu na ukishampiga ngumi na awe ametosheka basi maneno kwisha! Mtu mmoja. How? Na hali tunajua watu wameshatajirika kwa kufanya ufiisadi. Nchi hii imekuwa ni nchi ambayo imeshahalilisha ufiisadi. Ukiuliza watu waseme namna walipata mali ile wanayo, wewe utapingwa. Utapata wafanyakazi wa Serikali ambao wanaweza kumlisha mhe. Otieno kwa mfano, wasomeshe watoto wake na yeye mhe. Otieno alipwe mishahara mpaka afe na hali yeye ni mfanyakazi wa Serikali. The amount of money they have made by looting has made them so rich. Sasa hapa bado tunampa nguvu mtu mmoja. Huyu mtu mmoja akiwa satisfied, basi maneno yanaendelea. Sisi Waheshima Wabunge tunatakiwa tupitishie sheria hii. Hii ndiyo sababu nilisema kwamba Mswada kama huu ikija katika Bunge hili, ndiyo kazi yetu sisi Wabunge. Kazi yetu si kufanya Harambee. Kazi yetu ni kusoma Mswada na kutoa makosa na Waziri kusikia na kurekebisha kwa vile watakaoumia, ni wananchi waliotupigia kura kuja hapa.

Katika Clause 8. (i) (c) states as follows:-

"The proper officer may permit the unloading and delivery to the owner of bullion, currency notes, coin or perishable goods without entry, subject to security being given by the owner to finish the necessary entry within 48 hours of the time of delivery."

Hayo maneno ya entry tuliyakuta katika Public Accounts Committee na pia yameonekana katika Public Investments Committee. Na hali hapa leo tunapitisha sheria kumpa proper officer kuendesha mambo kuhusu entry. Sasa Bunge hili linafanya kazi gani? Are we not giving the proper officer and the owner a blank cheque provided he gives him information within 48 hours? Hii si siri, katika practice itakuwa maneno mengine. Mara ngapi tumeona katika Public Accounts Committee unachukua imprest kwenda Ulaya ambayo unahitajika ukirudi utoe risiti na uregeshe pesa zilizobaki kwa Accounting Officer? Tuna watu waliochukua imprest mwaka wa 1987 na mpaka leo hawajalipa. Mimi najua Kenya hii ikitunza pesa na kodi yake, haina ya kwenda kuomba omba nje. Ubovu ni kwamba tunaiba pesa zetu wenyewe. Tukishaiba, tunaenda kuomba, tena tunapanda ndege first class.

Tangu lini mwombaji akapanda ndege first class? Na tena akienda huko, analala katika Five Star Hotels kama Sheraton na nyingine kubwa kubwa na hali amekwenda kuomba. Mwezi huu tarehe 24 wataenda Paris

wakivalia makoti makubwa, makubwa. Aibu hawana! Na huku wanakula pesa zao wao wenyewe. Mimi nafikiria umefika ambapo donor countries should just refuse to give Kenya money ili tufe hapa ndio tupate akili kwa sababu mtu akipewa pesa kila siku hapati akili. Ukimzoesha mtoto kumpa shilingi kila asubuhi, na humfunzi namna ya kupata hiyo shilingi, ukifa atakuwa mwizi.

An hon. Member: Hii Serikali ni ya wezi!

Mr. Shikuku: Bw. Naibu Spika, nakubaliana na huyo Mbunge anayesema hii Serikali ni ya Wezi. Ni kweli hii Serikali ni ya Wezi.

Bw. Naibu Spika, wao wanataka kwenda kuomba pesa tena kutoka kwa mataifa matajiri na hayo madeni yote tunawaachia watoto wetu na watu maskini ambao hawana matumaini ya kupata kazi. Hao ndio watayalipa hayo madeni. Hii ni Serikali gani, ambayo haijali maslahi ya wananchi? Kazi yao ni kusema "KANU itafanya maendeleo." Tunaambiwa kwamba mtu akikihama chama chake na kujiunga tena na KANU kutakuwa na maendeleo katika sehemu yake na ile hali KANU kimeitawala nchi hii kwa muda wa miaka 32 na hakuna maendeleo yo yote katika nchi hii. Wengine wamedanganyika na kuvihama vyama vyao. Sasa sehemu zao zimekauka; Serikali haina lolote na inaenda kuomba. Huyu mtu anayetajwa kama "proper officer" hapa ana mlo wake. Yeye anauwezo wa kufanya mambo mengi.

Kifungu cha 36 kinasema:-

"Section 19 of the Customs and Excise Act is amended by deleting sub-section one and inserting the following new sub-section:-

"The Minister may by order in the Gazette, amend the First Schedule or the Fifth Schedule by increasing or decreasing any of the rates of import duty, export duty or excise duty by an amount not exceeding 30 per cent of the rate set out therein."

Hapa ndipo Waziri atapata harambee. There should be no taxation without representation. Ni kwa nini hatuwezi kuwa na kamati ya kuyashughulikia mambo haya? Kamati za Bunge hili hazifanyi kazi. Wabunge hawafai kudhani kwamba wanaweza kufanya maendeleo. You cannot develop with your Kshs10,000.00 per month! Yafaa kila Wizara iwe na kamati zake kulingana na Kanuni za Bunge hili. Hii ni kwa sababu Waziri akipewa "kitu kidogo" anaweza kutumia mamlaka yake kwa njia isiyofaa. Ni lazima kuwe na kamati za Bunge za kushughulikia mambo kama haya. Ni lazima Kamati ya Fedha ya Bunge hili ifanye kazi yake.

Wakati mwingine aliyekuwa Mbunge wa Kimilili, mhe. Mwangale, alisema kwamba siku moja fisi alikuwa akienda zake nyumani. Unajua sisi tunapenda kusema "*mirembe*" and this means "peace." Huyu fisi aliliambia jiwe "*mirembe*" lakini jiwe halikujibu. Akasema tena "*mirembe rundi*" lakini jiwe halikujibu. Yule fisi alipoona kwamba hakuna jawabu--- Unajua ukimsalimia mtu halafu akatae kujibu salamu zako utajua mara moja kwamba mtu huyo hataki amani. Basi fisi alipokosa kupata jawabu kutoka kwa jiwe alisema "hata kama hukujibu umesikia" halafu akaenda zake. Sisi tunasema kila wakati lakini hii Serikali yetu "tukutu" na "takatifu" ya KANU haisikii. Lakini hata kama hawajibu tunajua wamesikia. Kuna siku moja ambapo watatoa hesabu juu ya mambo haya yote.

Bw. Naibu Spika, Mswada unaendelea kusema:-

"In case of maize, wheat, sugar, milk rice or used clothing, the rates of duty may be increased by an amount not exceeding 75 per centum of the prescribed rates."

Sehemu hii ya Mswada inanikumbusha jambo ambalo nililitaja hapa na niwasilisha ushahidi hapa lakini ikasema kwamba hizo zikuwa "fake papers." Karatasi zangu zilisema kiasi cha 20,500 metric tonnes, za mahindi ziliagizwa kutoka ng'ambo. Karatasi iliyoletwa hapa baadaye ilisema kwamba walileta kiasi cha tani 10,000 za mahindi. Je, "fake papers" zilitoka wapi? Bw. Spika alisema kwamba atalichunguza jambo hilo na kwa hivyo sitaki kulifuatilia kwa sasa. I am not yet through with that. Hii ni kwa sababu niko na ushahidi mwingine zaidi. Mimi nikianza kukufuata sikuachi; nitakufuata mpaka Yesu arudi.

Bw. Naibu Spika, Waziri anayehusika anaweza kuyazuia mambo haya. Hii ni kwa sababu wakulima wamefilisika. Watoto wao hawasomi. Hata wale walioyapeleka mahindi yao kwa National Cereals and Produce Board mpaka leo hawajalipwa. Nafikiri Serikali hii ina mpango wa kuwafilisisha wananchi ili wawe wapole. Hii ni kwa sababu kama hujiwezi kifedha, wewe ni mtu wa kutii amri. Kuna mpango katika Serikali hii wa kufanya maskini watu wa nchi hii ili waweze kunyanyaswa na matajiri. Huu ni mpango sawa na ule wa aliyekuwa dikteta huko Romania lakini leo yeye hayuko. Wakijua kwamba wanaweza kupata faida kutokana na mbuzi wako, mbuzi hao wataibwa. Ninavyozungumza sasa hivi, katika Mawakilisho ya Butere na mahali kwingineko, mifugo inaibwa na haipatikani. Hata wanatumia malori kubeba mifugo iliyoibwa. Ukiuliza Chifu, DO, au DC hawataki kukwambia mambo yako namna gani. Sisi watu wa Butere tunajua kwamba machifu wakikamatwa na kutiwa korokoroni hiyo itawaamsha kidogo. Lakini hawawezi kufanya hivyo. Hii ni kwa sababu mali hii ya watu inayoporwa inagawanywa kuanzia kwa chifu, DO, DC hadi juu. Hawataki kuchukua hatua yo yote kwa sababu wakifanya hivyo wizi utakwisha na wao hawatakuwa na mahali pa kupata chakula.

Kitu wanachotaka ni *chang'aa*. Ukiwaambia kwamb kuna pombe ya *chang'aa* mahali fulani wanatoka na bunduki lakini ukiwaambia kwamba ng'ombe wameibwa hawataka kuwafuata hao wezi. Hii ndiyo Serikali ya KANU; yenye maendeleo! Watu wataendelea namna gani ikiwa mifugo yao inaibwa? Kule Marakwet watu wanafilisishwa sasa. Hawana cho chote isipokuwa mbuzi na ng'ombe; hawana hata barabara. Kama kuna Serikali mbovu zaidi ya nyingine katika bara la Afrika, hii inaweza kushinda kikombe cha ubovu.

Utaona kwamba katika nchi kama Amerika, mkulima huwa ana hakika kwamba hata kama mazao yake hayanutuliwi atalipwa na Serikali hiyo; Serikali yao inayachukua hayo mahindi ya kukitoa kama misaada kwa mataifa mengine au kuyamwaga ndani ya bahari ili samaki wale na kuzaana.

Lakini Serikali yetu hii haipunguzi bei hata nimeangalia hapa na bei ya mbolea hawapunguzi. Mwananchi ananunua of DAP kwa Kshs1,300 anatia ammonia Kshs.1,000, anaweka mbegu Kshs3,000 na sasa unapewa na Waziri wa Kilimo Ksh400 au Ksh500 kwa kila gunia. Hata kama hujui hesabu Bw. Naibu Spika, wewe umetumia Ksh3,000 lakini unapatiwa Ksh500.

The Minister for Agriculture, Livestock Development and Marketing (Mr. Nyachae): On a point of order Mr. Deputy Speaker, Sir. The Minister for Agriculture, Livestock Development and Marketing has never paid any farmer Kshs400. For the information of the hon. Member, the minimum price that National Cereals and Produce Board (NCPB), which comes under the Ministry of Agriculture, Livestock Development and Marketing, is Kshs900 and not Kshs400.

Mr. Shikuku: Bw. Naibu Spika wa Muda, mimi nasema yale ninajua. Hapo mbeleni mahindi yalikuwa yakinunuliwa kwa Ksh400, ikafikia Ksh500 na baadaye ikafika Ksh600. Hata kama hujui hesabu, umetumia Ksh1,300 kununua DAP na Ammonia, mbegu Ksh700; wacha kulima, kupalilia na kuvuna. Bado unalipwa Ksh900 kwa gunia hii ambayo anasema hapa Bungeni. Hesabu ikitofautiana si mkulima anaungua?

The Minister for Agriculture, Livestock Development and Marketing (Mr. Nyachae): On a point of order, Mr. Deputy Speaker, Sir. The calculation the hon. Member is giving is misleading. The actual cost of production is not what he is stating. The hon. Member is misleading the House. If he is misleading the House he has to be corrected. The maximum cost of production per bag of maize has never exceeded Kshs.758, and we are paying Shs.900 minimum.

Mr. Shikuku: Bw Naibu Spika, nikamaliza umpe nafasi Mhe. ajibu. Nataka kumfundisha kanuni za Bunge. Ikiwa hakubaliani na mimi anukuu yale ninayoyasema na nikishamaliza mpe nafasi aeleza yake. Lakini tukianda naye kwa wakulima hatasema yeye; anasema hapa tu! Aende kwa wakulima wamwambie maneno. Hili ndiyo sababu anatembea na askari wa kuwalinda. Mimi sina haja ya askari wa kunilinda. Kwa vile wanawaumiza raia inawalazimu kutembea na askari wa kuwalinda, tena wenye silaha!

Bw. Naibu wa Spika wa Muda, ukweli ni kwamba wakulima katika nchi hii, wawe wa KANU au wawe Upinzani, wanajua ninayosema ni kweli. Hakuna mkulima ambaye amefurahi. Tunaumia. Wakulima hawajalipwa hata hiyo Ksh900 hadi sasa. Lakini yeye hahisi uchungu. Yeye ni Waziri! Nao watu wanaosaga mahindi, wanunua gunia la kilo 90 na kutengeneza pakiti ya jogoo kuiuza kwa Ksh45! Kwa gunia moja anapata Kshs.2,500. Na mkulima anapewa Kshs.900 na Waziri anacheka! Sasa hiyo ni haki? hata wabeberu hawakufanya hivyo. Watu wa kawaida wananyanyaswa na matajiri.

Katika mataifa ambayo yameendelea, ikiwa wewe ni Waziri na unahusika na biashara inayohusiana na Wizara yako, basi huhitaji kuwa Waziri katika Wizara hiyo ambayo ina mambo ya biashara ya aina hiyo. Lakini hapa Kenya, unawekwa mahali pa kutafuta Harambee.

Pia mambo ya sukari yako hapa. Kuhusu sukari, tulikuwa karibu kulisheleza taifa hili. Nzoia Sugar Company ilivurugwa. Ilivurugwa na wanasiasa wa wakati huu, mhe. Mwangale na wengine. Ukienda kule Ramisi, Sondu na kwingineko, wahindi wameharibu.

Kenya inaweza kuwapa watu wetu kazi. Kilimo cha sukari, mahindi na pia mchele wa Mwea kikiangaliwa sawa kinaweza kutoa kazi kwa watu wetu na kutoa chakula cha kutosha. Lakini wakubwa ndio wanaoagiza vyakula kutoka nje kumwumiza huyu mwananchi. Hana matumaini!

Miwa katika Butere inatoa maua. Na miwa inapotoa maua haina uzito. Na mkulima amengojea miezi 18 hadi 30 ili akate miwa yake kwa sababu wakubwa wameagiza sukari kutoka nchi. Ni lazima uwe mkubwa na uwe na marafiki wa wakubwa. Hii ni njia moja ya kuua wakulima wa Kenya. Hii ni njia moja ya kuwaua watu wetu wa Butere na Mumias na wale wengine wa mhe. Ommani na hata kule kwa mhe. Sifuna. Hawa ndio watu ambao wanataka kupata riziki zao kwa sukari. Lakini hawawezi kupata kwa sababu sukari imeagizwa kutoka nje na bei ya sukari ikaongezwa. Hapo tunampa mkubwa uwezo kwa upande wa sukari, maziwa, mchele na ngano.

Bw. Naibu Spika tunapitisha sheria hapa kumpa nguvu tena na sisi tunaweza kujitegemea hata katika ngano. Wakati umefika Waziri wa Kilimo alete hapa Mswada wa kusema kwamba kuna sehemu maalum za pareto, ngano, mahindi, kwa sababu ukitoka Nakuru ukielekea Eldoret hapo zamani sehemu hiyo ilijaa ngano. Ukitaka kuona vizuri chukua ile njia ya Kabarak. Zamani sehemu hiyo yote, hadi mahali Hayati Kenyatta alikuwa

na shamba, kulikuwa ngano. Lakini siku hizi watu wanajaribu kupanda mahindi, lakini mahindi hayastawi vizuri katika sehemu hiyo.

Kwa hivyo, Bw. Naibu Spika, tunahitajika kuzalisha vyakula katika nchi hii. Tunataka sheria iletwea hapa ya kugawanya sehemu hizi. Mtu ambae ni mkulima wa ngano alime ngano, natupate ngano nyingi zaidi. Wengine wanajaribu kupanda mahindi na hata saa ile unapita njia ya kwenda Kisumu ukielekea Eldoret, ukienda kule ng'ambo wanajaribu kupanda mahindi. Lakini hayawezi kukuwa kwa sababu kuna baridi sana, inahitaji ngano na pareto. "This is waste of strength, time and yielding nothing". Waziri yafaa aangalie hiyo, lakini hawataki hiyo kwa sababu wanataka kuleta bidhaa kutoka nchi nyingine ili wapate pesa. Lakini hawataki kutajirisha mtu wa Kenya, wanataka wao ndiyo wawe tajiri, ndiyo wawe wakitowa Harambee. "Hatutaki maneno tunataka vitendo." Vitendo vya wizi, wanaambia wananchi halafu wanawaambia harambee ndiyo hii. Iko siku watagundua na yale mambo yaliyowapata Wafaransa itakuwa afadhali. Mtakwenda mbio na hizo mtokaa zenu, lakini mutaona. Hatuwezi kuendelea namna hii milele na milele, watu wananyanyazwa.

Bw. Naibu Spika, tuna hii Mwea-Tebere na hata ile ya Kisumu - Nyando, zipandwe ngano, watu wapewe mkopo waendeshe kilimo yale maji yanawaua wakwe zangu kila siku mvua ikinyesha yatumike. Mto unachukua kuku wote kwa sababu kuku hajui kuogelea. Katika sehemu hizo tunaweza kutengeneza bomba la kuzuia maji ili wale watu waendele kupanda mpunga na wakifanya hivyo tutakuwa na mpunga kwa wingi.

Wao ndiyo watakuwa wakitoa Harambee. Hatutaki maneno. Tunataka vitendo. Hivyo ni vitendo vya wizi wa kuimbia wananchi, halafu tunaambiwa Harambee ndiyo hii. Iko siku watagudua. Yale mambo yaliyowapata Wafaransa yatakuwa afadhali. Mtakwenda mbio na hizo motokaa zenu na mtapata taabu. We cannot go on for ever like this being exploited.

Bw. Naibu Spika, tuko na Mwea Tabere, na hata ile ya Kisumu, Nyando. Inafaa watu wapewe mkopo waendeshe. Na yale maji ambayo yanauwa wakwe wangu kila siku mvua ikinyesha - mtu anabeba kuku zake kwa sababu hawajui kuogelea - tunaweza kutengeneza dam ili wale watu waendele kupanda mpunga kwa wingi.

Bw. Naibu Spika, hapa ulisikia zile nguo kuu kuu kwa hiyo Clause ambayo natoka. Hizi nguo zinasaidia wananchi, wale ambao hawajiwezi. Kama zingekuwako, wananchi wengi wangukuwa wanatembea uchi. Lakini ni nani ambaye analeta hizi nguo kuu kuu? Mbona yeye anakuwa exempted from paying the tax? Mhe. G.G. kariuki anauliza ni nani huyo. Unajidai hujui. Pengine nikwambie it is the son of the tall ones. Wewe ukileta, utaona cha mtema kuni kwa sababu wewe ni mfupi. Lakini nguo kuu kuu zinaletwa na hawalipi kodi. Why? Hawa ni watu wakubwa. They should be dismissed for siphoning all the money outside.

Bw. Naibu Spika, wacha nije kwa jambo la ukurasa wa 204, Clause 37. Nataka kwenda haraka. Sisi wengine husoma hizi vitu sana, na ndiyo unaona tunazungumza kwa muda mrefu. Hii ndiyo kazi nilichaguliwa kuja kufanya hapa. Sikuchaguliwa niwe nikitoa Harambee. Jambo ambalo nataka usikie ni hili:

"Provided where the maize, wheat, sugar, milk, rice, textiles, new and used clothing and footwear are imported during the periods of civil strife, national calamity or disaster declared under any law for the time being in force or where they are intended for use in officially recognised refugee camps in Kenya, duty in respect thereof may be remitted under this section."

Bw. Naibu Spika, kuhusu calamity hapa kwetu, Mungu ametubariki hatuna nyingi, lakini vitu hivi vyote bado vinaingia. Hata kuhusu mahindi, wengine wanasema, wakati Value Added Tax (VAT) ilikuwa waived, iliingia. Inaumiza nani? Mwananchi mdogo. Calamity is something real, na pia tumesema kwamba tukiweza kutoa chakula au wakulima wakiwa subsidised in all agricultural inputs, tunaweza kutoa chakula cha kutosha kuwekwa tukingonjea calamity, na disaster. We can do that. Siyo kungojea ikuje ndiyo tufanye Harambee. Bona hatujiweki tayari na tuko na chakula kingi katika Kenya hii, kama Serikali inaweza kununua chakula na kukiweka katika ghala ikingojea calamity. Hata hivyo, inafaa wafanye huo mpango kwa sababu watu wa Ukambani kila mwaka wanasaidiwa. Ukambani is a permanent market. Kwa nini wasitengeneze mpango tuweke chakula cha kutosha wakati wa calamity, taking into account Ukambani area ambapo wamekataa kuwapa maji. Kila mwaka wanapewa msaada ndipo kura ipatikane. Wakamba mko na taabu lakini waheshimiwa Wabunge wenu hapa, saa nyingine wanastua sana. Hawasemi mambo ya maji ya Ukambani.

[The Deputy Speaker left the Chair]

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

An hon. Member: Hakuna maji huko?

Mr. Shikuku: Mhe. Mbunge mmoja kutoka Turkana aliniuliza, "Kwani huko Ukambani hakuna maji?" Hana habari Ukambani iko wapi. Kwanza kule Turkana ndipo kuna shida zaidi kuliko Ukambani. Nyasi

hakuna kule Turkana. Kuona maji ni kama kuona almasi. Mhe. G.G. Kariuki hapa anafahamu yale ninayosema. He is nodding in agreement that it is difficult to see a green blade in that area. Hayo mambo ndiyo ambayo mimi ninazungumza. Mimi ni Mbunge na kila mhe. Mbunge mwingine hapa ni wa National Assembly na ana kazi ya kuangalia Kenya yote kwa sababu wananchi wote ni wetu. Akiwa wa KANU au wa Upinzani ni mwananchi. Hata akiwa Mturkana, Pokomo, au kutoka Butere, yeye ni mwana Kenya. Hii ndilo jambo ni heri Waheshimiwa Wabunge wanatakiwa wajue, kwamba wanapata taabu. Ni wajibu wetu wote katika Bunge hili, kwa sababu wengine wanaambiwa waingie kwa chama cha KANU. Hata ukiwa kwa KANU, ukienda ndukani, ukitingiza kidole, bei hairudi chini. Ile bei Mpinzani anapata ndiyo hiyo hiyo utapata na kidole chako, hata ukiwa na ile picha ya Mtukufu Rais hapo, bei ni hiyo hiyo. Kwa hivyo hakuna maana kuwa kwa KANU. Hata ukitingiza kidole mara kumi, bei haitapunguzwa.

Bw. Naibu Spika wa Muda, nazungumzia habari ya kodi. Pengine mhe. Mbunge yule hakusoma hii habari. Mimi husoma halafu na quote. Itamchukuwa miaka 28 ndipo ajue kusoma Bills. Katika Clause 38, ukurasa 204, wanasema kama ufuatavyo:

"Section 167 of the Customs and Excise Act is amended in subsection (4) (a) by deleting the word "twenty" and inserting the words "one hundred".

Zamani, katika hiyo Act, ilikuwa ni 20, lakini sasa imepelekwa mpaka 100. Ukifanya hesabu utajua umeongezwa nini. Sisi tutapitisha sheria hii kwa sababu wakati wa kupiga kura utaona upande huu umejaa "NOES" na "AYES" itaanguka hapa, na hata fisi, akiwa karibu atakimbia sana mpaka Nakuru kwa sababu ile kelele itakayovumwa ni nyingi. Lakini hawajui wanapitisha sheria ya kwenda kuwaumiza wale waliowachagua.

Bw. Naibu Spika, wa muda, kwenye ukurasa wa 206, Clause 51, wanaongea juu ya Permanent Secretaries and Judges. Hapa ndipo mimi nataka maelezo kutoka kwa Waziri wa Fedha. Wote hawako hapa. Waziri mwenyewe hayuko hapa, na Waziri msaidizi alikuwa hapa lakini akatoka. Alikuwa akisinziasinzia. Alikuwa na usingizi lakini akaenda kutembea kidogo.

"35. *Permanent Secretaries and Judges*

One motor vehicle (excluding buses and mini-buses of more than 13 passengers and load carrying vehicles of a load carrying capacity exceeding two tonnes) imported or purchased prior to clearance through customs by a Permanent Secretary or a Judge, subject to the written recommendation of the Permanent Secretary, Secretary to the Cabinet and Head of the Civil Service in the case of a Permanent Secretary and the Chief Justice in the case of a Judge.

Provided that the exemption under this item shall apply only once in every four years.

Sasa Bw. Naibu Spika wa Muda, umesikia kwamba vitu vinaingia bila kutozwa ushuru. Makatibu wa Kudumu wanafanya jambo hili. Kwa nini wanafanya hivi? Even if it applies to the Members of Parliament it should not happen. Mimi ningetaka Kamati ya Fedha ya Bunge iwe ikifanya kazi kwa sababu Serikali haiwezi kufanya kazi bila pesa. Tumesikia mengi kuhusu hawa makatibu wa kudumu. Hasa mimi niko very allergic kwa Makatibu wa Kudumu. Pesa zimeibiwa hapa katika Benki Kuu na hata ukisoma Ripoti ya Public Accounts Committee unaweza kulia machozi ya damu. Utasikia vile Makatibu wa Kudumu wanavyofyonza umma huu. Ningependa Kamati ya Fedha ya Bunge hili ifanye kazi yake. Hiyo ndiyo kazi tumepatiwa kufanya. Waheshimiwa wanafanya kazi gani? Hata hawakai Bungeni na hali wanalipwa. Wanakuja dakika mbili na wanapata mshahara wa mwezi mzima. Haki iko wapi kwa jambo kama hili? Hata kwa Mungu utaulizwa maswali kwa sababu Mungu amesema lazima utoke jasho ili ule. Sasa wewe unakuja dakika chache halafu unakwenda mahali unapotaka na Bunge linabaki tupu na hali mwisho wa mwezi unachukua mshahara. Kazi ndiyo hii ya Wabunge? Kazi yao ni kuchunga fedha na kodi ya wananchi. Wanastahili kuwa hapa kila mara ili wafanye kazi. Kamati zilizochaguliwa zifanye kazi. Tunataka ile Nyumba ya County Hall irekebishwa upesi ili hizi kamati zote zifanye kazi. Every Ministerial Committee must function. Kufuatana na Standing Orders kila Wizara inafaa iwe na Ministerial Committee. Huu ni wajibu wa hawa waheshimwa watukufu kufanya kazi na sio kukimbiakimbia na kuomba pesa. Hapo ndipo mambo yanaharibika. Na ajabu ni kuwa hawa waheshimiwa pia wana watoto na wajukuu.

An hon. Member: Harambee ifanyike.

Mr. Shikuku: Bw. Naibu Spika wa Muda, ninamsikia yule kijana akisema lazima Harambee ifanyike. Mnaibia wananchi halafu mnawaambia wafanye Harambee. Hiyo ni kuwafilisi. Kama kodi ingekuwa inalindwa hivi vitu vyote vingefanyika na Harambee ingekuwa kidogo. Lakini kwa sababu fedha zinapatikana na zinaliwa wananchi wanaambiwa wafanye Harambee. Juzi tu Mbunge wa Nakuru aliambiwa afanye Harambee ili angalie habari ya vyoo kule Nakuru. How do you do that? Mhe. aonekane kule Nakuru anafanya Harambee ya kufagia mavi vyooni na watu wanatoa service charge.

The Temporary Deputy Speaker (Mr. Wetangula): Use decent language, hon. Shikuku.

Mr. Shikuku: Bw. Naibu Spika Wa Muda, sijui Kiswahili kizuri ni kipi lakini hiyo ndiyo ninafahamu. Choo zifanyiwa Harambee!

The Temporary Deputy Speaker (Mr. Wetangula): Sema kinyesi.

Mr. Shikuku: Hata kikiwa kinyesi ni hali hiyo tu.

Bw. Naibu Spika wa Muda, hii ni aibu kubwa kumuuliza Mbunge kufanya Harambee, kufagia vyo ambavyo vimejaa na kodi inatolewa na inaliwa. Nchi hii imetoka kwa reli na sasa iko mchangani kwa shauri ya hawa waheshimiwa. Inaelekea kwenye hatari na hiyo hatari inaweza kumfanya mtu amwona Mungu kabla ya saa yake kufika. Na ukipata kuonana na Mungu na mambo yako ni maovu namna hii hali yako itakuwa mbovu sana.

Ukiangalia Clause 35 utapata wanasema:-

"Provided that exemption under this item shall only apply once in every four years."

Hapo chini wanasema yafuatayo:-

"(d) By deleting paragraphs (1),(2),(3),(4) and (5) of item 8 inserting the following:- (1) Household, personal effects of any kind imported by entitled personnel or their dependants including one motor vehicle imported or purchased by them prior to the clearance through Customs within 90 days of the first arrival in Kenya, or such longer period, not exceeding 360 days from the date of his arrival, as maybe approved by the Treasury in specific cases, where entitled personnel have not been granted an exemption under 7(3) of part A, or item 8(3) of part B of this Schedule."

Bw. Naibu Spika wa Muda, habari ya household, watu wengine wanaweza kuwa wametoka Ulaya na hii nilikwambia--- Siku moja tulienda kule Kilindini na tukapata kuwa vitu vingi vinaingia Kenya kwa kupitia vitu vya kibinafsi katika containers. Mimi na Mtukufu Rais tulifungua na hizo containers na tukaona maajabu. Tuliona vitu vipya vyote. Tuliona televisheni, radio mpya na kadhalika. Hivyo basi vilikuwa vitu vya mtu binafsi. Tunahitaji watu ambao wanapenda nchi hii kuwa kule. Hatutaki wafisadi. Katika hii Clause ambayo tunapitisha watu wataingiza vitu vingi kwa kupitia vitu vya kibinafsi. Magari mengi yameingia nchini.

Siku moja niliposema kwamba mnada utafanyika wa magari yaliyokuwa kule bandarini Mombasa yalitoweka yote kwa muda wa siku moja. Hawa wakubwa wanaoleta vitu polepole waliposikia kuna mnada wa magari waluyanunua yote. Lakini kuna siku moja tutajaribu kupata ni nani aliyezinunua hizo motokaa na nani aliyezileta hapa nchini. Wanaofanya mambo haya si watu wadogo ni watu wakubwa. Fedha ambazo Serikali hii imepoteza inaweza kuwasomesha watoto katika vyo vikuu. Hakuna haja ya kufanya Harambee kwa mtoto wa chuo kikuku ama wa shule za upili kama Kenya Ports Authority ingekuwa na usimamizi mzuri. Serikali hii haitaki kuangalia pesa zake. Haitaki kuona kodi imetolewa. Haitaki kuona kwamba inapata pesa za kutosha za kuendesha nchi hii mbali inataka kuwa na madeni na kuombaomba. Ninasikia kwamba mambo yanaanza kuwa magumu huko nje na hata mwezi wa Julai ambao wanakusudia kwenda Paris watapata mambo ni magumu kwa wakati huu. Wale watoaji wamechoka. Hata wakati mwingine mtoto akinyonya sana mama huchoka akampiga mdomo. Matiti yanakuwa too hot na ninajua waheshimiwa wanajua ninasema nini. Hata wewe Bw. Naibu Spika wa Muda unajua. Mama anampenda mtoto lakini akinyonya sana mama anachoka. Pia sisi tutapigwa mdomo hivi karibuni. Tumekuwa wanyonyaji. Ukiona kijana wako ana miaka 33 baada ya Uhuru na bado anakutegemea basi huyo mtoto akili yake si nzuri. Akili za watu wa Kenya si nzuri hasa za Mawaziri.

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member substantiate that Ministers "hawana akili"?

Mr. Shikuku: Bw. Naibu Spika wa Muda, sikusema "hawana akili" lakini---

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Shikuku! You cannot substantiate that otherwise you will be violating Standing Order No.73. But I order you to withdraw! Ulisema "Mawaziri wamefungukiwa na akili".

Mr. Shikuku: Bw. Naibu Spika wa Muda, nilisema ukiwa na mtoto ambaye ana miaka 33 na bado anakutegemea, hajiwezi, huyo mtoto akili yake si nzuri.

The Temporary Deputy Speaker (Mr. Wetangula): Kama hawa Mawaziri!

Mr. Shikuku: Nami nikasema huyo mtoto akishakuwa hivyo, hii Serikali yetu, Mawaziri, baada ya miaka 30 na hawawezi kujitegemea wao wenyewe, basi nawalinganisha na---

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Shikuku! Nilikusikia, ulisema "Mawaziri wana upungufu wa akili". Nimekuamrisha uyaondoe hayo maneno kwa sababu yanawakashifu Mawaziri.

Mr. Shikuku: Bw. Naibu Spika wa Muda, nimeyaondoa maneno hayo kwa sababu ya amri yako. Lakini kesho, katika HANSARD, nitakuonyesha sikusema "wamefungukiwa na akili". Lakini---

The Temporary Deputy Speaker (Mr. Wetangula): Ulisema "wana akili mbovu" or something to that

effect!

Mr. Shikuku: Ndio, Bw. Naibu Spika wa Muda! "Akili mbovu" na "kupungukiwa na akili" ni mambo tofauti. Basi, nimeyaondoa.

Lakini kuna taabu hapa. Kuna Kifungu cha (2) katika ukurasa wa 207 ambacho kinasema:-

"One motor vehicle which the Commissioner is satisfied that it is imported as a replacement for a motor vehicle originally imported under paragraph one which has been written off due to accident, fire or theft subject to the Minister's written approval of such importation provided that Customs Duty shall be payable at appropriate rate, if the written-off motor vehicle is disposed of locally".

Bw. Naibu Spika wa Muda, mimi najua kunaweza kutokea ajali, moto au wizi, lakini tutajuaje? Watu wanaweza kutengeneza syndicate ambapo magari yanakuja halafu yanaibwa. Siku hizi hata polisi wanahusika katika wizi wa aina mbali mbali. Sisi sasa hapa tunafungua madirisha? Tunajua magari mengi yamekuwa yakiibiwa hapa na ikiwa yataletwa duty free, basi yataendelea kuibwa. Je, kodi itapatikana namna gani ya kuiendesha Serikali hii?

Bw. Naibu Spika wa Muda, wakati huu kuna wezi ambao wanaleta hata hizi nguo ambazo zinaitwa kuu kuu, yaani mitumba kutoka ng'ambo. Nyingine ni mpya kabisa lakini zinaitwa kuu kuu ili ile kodi ama rate iwe chini. Hata hawa Wabunge wanajua hivyo. Kwa hivyo, hii habari ya wizi iangaliwe vizuri kwa sababu inaweza kuwa "shimo" ama loophole ya kuleta magari hapa halafu yanaibwa na mwishowe Serikali haitapata kodi yoyote.

Tena pale chini ya kifungu hicho kinasema:-

"Such kind or such quantity as the officer may allow".

Ni mtu mmoja tu wa kukubali. Pia ana haki ya kusema italipwa lini na kadhalika. Mtu huyo mmoja anaitwa "proper officer". Kwa nini? This should be by a committee halafu huyo ofisa achukue maagizo kutoka kwa kamati hivyo. Nasema hivyo kwa sababu najua Kenya hii ndiyo makao makuu ya ufisadi" duniani! Kwa hivyo, nataka tujaribu kufunga mashimo hayo, yaani iwe kamati na wala si mtu mmoja kuamua.

Bw. Naibu Spika wa Muda, naenda haraka kwa sababu Wabunge wengine pia wanataka kuzungumza. Nimeusoma Mswada huu wote. Niko katika Kifungu 52, ukurasa wa 213. This is the Fifth Schedule which says:-

"The Fifth Schedule to the Customs and Excise Act is amended by making the various amendments in the Third Schedule to this Act in a manner described therein".

Ukisoma hapo, utaona mengi hapo. Pia katika ukurasa huo huo kuhusu VAT, power to collect tax from persons owing money to taxable persons, and it says:-

"Where any sum by way of tax is due - this is 19(1) - payable by taxable persons, the Commissioner may by notice in writing require--"

Bw. Naibu Spika wa Muda, why "may"? The Commissioner "shall"! Ukimpa "may" umempatia uhuru wa kuadika au kutoandika. Lakini sisi tunataka kodi. Why should he "may"? This amendment should be "shall" kwa sababu tunataka pesa. "May" inampa uwezo wa kufanya au kutofanya. Kwa hivyo, anatakiwa "shall".

Jambo lingine, Bw. Naibu Spika wa Muda, utapata kwamba:-

"A person from whom any money is due or accruing or may become due to taxable persons or any person who holds or may subsequently hold money for or on account of taxable person".

Mwishowe, wanataka yule mtu wa kupeana kodi achukue muda wake.

"Where a person is required under subsection (1) to pay money to the Commissioner claims to be or to have become unable to do so by reason of lack of money held by or due from him, he shall as soon as maybe practicable notify the Commissioner in writing stating reasons for his inability to do so".

Bw. Naibu Spika wa Muda, tunataka kodi au sababu? Ninaweza kumwandikia Commissioner kwamba nilikuwa mgonjwa na hata nilihara sana kwa wiki mbili. Lakini kodi ni lazima itolewe. Hata wale wenye kuaa watu wana sababu za kufanya hivyo. Kama tunataka kodi, ni kwa nini tunampa mtu huyo nafasi ya kutoa sababu za kutolipa? Kwa hivyo, inatakiwa "shall" not "may".

The Temporary Deputy Speaker (Mr. Wetangula): It is mandatory, "shall"! Which clause are you referring to?

Mr. Shikuku: This is Clause 2, page 214. "As soon as practicable". What is "practicable"? Unampatia uhuru mwingi. Yeye ana ushuru wetu ambao tunataka. Inafaa alipe ushuru na kama si hivyo afungwe. Si, Waziri wa zamani, marehemu Oloitipitip, alifungwa gerezeni?

Bw. Naibu Spika wa Muda, Kifungu Cha 60 kimeondoa kiwango cha 200 na kikaingiza kiwango cha 400. Kifungu kipya cha 41(a) kinasema:-

"No officer shall be personally liable for any act or omission done or committed in the

performance of his functions under this Act unless, having regard to the circumstances of the case, such act or omission is found to be (a) done or committed wilfully or dishonestly by such officer".

Nakumbuka kwamba awali Bw. Kimalat alikuwa ametoa agizo lililosema kwamba ofisa yeyote wa Serikali ambaye angefanya jambo lililo kinyume cha sheria angeshtakiwa yeye binafsi na si Serikali. Sasa hapa naona kwamba maafisa wa Serikali sasa wanaweza kuwadharau Wabunge wa Upinzani kwa sababu sasa watalindwa na sheria hii. Inafaa Wabunge wa Upinzani waamke na wajue kwamba wakiupitisha Mswada huu watakiona cha mtema kuni. Tunajua siasa haina maagizo kama utumishi wa Serikali---

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Shikuku, are you talking of a gazette notice or a Circular?

Mr. Shikuku: Ninaongea juu ya agizo ambalo lilikuwa katika magazeti. Agizo hili liliwaambia watumishi wa Serikali kwamba kwa vile kulikuwa na malalamiko mengi kutoka kwa wananchi dhidi yao walitakiwa kujua kwamba kama wangewafanyia wananchi kinyume cha sheria za nchi hii wangelazimika kujitetea wenyewewe wanaposhtakiwa kwa sababu Serikali haingewatetea. Kwa hivyo, sitaki Mswada huu uwape watumishi wa Serikali ulinzi. Nataka kila ofisa wa Serikali afanye kazi kulingana na sheria na akikosea ajitetee na wala haifai kwa Serikali kumtetea.

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

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

Sasa ningetaka kumalizia ili niwape wengine nafasi. Nawaomba whe. Wabunge wanisamehe kwa kuzungumza sana. Mnajua mimi sina biashara kama Wabunge wengine ambao hawapati nafasi ya kuisoma Miswada kwa sababu ya biashara zao. Mimi huisoma Miswada yote inayoletwa hapa, kwa sababu Ubunge ndio biashara yangu.

Mr. Obwocha: Is he not imputing improper motive?

Mr. Shikuku: There are no improper motives; there are registered businessmen here, including the one who is talking nonsense!

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Shikuku in order to impute improper motive on hon. Members by saying that they do not sit in the House nor do we do our home-work?

The Temporary Deputy Speaker (Mr. Ndotto): Mr. Shikuku, did you say something to the effect that there are businessmen here, including the Speaker who werey making noise? I want you to be very honest because I like honesty.

Mr. Shikuku: Bw. Naibu Spika wa Muda, mimi ni mtu mwaminifu na umelijua jambo hili kwa siku nyingi. Sikusema wewe, Naibu Spika wa Muda, unafanya kelele. Nilisema kuna wafanya biashara katika Bunge hili, wakiwa ni pamoja na Mbunge ambaye alikuwa akipiga kelelelele hapa.

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Shikuku to say that I am making noise? Do hon. Members make noise?

Mr. Shikuku: Bw. Naibu Spika wa Muda, nitayaondoa maneno "kupiga kelele" kwa sababu Wabunge hawapigi kelele. Lakini nitasema kwamba Mbunge anayeingilia hotuba yangu ni mmoja wa Wabunge ambao wana biashara.

Mr. Kiliku: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Chair order the Minister for Finance to come back to the House and listen to our contributions?

The Temporary Deputy Speaker (Mr. Ndotto): No, Mr. Kiliku, that is not allowed! Proceed Mr. Shikuku!

QUORUM

Mr. Kiliku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am standing on a point of order under Standing Order No.24 to say that there is no Quorum in the House.

The Temporary Deputy Speaker (Mr. Ndotto): Yes, that is true. Please ring the Division Bell.

(The Division Bell was rung)

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

Mr. Shikuku: Ahsante Bw. Naibu Spika wa Muda. Sasa, nitaruka, nikulete kwa ukurasa wa 234.

The Assistant Minister for Finance (Mr. Keah): I am sorry Mr. Speaker, Sir ...

The Temporary Deputy Speaker (Mr. Ndotto): Order! Could you address the Chair, if you have anything to say?

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, I am sorry. I apologise. We were just urging hon. Shikuku to carry on the debate for a year.

The Temporary Deputy Speaker (Mr. Ndotto): You can only do that through me, not directly to him.

Mr. Shikuku: Bw. Naibu Spika wa Muda, hili ni jambo la ajabu. Yeye ambaye anatakiwa kukaa hapa na kuchukua maoni ya Mbunge wa Butere anatoka nje na kufanya mzaha. Nimeona wengi kama yeye ambao huja mara moja, na hawarudi tena.

The Assistant Minister for Finance (Mr. Keah): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Shikuku in order to insinuate that hon. Mathias Keah, from Kaloleni Constituency, is unlikely to see this Parliament again? Is he a witch-doctor or a wizard to be able to foresee the future?

The Temporary Deputy Speaker (Mr. Ndotto): Certainly, he is not in order, but that is his own opinion and it has got nothing to do with Kaloleni people. Could you proceed?

Mr. Shikuku: Ahsante sana, Bw. Naibu Spika wa Muda. Kwenye ukurasa wa 234, kifungu cha 78 kinasema:

"The Income Tax Act is amended by inserting the following new section immediately after section 12. Imposition of Advance Tax: Notwithstanding any provision of this Act, the tax to be known as Advance Tax shall be payable commencing 1st January, 1996, in respect of every public service vehicle at the rate specified in the Third Schedule. (ii) The Commissioner may prescribe the conditions and procedures governing the payment of Advance Tax".

Bw. Naibu Spika wa Muda, uwezo wa kutengeneza sheria, kufuatana na Katiba ya Kenya, uko chini ya Bunge. Sasa hapa, tunataka kupitisha sheria ambapo Commissioner ndiye atakayetoa uamuzi wa jinsi kodi hii itakavyolipwa. Nani aliyechagua Commissioner? Wafanyakazi wa umma wanapewa uwezo wa kukaa chini na kuamua. Sisi tunampa hapa uwezo na tunaondoka, yeye ataenda kutia yale mambo ambayo anafikiria. Ninapinga sana kifungu hiki. Ninataka kifungu hiki kiseme hivi: Sheria zinazosimamia malipo ya hii kodi ni lazima zipitishwe na Bunge hili, na wala sio Commissioner. Mawazo ya Commissioner lazima yaletwe katika Bunge hili ili Bunge hili lipitishwe hiyo sheria. Lakini tukipitisha huu Mswada vile ulivyo, hii ni kuacha wajibu wetu na kumpa Commissioner ambaye hajulikani na watu wa Butere. Hawana haja ya kumjua. Mbona yeye anakuwa mkubwa, na hata anapewa wajibu wa kutengeneza sheria kwa watu wa Butere ili watoe kodi, na yeye hakuchaguliwa na mtu? Sheria inasema sisi Wabunge ndio tunapaswa kutengeneza sheria. Hii ndiyo sababu huu Mswada umeletwa hapa. Hili ni jambo ambalo ---

*(Mr. Keah was observed consulting
with other hon. Members)*

The Temporary Deputy Speaker (Mr. Ndotto): Order! Do not listen, just proceed!

Mr. Shikuku: Nilitaka amalize mkutano wake ili asikilize mawazo ya watu wa Butere kwa jumla. Ninataka yeye alete marekebisho wakati wa kurekebisha huu Mswada.

The Assistant Minister for Finance (Mr. Keah): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Mhe. Shikuku ana mazoea ya kuwaudhi wenzake. Ana mazoea mabaya. Ana mazoea machafu! Ana mazoea ya kutaka kugusagusa watu mahali ambapo hapana haja ya kuwagusa. Yeye angezungumza juu ya Mswada. Je, ana haki ya kuwachokoza Wabunge wenzake? Mhe. Shikuku ana haki ya kuwa mchochezi? Ana haki ya kuchochea na kutusitisi Wabunge wenzake?

Mr. Shikuku: Bw. Naibu Spika wa Muda, kwanza, wewe unaona ninashtakiwa kuwa mchochezi. Huyu mbunge ana haki ya kumwita mheshimiwa Mbunge "mchochezi"? Ninataka kupata uamuzi kutoka kwako.

The Temporary Deputy Speaker (Mr. Ndotto): Certainly, he has no right to say that.

Mr. Shikuku: Bw. Naibu Spika wa Muda, jambo la pili, amesema mimi "ninagusagusa". Anaweza kukwambia nimemgusa wapi?

(Laughter)

The Temporary Deputy Speaker (Mr. Ndotto): Endelea, mhe. Shikuku!

Mr. Shikuku: Bw. Naibu Spika wa Muda, kufuatana na maneno ya Mbunge huyo, nitakatiza hotuba yangu kwa sababu mimi, kama mbunge wa heshima na mbunge ambaye yuko hapa kufanya kazi ya wananchi, sikuletwa hapa kugusa watu, na hasa wanaume!

(Laughter)

Kwa vile hili jambo limenikasirisha sana, ninaikatiza hotuba yangu sasa. Siendelei!

(Applause)

The Minister for Information and Broadcasting (Mr. Makau): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to thank hon. Shikuku for entertaining us at the end of his contribution.

The Bill that we are discussing is a culmination of what we have been discussing right from the time that the Minister for Finance presented his Budget. As stated in the Memorandum of objects and reasons this Bill is there to formulate the proposals that were presented. As stated very clearly, this Bill is there to formulate the proposals announced in the Budget for 1995/96 relating to liability to and collection of taxes and duties and other matters. This is on the last page, that is: The Memorandum of Objects and Reasons.

Most of the issues that are contained here have been discussed in the taxation proposals in the Minister's Speech.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to mislead the House that, whatever is contained in this Bill was discussed during the taxation proposals?

I know that I was not here on that Tuesday. The proposals which were supposed to be discussed, and which should take three days, took 45 minutes. Is he in order to mislead the House?

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order, Mr. Shikuku! He is not misleading the House. They were discussed by this House.

Mr. Shikuku: We had not discussed it.

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, that is his own opinion. It does not matter, whether it takes a minute, but it was passed in this House.

When we look at various sections of this Bill whereby we talk about Customs and Excise, the Value Added Tax and other miscellaneous issues that are here, we find that what is contained here is meant to improve the economy of this country. The collection of taxes is very important. I would like to let my friend, hon. Shikuku to know that to day he will be spared. They should not get jittery and worried.

Mr. Temporary Deputy Speaker, Sir, the Kenyan economy has done very well over the years since the Minister for Finance, hon. Mudavadi came up very boldly with the Fiscal and Monetary measures that have turned around the economy. We are talking here with happiness because our economy has recorded a very healthy growth. Despite whatever is happening, as far as the economy is concerned, we are extremely very happy that this country is doing very well. I say so because when you compare the growth rate of the Kenyan economy this year and other countries like the OECD countries, we find that they recorded only 2.8 per cent of GDP while Kenya recorded 3 per cent. That is extremely reasonable, not what my friend here, Dr. Kituyi was giving us examples of Uganda whereby there was no base for any---

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister for Information and Broadcasting in order to mislead this House by claiming that the Kenyan economy has performed very well and they are happy about it when he is supposed to know that the growth in GDP in this country was less than the population growth and the creation of jobs was less than one-quarter of the unemployed who were pumped into the labour market?

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, I know statistics and I know that the birth rate is 3.4 per cent. You do not have to have a GDP that exceeds the growth rate of the population to perform well. If you look at the performance of the agricultural sector and the commercial sector, although the commercial sector did not record higher rates, you will see that we are doing very well compared to earlier years. I know that my friend looked at Uganda which started from nowhere and had no base. When he talks of 6 per cent GDP it is something which looks impressive, but I doubt whether you will find anything if you go there.

I would like not to stress two points. With regard to exemption, there is one section which is very important. We have the exemption of duty on the importation of vehicles by judges and permanent secretaries. This is a very important issue because it will motivate people in the Civil Service and the Judiciary. I would like to stress here that Kenya has a very dedicated Judiciary. The Members of the Bench, the judges, who are covered by the security of tenure are doing a very good job. Sometimes I get surprised when those claiming to respect the Constitutional institutions like the Legislature, the Judiciary and the Executive make derogatory statements against these institutions. I am not saying that those who are in the various arms of the Government are Angels, but we should appreciate and respect the work that they do for the Government.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. Does hon. Makau know that we are debating the Finance Bill? Has the hon. Minister quoted the pages and the clause that he is referring to?

The Temporary Deputy Speaker (Mr. Ndotto): Order, hon. Shikuku! I think I do not agree with you on that. You have just emerged from behind here and hon. Makau was speaking on exemption of duty for Judges and Permanent Secretaries. He was merely saying that this is a good gesture for people who are serving the country with dedication. That is all he was saying and I see nothing irrelevant in what he is saying.

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, I will be the last person to be irrelevant in any debate.

Mr. Temporary Deputy Speaker, Sir, I would like to ask hon. Shikuku to look at page 206 and look at the Exemption from Duty for Permanent Secretaries and Judges. That is what I am referring to.

The Temporary Deputy Speaker (Mr. Ndotto): Proceed, hon. Makau! I have already made a ruling.

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, what I am saying is that this exemption whereby the Judges are going to get exemption of duty to import cars is a good gesture. Recently we know that there has been improvement on their remunerations. This is an issue that we should all support because it motivates the Judges. I would like to say very strongly that our Judiciary is independent and is guaranteed security of tenure by the Constitution. It does not matter what the Opposition members say or think. We know, and I said, it clearly, that you have developed a philosophy of hate because anything---

Mrs. Ndeti: On a point of order, Mr. Temporary Deputy Speaker, Sir. I hope you have noticed that hon. Makau is addressing you as having developed a spirit of hate or whatever he said, but not us. He is now attacking the Chair! Is in order?

An hon. Member: He is addressing us through the Chair!

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, my friend is saying---

The Temporary Deputy Speaker (Mr. Ndotto): Could you proceed, hon. Makau?

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, I am saying that members of the Judiciary are doing a very good job. The Bill that we are about to pass is important as it is going to motivate them. In Kenya we have a professional Civil Service. We have a Civil Service that has existed since Independence and has continued because we have never had interruptions like in other countries where there have been military coups. This exemption of duty that is going to be extended to the Permanent Secretaries who are the Accounting Officers is very important--- I know that by motivating them we are going to get positive results from them. I would like to appeal to the members of the Civil Service to be patriotic. I would also like to stress one thing, that I know that the Members of the Opposition have been talking about. I would like to appeal to the members of the Civil Service to serve with total loyalty the Government of the day. I would like to make it very clear that the Government of the day is the KANU Government which is extremely efficient.

An hon. Member: Which is corrupt!

Mr. Temporary Deputy Speaker, Sir, the KANU Government is extremely efficient and it is dedicated to the development of this country. That is why the hon. Members of the Opposition are able to enjoy facilities that have been made available to them by the KANU Government. I would like to appeal to the civil servants in this country to continue working with dedication. They should be patriotic and serve the Government of the day and have no regard for those who keep on telling us to delink KANU from the Civil Service. How can you do that? For what purpose to do you delink KANU from the Civil Service? Wait until you win an election, form a government and then start talking about delinking the---

Dr. Kituyi: On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Minister for Information and Broadcasting (Mr. Makau): I do not want any information especially from Dr. Kituyi.

Mrs. Ndetei: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Makau in order to say that the Civil Service cannot be delinked from KANU? Is that Government policy or his personal views? This is because we take exception to that. Donors have been told that the civil servants are not linked to KANU but now the Minister says they cannot be separated. Is that Government policy? We want to be very clear on this.

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, she is now talking about her foreign masters.

Mrs. Ndetei: Mr. Temporary Deputy Speaker, Sir, I do not have any foreign master. I do not even have a local master in this country. I am an independent politician. Could you withdraw that remark?

The Minister for Information and Broadcasting (Mr. Makau): Sit down! I am not going to withdraw!

The Temporary Deputy Speaker (Mr. Ndotto): Order! Mr. Makau can you deal with the first point of order raised by Mrs. Ndetei?

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, Mrs. Ndetei has said that "the donors are telling us" that is a very bad concept.

Mrs. Ndetei: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ndotto): Order, Mrs. Ndetei!

The Minister for Information and Broadcasting (Mr. Makau): Leave her alone. There is no problem with a woman quarrelling and---

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order!

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Minister in order to refer to an hon. Member of this House as a woman?

The Minister for Information and Broadcasting (Mr. Makau): Is she a man?

The Temporary Deputy Speaker (Mr. Ndotto): Order hon. Makau! Could you withdraw that word?

The Minister for Information and Broadcasting (Mr. Makau): It is against the Standing Orders for this woman to quarrel while seated. When a Member who is seated quarrels with the Member on the Floor that is a "womanish" affair!

The Temporary Deputy Speaker (Mr. Ndotto): Could you withdraw that remark, Mr. Makau?

The Minister for Information and Broadcasting (Mr. Makau): I withdraw, Mr. Temporary Deputy Speaker, Sir.

Having withdrawn that remark, Mr. Temporary Deputy Speaker, Sir---

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. When the hon. Gracious Lady was on her feet raising a point of order, hon. Makau remained standing. Even when I stood up to raise this point of order, under Standing Order No.68, he is still on his feet. Could you teach him that, once another Member rises on a point of order, he must resume his seat?

(Mr. Makau stood up in his place)

Now you can see, Mr. Temporary Deputy Speaker, Sir!

The Minister for Information and Broadcasting (Mr. Makau): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ndotto): Order! We are debating The Finance Bill and I think we are now deviating from the debate. We are engaging in an argument across the Table. I urge hon. Makau to stick to the Bill. The other Members should give him a chance to make his contribution. Sometimes a Member may say something that is unpleasant but those are his own views and no Member has the right to question another Member's opinion.

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, I cannot be scared by any statements that are made by anybody on the Floor of this House.

Mrs. Ndetei: On a point of order, Mr. Temporary Deputy Speaker, Sir. It has gone into the HANSARD that hon. Makau called me a woman. Could he withdraw that word?

The Temporary Deputy Speaker (Mr. Ndotto): Order! I have already withdrawn that word.

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

The Temporary Deputy Speaker (Mr. Ndotto): Overruled! Continue, Mr. Makau.

The Minister for Information and Broadcasting (Mr. Makau): As I was saying, Mr. Temporary Deputy Speaker, Sir, the Civil Service in this country is doing a very commendable job. The transition period has been a difficult time and the civil servants in this country have done a commendable job. That is why I am saying it is okay for a Permanent Secretary to be given a car after four years.

The creation of the Kenya Revenue Authority, under which several revenue collecting departments fall under, is going to motivate those involved in tax collection in this country. It is stated that those who will be working under the KRA are going to be motivated because their salary structures will be looked into. Departments like VAT and Customs have sometimes undercollected revenue because of corruption. This is something that has been there and I would like to appeal to those that are going to work under the Kenya Revenue Authority to make sure that revenue is properly collected. They should do everything within their powers to reduce corruption in those departments. The country has suffered a lot because money that is supposed to be collected and used for development has ended up in the hands of some unscrupulous officials in those departments. Those persons who have been appointed to manage the KRA are people of integrity and I am sure that they are going to make sure that people in the VAT and Customs are going to do a good job and collect taxes.

I am not saying that the collection of taxes in this country has not been done very well. According to Sessional Paper No.1 of 1986 the estimated percentage of collection of tax was 24 per cent of GDP but now we have seen an improvement in revenue collection and the collection has gone up to 27.9 per cent of GDP and that is very commendable. But I am saying here is that some of the amendments that are contained in this Bill are there to close the loopholes that have been in existence. I would like to appeal to the implementors to be patriotic. They should try as much as possible to be honest because if we have corruption in these revenue collection bodies we will lose quite a lot and that is going to affect the collection of taxes in the country.

Finally, Mr. Temporary Deputy Speaker Sir, I would like to touch on the elimination of fraud as contained in this Bill and this is an element that has been introduced that is extremely very important. This is the element of co-ordinating between Kenyan and Ugandan Customs officials. The exchange of Customs information is going to improve a lot in tax collection because there has been smuggling. We have had a problem with goods in transit. The Customs officials in Kenya and Uganda have no information as to what is contained and what is declared and we have ended up having a lot of goods in transit, because no tax is paid on them.

So, Mr. Temporary Deputy Speaker, Sir, this is a very welcome inclusion that we have here which shows that, apart from improving the collection of taxes, that will go a long way in regional integration of the Kenya and Uganda. We hope the same will be done so that we can share customs information between Kenya and Tanzania.

So, Mr. Temporary Deputy Speaker, Sir, I would like to appeal to all the hon. Members that we should pass this Finance Bill. The areas that the speaker who spoke before I had spoken about, whereby he was stressing more on select committees or people to look into some of the suggestions that are given to the officials, I would also like to appeal that the most important thing that we should stress is the morality of the people who man the Tax Department. The most important thing is that it does not matter whether you select a committee or whether you put many people, but the morals of the people working in the Tax Department should be that, first and foremost they should know that any cent lost or any cent not collected or anything that is done by those who are given the responsible do not collect taxes for the Government is going to damage the reputation of this country and is going to destroy the economy of this country. I would like to appeal to them to work above any corrupt practices.

With those few remarks, I beg to support.

Mr. Obwocha: Thank you, Mr. Temporary Deputy Speaker, Sir. The introduction of this Finance Bill for the year 1995, which is before the National Assembly now, has a few problems. First of all, I would like to raise an issue with this Finance Bill because, under our Standing Orders, this is Standing Order No.138, Sub-Section 2, which says here very clearly that:-

"No Member other than a Minister shall move the several Motions in respect of the imposition, renewal, alteration or repeal of such rates, taxes or duties, and such Motions may be agreed or amended or negated, but no amendment whereby the charge upon the people would be increased may be moved to any such Motion".

Now, Mr. Temporary Deputy Speaker, Sir, this was expounded by hon. Osogo, but we want to disagree with this Standing Order because this Standing Orders are becoming out of date. The fact that the Minister for Finance is the one who makes these proposals to this House does not give him monopoly of everything that happens in the country. The 200 hon. Members including the nominated hon. Members, know at least something about these taxes. We would like the Standing Orders Committee to look into some of these issues because these issues hamper debates and amendments in this House. This is because it says that, even though we debate the whole of this document, if there is anything wrong, you

cannot move an amendment. That is ridiculous because, why are we here? Are we here to rubber stamp the Finance Bill?

An hon. Member: Not at all!

Mr. Obwocha: I think we do not agree with this particular Standing Order, because at least it should have been flexible to the extent that if hon. Members have an amendment to this Finance Bill, they can propose this and it can be considered by this House and subsequently, if they agree to the amendment then they will pass the amendment.

So, Mr. Temporary Deputy Speaker, Sir, those are my initial remarks on this Finance Bill that appears very discriminative and we are going to rubber-stamp some of these proposals as they are.

Mr. Temporary Deputy Speaker (Mr. Ndotto): Hon. Obwocha could you name the section of these Standing Orders which says that you cannot amend the Finance Bill?

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I have just read Standing Order No.138, Sub-section 2.

The Temporary Deputy Speaker (Mr. Ndotto): It does not say what you have said. You are saying one thing and the Standing Order is saying a different thing, hon. Obwocha!

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, my understanding, even according to hon. Osogo, was that once taxes have been proposed by the Minister for Finance, it is not possible to amend them. I am ready to receive some points of information from hon. Osogo, if I am wrong on this. I accept that hon. Osogo should give me that information.

The Assistant Minister for Commerce and Industry (Mr. Osogo): I did give you information on this issue.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, therefore you can hear from the most experienced hon. Members in this House that I am not wrong. That you cannot move an amendment once the taxes have been proposed in the Finance Bill. Full stop! That is all the point I am making.

Mr. Shikuku: On a point of order Mr. Temporary Deputy Speaker, Sir. Unless I have got a wrong Standing Orders book, the one I have got is amended up to and including 28th October, 1992 and I thought I heard him referring to Standing Order No. 138. That has nothing to do with this Finance Bill because this is a procedure in the Committee of Ways and Means. Are we in a Committee of Ways and Means?

Hon. Members: No!

Mr. Shikuku: This is because if we go by that Standing Order, I do not know whether I got the wrong one, but it says Committee of Ways and Means.

Mr. Obwocha: Fine, Mr. Temporary Deputy Speaker, Sir. What we are saying is that I am ready to be corrected here - that once the proposals have been made in the Finance Bill whether it is in the Committee of Ways and Means or not, it is not possible to amend those taxes.

Mr. Temporary Deputy Speaker (Mr. Ndotto): I am trying to ask you, which section says that because I am trying to find this section which says you cannot, because I know you can reduce but you cannot increase taxation. I want you to say which Standing Order states so.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I do not think I am ready to enter into an argument with the Chair. I think the Chair is entitled to regulate the debate in this House.

I would like to come to the second point which is the exemption of Duty. This is exemption of Duty as given on page 206 of the Finance Bill. It was said in Kiswahili by a previous speaker, but I would like to give my arguments to these two exemptions. Clause 51 part 35 reads as follows:-

PERMANENT SECRETARIES AND JUDGES

"One motor vehicle (excluding buses and min-buses of more than 13 passengers and load carrying vehicles of a load carrying capacity exceeding two tonnes) imported or purchased prior to clearance through customs by a Permanent Secretary or a Judge, subject to the written recommendations of the Permanent Secretary, Secretary to the Cabinet and Head of the Civil Service in the case of a Permanent Secretary and the Chief Justice in the case of a Judge: Provided that the exemption under this item shall apply only once in every four years."

Now, Mr. Temporary Deputy Speaker, Sir, we are giving exemptions to Permanent Secretaries and Judges for motor vehicles excluding buses and min-buses with a capacity of more than 13 passengers. Now, a Nissan carries about 14 people. Are we giving them exemption to buy vehicles that are going to carry people? I thought that if they deserve, and I believe the Judges and maybe senior civil servants like Permanent Secretaries

deserve this option, they would be given that advantage to the extent of owning a normal saloon vehicle. Why are we giving them exemption for a vehicle, for example, that carries 12 people? That is a vehicle that is going to do matatu work.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the hon. Member is misreading the Bill. It excludes matatus of 13 passengers. It is only for cars.

Mr. Obwocha: I am saying 12 passengers.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, unless I have got the wrong interpretation---

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, probably that was a point of information and not a point of order. All I am saying is that the ones that are excluded are vehicles which carry more than 13 passengers. I am saying that they can buy vehicles that can carry up to 12 passengers. All I am saying is that they need saloon cars for five or six people. That is all I am saying. I am saying that it is unfair to give them a car that can carry up to 12 passengers.

The Assistant Minister for Finance (Mr. Keah): On a point of information Mr. Temporary Deputy Speaker, Sir.

There is absolutely nothing wrong with a car carrying 12 passengers or whatever because all you need is a Judge with his two wives and each wife with five to ten children and you are there!

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, that is hon. Keah's opinion and you should not allow frivolous points of order from the learned Member of Parliament from Kaloleni in this manner.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Hon. Obwocha that was a point of information! You allowed it and you have it. Proceed.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, if I knew that it was a point of information I would not have taken it from hon. Keah who does not take even a joke. When I tell him something with a light touch like for example that he is wearing a Mtumba suit, he does not take it. I could not have taken it.

All I am trying to say in this Bill on that part is that I think the Minister for Finance should have given exemptions to judges for only a vehicle which carries a maximum of five or six people. This is because after all the people who suffer most are these Members of Parliament. If you look at the state of our cars you can agree that we really deserve this facility and yet we do not use it because we cannot afford to service even those small loans which we are capable of receiving from this Parliament. It is terrible because I cannot service a loan of Kshs600,000 with that salary and still continue to serve my people of West Mugirango or do some little contributions in terms of Harambee that I do and so on. It is pathetic. It is very sad, but I think the Minister for Finance has taken note that this particular Clause of exemption is very dangerous.

Now, Mr. Temporary Deputy Speaker, Sir, the other bit is that of Permanent Secretaries. What justification does the Minister for Finance have to also exempt them in that kind of category if indeed they deserve this. I would like to hear the justification the Minister has to justify that a Permanent Secretary should also qualify for this facility.

Now, I would also like to say that there are other exemptions given by the Minister for Finance for certain vehicles that come into the country. Normally he gazettes them. We are not satisfied that the process of giving these exemptions is proper because the people who sometimes bring some of these vehicles here and seek these exemptions have in the past used this facility for corruption where, instead of paying duty to Government, they have ended up getting these vehicles free-of-duty, sold them and got huge profits and the country has lost money. Therefore, we would like that particular provision to be revised.

Now, I would like to come to the other section of the advance tax which is on page 234 of the Finance Bill. I will read section 78.

"The Income Tax Act is amended by inserting the following new section immediately after section 12.

12A. (1) Notwithstanding any other provision of this Act, a tax to be known as advance tax shall be payable commencing on the 1st January, 1996 in respect of every public service vehicle at the rates specified in the Third Schedule.

(2) The Commissioner may prescribe the conditions and procedures governing the payment of the Advance Tax."

Now, the Minister for Finance has not told this House why this Advance Tax is being introduced. As we know, all the public service vehicles pay for their licences and also pay PSV as well.

What is the use of this tax? In any case, if this tax for the operation of the PSV vehicles, it is very sad. For example, if you marry these two with salaries of what is being paid to the university staff. I think, it is a very sad affair when I read in the papers that Prof. Were is dead through or from the operations of these public service vehicles (PSVs). This is where people who are senior in their positions in universities cannot afford to have good

cars, drivers and eventually they end up in PSV vehicles. We know the conditions in which these PSV vehicles are being driven and maintained. So, we have now lost an eminent person in this country. This is very sad that we are talking about conditions that are forcing our people - the intellectuals - to lose their lives. When the universities academic staff were asking about their union being registered and then asking for conditions of staff, they were indeed genuine. You can now see the results of the refusal by the Government to give them the conditions or to grant them the union. You can see where it has ended. It has killed one of the eminent professors and scholars in this country, and not like hon. Makau!

The Minister for Information and Broadcasting (Mr. Makau): On a point of order, Mr. Temporary Deputy Speaker, Sir. While I appreciate the concern of the hon. Member on the conditions of service of university staff, is he not misleading the House and the nation by quoting the sudden event that has just taken place because, as we are aware, the university staff also qualify for duty-free vehicles just like hon. Members, Permanent Secretaries, Judges and so on? They also enjoy that benefit.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I am not misleading the House or the nation. It is hon. Makau who does not know the crux of what I am saying. In fact, he has been spending so much time at Broadcasting House that he does not even read any book!

All I am saying, Sir, is that the kind of salaries being paid to the university academic staff cannot even allow, them as they do not allow the Chair or myself, to comfortably buy a good car and service it at the current rates of salaries. That is all I am saying. In other words, if the University Academic Staff Union was allowed, then they would have negotiated this with their employer for better conditions rather than the existing conditions. That is all I am saying.

Mr. Temporary Deputy Speaker, Sir, I would also like to say something about the Petroleum Levy. We have been told a lot of stories about this petroleum levy. In fact, we are told that the Government is likely to collect about Kshs.1.5 billion. Now, the type of answers we have been getting from the Ministry of Public Works and Housing in this House have been unsatisfactory. For instance, an Assistant Minister, last week, told us, and even this week, that if the money is not included in the Estimates, then they are going to get it from the petroleum levy. Now, my question is: "Who has given them the authority to use this money when this Parliament passed an Act that the money should be paid to the Consolidated Fund?" I should be told here if this money is not being paid into the Consolidated Fund, who is keeping it? We expect that all money used to construct roads is passed by this Parliament, also authorised by this Parliament, approved by this Parliament and obtained from the Consolidated Fund. We did not pass this Bill for somebody to have a fund to choose which areas to tarmack, murrum and so on. So, I was very shocked to hear from the Assistant Minister that this is what they are doing. We would like to be told very clearly where this money for the petroleum levy is being kept? Is it being paid to the Consolidated Fund or not? This is because our roads are very bad and we need them to be repaired.

Indeed, Sir, this road which starts from Chemosit-Nyamira-Kisii is a wound to the people of Kisii. When I talk of Kisii people, I mean Nyamira and Kisii Districts and, of course, Kericho! But for Kericho, the Minister for Public Works and Housing authorised the road to start from Chemosit and ended up at the border of his constituency with Kisii. So, you can imagine how unfair that is! This is a whole professor, but he has yet to lay his papers on this Table!

Sir, we want fairness in this country. He cannot start and end the road in his constituency when it should start from Chemosit-Nyamira to Kisii. This is a very rich agricultural area. We produce tea, pyrethrum, coffee, bananas, and so on. This is Canaan! Yet, this particular project that was passed in this House is not included in the current Estimates. What do you think the people of Kisii are going to think about this Government?

An hon. Member: Get more votes!

Mr. Obwocha: If you get even one-tenth of those votes, then you can count yourself lucky. Those 13 votes you got from Kigumo, you were just lucky.

We shall continuously ask the Government to make sure that they tarmac that road. If they are not going to do that, then they should forget about getting any votes from Nyamira and Kisii Districts. There is no threat, but those are just facts.

Let me now come to the Customs Department, Sir. This is with regard to rates that are being imposed by the Department on various goods. Now, year in, year out, the report of the PAC comes out and indeed the collection of revenue in this country is pathetic.

First of all, the Commissioner of Customs who has been appointed should do his job. I do not know whether it is the same Commissioner who has been retained or there is a new one. At the least, the only good thing that they did when they created this Kenya Revenue Authority (KRA) was to put or appoint somebody else

who is competent to man it. We had an impression that it was going to be used to promote tribalism. But I am happy that the person who was appointed to be the Commissioner-General of the Kenya Revenue Authority (KRA) is a man who is competent. At least we are happy about that.

Mr. Boy: Who is he?

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I think the hon. Member for Matuga is a bit ignorant! He should read quite widely instead of hovering around the Leader of Government Business here trying to get a few tips here and there!

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Obwocha in order to impute improper motive on hon. Boy? He implied that he hovers around here to get tips from the Leader of Government Business.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I am talking about the person who was recently appointed as Commissioner-General of the KRA. He is a former Commissioner of Income Tax and also a Financial Secretary. This is Mr. Edgar Mannaseh. If he does not know him he should do his home work. These are some of the hon. Members who do not even read journals. They just read the daily newspapers and that just all!

The Temporary Deputy Speaker (Mr. Ndotto): Mr. Obwocha, I think you have not dealt with the point of order. Could you respond to it before you proceed?

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir. I have no intention of imputing improper motive or defaming any name here, if he has any, and so I wish to withdraw.

The Temporary Deputy Speaker (Mr. Ndotto): Mr. Obwocha, could you withdraw and apologise?

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, because this is taking too much of my time, I withdraw and apologise. But he should stop running around offices. But I know he does this because Members of Parliament are basically poor people. You know the letters "MP" stand for "miserable persons". So, I know when hon. Members behave like this, they are looking for money to take to Harambees. In fact, if KANU hon. Members do not give a lot of money in Harambees then they are not worth being Members of Parliament.

Mr. Temporary Deputy Speaker, Sir, some people do not know that Harambees do not bring people to Parliament. If they did, then most of those very rich people from Central Province would be here. In fact, my hon. colleague, who is sitting in front of me here, had to wait to be nominated because he could not make it in the election.

Mr. Shikuku: On point of order, Mr. Temporary Deputy Speaker, Sir. Can the hon. Member tell us which hon. friend of his waited to be nominated. He said he is in this House. Could we know him? I am his friend, only that I am not nominated.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, hon. Shikuku has been in this House longer than myself. He knows there are 12 hon. Members who are Nominated. But I am not ready to go into semantics.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. All of us hon. Members here are hon. Obwocha's friends. He talks of somebody who waited to be nominated. He is looking at the other side of the House where I can see only one nominated hon. Member. But he never waited to be nominated; he contested an election and wananchi rejected him!

Mr. Obwocha: Thank you, hon. Shikuku, for correcting the impression I had created. Now, the Customs and Excise Department has not computerised its services, first, because of corruption. The Chair and myself, including other Members of Parliament, went to visit the Long Room in Mombasa, and you saw the suffering of Kenyans. Imagine somebody from Kisumu, Eldoret or Busia going to Mombasa to clear their goods from the port. He files those documents there; they start from clerk number (a), (b), up to (z). He stays there for two to three weeks, and yet there are computers that were brought into this country to assist the Customs Department in order to improve the services to the people of this country. Up to now, those computers are not working. Now, what is the Commissioner for Customs and Excise doing about this? These people want these forms lodged there because they want something small, that is, TTK. I am appealing to the new Commissioner-General who, as I have already said, has been transparent and a hard-working civil servant, to make sure that the three people who are under him; that is: The Commissioner for Income Tax, the Commissioner for Customs and Excise and the Commissioner for VAT, do their work properly. We would like to see the computers installed.

Mr. Temporary Deputy Speaker, Sir, we said here that the appointment of the Chairman to the Kenya Revenue Authority will obviously be influenced by politics. Indeed, we have seen a chairman who is a KANU hawk appointed to that position. He has even gone ahead to privatize the Kenya Airways without the authority of this House. When that Motion was rejected in this House ---

An hon. Member: He cried!

Mr. Obwocha: I understand from an hon. colleague that when that Motion was rejected in this House, he cried. These are some of the people who are putting this country in a lot of problems.

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to impute improper motives onto a person who is not here and cannot defend himself and, who was appointed chairman because of his well-known competence?

The Temporary Deputy Speaker (Mr. Ndotto): Order! Hon. Obwocha, what is worrying me more is this: Did you see Philip Ndegwa cry when the Motion was not passed? Can you prove that? Have you got any evidence? I do not think we should say things, as hon. Members, which we cannot prove.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I was told that when you substantiate, you can see, hear, read or write yourself. So, this is one of the issues that I have heard from my colleagues here. The Bill ---

The Temporary Deputy Speaker (Mr. Ndotto): Order! Hon. Obwocha, did you see? I think one Member just mentioned it as a joke and you took it up as part of your contribution. Were you serious on that? As hon. Members, we should not say things we cannot prove.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, you know as much as I do that there were very many people who were sad when that Sessional Paper was not passed in this House because they stood to gain from the privatization of the Kenya Airways. Indeed, we are not ready to compromise with that by passing that Kshs6 billion to the Kenyan tax-payer. We were sent to this House to protect our people. If the People of West Mugirango listen to the radio and they hear Onyancha Obwocha, son of Paulina, saying here that I have accepted that, that money be passed on to the public, they will never want to see me in that constituency and I will be voted out completely. I will never see this House. I was sent here to come and be their mouth-piece, to say what they want said in this House. We abhor that and if indeed, the Government wants to privatise Kenya Airways, they should bring that Sessional Paper here as they had said so that it can be discussed by this House. This is the most important House in this country.

Indeed, bad things happen in this country when we are on recess or when you send us home like boys and girls. We are not going to accept this. That is why we want these Standing Orders to be amended because if we do not debate these things here, when are they going to be debated? Well, nobody is saying that Kenya Airways should not be privatised, but we want conditions to be made because we do not want the Government to transfer that burden to the taxpayer. Proper channels should be followed. Some aircraft were acquired through unscrupulous means. We want to know how this money was used. We cannot just pass this back to the people of Kenya. The burden that we already have is already too much. It is not possible to do what they are doing. Even in accounting itself---

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): On a point of order, Mr. Temporary Deputy Speaker Sir. We challenged the hon. Member on the Floor----

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Ligale, I am going to deal with that one. I was waiting for him to finish what he was saying. I am going to deal with it.

Hon. Obwocha, I think there is something simple I would like to get out from you. You heard an interjection from a sitting hon. Member and I want to hold you responsible for that. Are you saying that Mr. Ndegwa cried? Could you prove that? Did you witness the incident or did you hear about it or have you just borrowed an interjection from a seated hon. Member? I want you to be responsible for that and withdraw it and then continue.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I have said that those who have said for the privatisation of Kenya Airways were very sad when that Sessional Paper was not passed. The Chairman was one of them and if you are not happy about it, I will withdraw it because it is now interrupting my contribution.

The Temporary Deputy Speaker (Mr. Ndotto): I am only unhappy with the phrase "he cried". Using the word unhappy is okay, but not to say that "he cried". Are you able to prove that? If you are not you withdraw and continue.

(Mr. Shikuku moved closer to the microphone)

Hon. Obwocha, deal with that one first!

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I have already withdrawn.

The Temporary Deputy Speaker (Mr. Ndotto): Have you withdrawn?

Mr. Obwocha: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order, hon. Shikuku! hon. Obwocha, can you

withdraw and proceed before I give the Floor to hon. Shikuku?

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I would like to move to Customs and Excise Department part, but I would like to finish with the Kenya Airways issues by saying that even in accounting---

The Temporary Deputy Speaker (Mr. Ndotto): Mr. Obwocha, could you withdraw or prove that he cried?

Mr. Obwocha: But Mr. Temporary Deputy Speaker, Sir, I have already withdrawn because it is interrupting my contributions.

Even in accounting itself, when you capitalise a loan, it must have the equivalent assets to it.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am not quite clear about hon. Obwocha's withdrawal because substantiation means that you either saw it yourself or an hon. Member told you and if you can say who told you. That is all that is required. The hon. Member was told and I heard him being told by somebody that the guy was crying.

The Temporary Deputy Speaker (Mr. Ndotto): Order, hon. Shikuku! You are out of order! I have already ruled on that issue. Please continue, hon. Obwocha!

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I was saying that in accounting if you capitalise that sum, it is going to show in your Balance Sheet that you have so much worth of capital. Now with regard to that capital, what are the corresponding assets? They do not have those corresponding assets, because part of these loans were made up of accumulated interest on those loans that had no assets for them. Therefore, all we are saying is that our brothers, who are manning the Pride of Africa, Kenya Airways, as they call it - it is no longer the Pride of Africa - should come to this House, bring the Sessional Paper and tell us and convince these 212 hon. Members of Parliament as to why they want to privatise that airline.

Mr. Temporary Deputy Speaker, Sir, nobody is saying "No" to the privatisation of Kenya Airways. But we do not want a debt to be imposed on the people of Kenya. The Commissioner of Customs should computerise the operations of that Department with immediate effect to ease the suffering of the people of Kenya and to ease the work of the people who do normal clearance of imported goods and so on.

Mr. Temporary Deputy Speaker, Sir, when I look at some of these reports, there is under-collection of Import Duty and Value Added Tax in Mombasa. Kilindini cargo manifests are not prepared. When some of us went down there to look at port clearance we saw 1,200 vehicles that had not been cleared. Out of those, and the Chair can bear me out, there were only 349 vehicles whose clearance documents were available. There were about 200 to 300 vehicles which were destined for other countries.

Mr. Temporary Deputy Speaker, Sir, as for the rest no documents were available. This means that there is a racket in Mombasa; at our Port to import vehicles and to evade paying Customs Duty and this country is losing a lot of money. If I were to go through this report, the amount of money the Government is losing and the amount of money which is outstanding from Bonded Warehouses is more than what was involved in the Goldenberg affair.

But since Goldenberg was a very sensitive issue, it took the centre stage of this report and we forgot all the money that the Government has lost through these deals. Indeed, for the Customs Department to be able to do a better job, we need systems. We do not want a situation where people order for equipment - like the computer I was talking about - having a commission in mind. Somebody was thinking of the commission he was going to get. He did not consider the issue of the software. You must know the flow of the information that you are going to process before you buy that computer. You must know where and how to get the software. How are the programmes going to get out? Would you get the required results? You do not just buy a computer because you want to buy a computer. But unfortunately this was the case; that a person wanted to be paid a commission and indeed he did not care about the software and that is why that computer in the Customs Department is not working. We have been told of deals in this country where those involved only think of their commissions; they do not think about what happens later. We were told about the Turkwell Gorge Project whose agreement was signed in a hotel in France.

On page 245, the Bill talks about Building Societies.

Clause 95 says:-

"The Building Societies' Act is amended by deleting Schedule I - Annual Licences Fees - and inserting the following---"

It goes on to give what each Building Society is going to pay. The Building Societies in this country were started by the indigenous people in this country. Some of them were started by investors. They are supposed to help the people of this country to get some shelter; to own houses. But some of them were so badly run that they collapsed; they went into liquidation. They were put under receivership.

The Minister for Finance in particular has not told us what happened to the Pioneer Building Society. There were so many people who saved their money with that society, in hope of borrowing and owning a house. Since it went into liquidation what is the current position of Pioneer Building Society, and other small societies that went to liquidation? That "small" man or woman who invested his or her money in that organisation and up to now they has not received any communication from the Government is suffering. Really they are wondering whether there is a Government or not. Is there a government? Could somebody tell me?

An Hon Member: It is there!

Mr. Obwocha: It must be sleeping! Do they know what the people of this country want?

The building societies in this country should help the people of this country by lowering their interest rates. Why is Central Bank regulating interest for commercial banks and not for building societies. Why are you leaving the building societies to exploit the common man or you and me while we are buying these houses? If you borrow Kshs.2 m million, by the time you would be repaying your loan in ten or fifteen years, you will have paid Kshs6 million. The interest rate are more than the principle sum that you borrowed. Why the Central Bank has not thought about controlling the interest rates of building societies.

Mr. Deputy Temporary Speaker, Sir, before I touch on the Agriculture Finance Corporation (AFC), I want to give the cry of the people. These are five Eldoret farmers. They are saying this:-

It is extremely fallacious for Kenyans to celebrate the reduction of the Value Added Tax (VAT) percentage. On the face value, it is a positive move, however, in real sense it has been widened and farmers who hitherto pay no VAT this time may not escape because the Minister introduced presumptive Tax.

Mr. Deputy Temporary Speaker, Sir, I thought this is one Government. But I now find there are two Governments in KANU. The Minister for Agriculture, Livestock and Marketing comes here and say, "Look Parliamentarians, Presumptive Tax is hurting our Agriculture.

Since agriculture is the backbone of our economy, let us remove this tax." This House goes ahead and agrees with that request. In December, they deliberated on it and with effect from 1st January it was removed. Before even the farmers have celebrated, in June, the tax was brought back before even they had harvested their crops. Now, is there a Government for the Minister for Agriculture, Livestock and Marketing and another one for the Minister for Finance? I thought this is one Government! Is there no collective responsibility? These are farmers from Eldoret and by the way they are Kalenjin farmers.

Some of these people are just looking at me thinking that these are Kisii or Luyha farmers. No, these are Kalenjins, this is their Government and they are crying about their Government. You can imagine that. How sad!

An hon. Member: Who are these farmers?

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, this one is asking for their names so that he can go and victimise them. This memo was sent to every Member of Parliament---

An hon. Member: On a Point of order, Mr. Temporary Deputy Speaker, Sir!

Mr. Obwocha: You have not been given the chance to speak by the Temporary Deputy Speaker!

The Minister for Environment and Natural Resources (Sambu): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Member in order to read a letter which has not been tabled in the House?

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, this is the first time hon. Sambu is in this House, and equally, this is my first time. If he is not fast enough to read the Standing Orders of this House like me, he should keep quiet and go and tell people, for example in Kisii, not to plant gum trees near the river beds. That is what you are fit to do, because they are destroying the water catchment areas of this country and yet you have not done it! You do not even know your own job!

The Minister for Environment and Natural Resources (Mr. Sambu) Mr. Temporary Deputy Speaker, Sir, I raised a point of order regarding the tabling of the paper, not planting of blue gum trees. It is his own people who are planting the blue gum and finishing their own water.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I am reading extracts from a paper---

The Temporary Deputy Speaker (Mr.Ndotto): Order! Order! What you are explaining does not seem to be useful to this House. Could you proceed with your contribution?

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Temporary Deputy Speaker, Sir, is hon. Obwocha in order to state, and keep on insisting, that this is a Kalenjin Government while everybody is aware that this is the Kenya Government? Is he not misleading this House and the nation? Could he withdraw that statement?

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I am talking about a disadvantaged Kenyan of Kalenjin origin. That is all that I said. He happens to be the Deputy Leader of Government Business.

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member clearly said that it was a "Kalenjin Government" and we want him to withdraw that. This is not a Kalenjin government; it the Government of the wananchi of Kenya.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I can assure hon. Masinde that he is not going to loose his seat because if he is not---

The Temporary Deputy Speaker (Mr. Ndotto): Order! hon. Obwocha! I think you are getting around the point of order and wasting your time! You said "Kalenjin Government", and you have been asked to withdraw that. Do not throw more to the Deputy Leader of Government Business. Could you withdraw and proceed? Before I sit down if you are quoting from a document, you are supposed to lay it on the Table.

An hon. Member: On a point of information, Mr. Temporary Deputy Speaker, Sir,

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Hon. Obwocha, I think you are not being serious. Could you withdraw and proceed, and if you are quoting from that document you lay it on the Table.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I am ready to lay the document on the Table if I have told Kenyans what these farmers in Eldoret, are complaining about in this country and how they desire this country to be.

The Minister of State, Office of the President (Mr. Kones): On a point of order, Mr. Temporary Speaker, Sir,

Mr. Obwocha: I know hon. Kones wants to start tribal clashes in this House, but we will not allow it again.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order Mr. Minister! Hon. Obwocha, for the third time I want you first to withdraw the remark "Kalenjin Government" and secondly, if you are quoting from that document, I want you to lay it on the Table and there will be no going to round about it.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, as I said, if I lay it on the Table then I will not have said what these farmers are saying, I will be disadvantaged because they are talking about the new Advance Tax on public service vehicles at the time of licensing which will be transferred to commuters. Commuters are the common man, you and me. Obviously, I will lay this document on the Table because it is not a seditious document; it was circulated to many people and it has some substance Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Alright, you are going to lay the document on the Table after you finish with it but could you withdraw the remark you made about "Kalenjin Government".

Mr. Obwocha: Mr. Temporary Deputy Speaker ---

The Temporary Deputy Speaker (Mr. Ndotto): Order! I am asking you to withdraw and I think you understand---

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I said this is a government headed by Kalenjins.

(Applause)

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order!

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, since this is taking much of my time, I withdraw. Now, the other point---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Members, it is now time for the interruption of business and the House stands adjourned until tomorrow Wednesday, 12th July, 1995 at 9.00 a.m.

The House rose at 6.30 p.m.