

H A N S A R D

Wednesday, 16th December, 1987

The House met at Nine o'clock.The Temporary Deputy Speaker (Mr. Karauri) in the Chair

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 776

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Dr. Omamo is not yet here?

Question No. 744

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Mr. Muthura has not come.

Mr. ^{Ekidor's} ~~Endes~~ Question.Question No. 793

MR. EKIDOR asked the Minister for Commerce whether he could tell the House how much a bag of sugar costs in the K.N.T.C. Depot at Lodwar.

THE ASSISTANT MINISTER FOR COMMERCE (Mr. Kimemia): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

I wish to inform the House that the current price of sugar at the Kenya National Trading Corporation (K.N.T.C.) Depot at Lodwar is Sh.818.05 per 100 kilogramme bag.

MR. EKIDOR: Mr. Temporary Deputy Speaker, Sir, when the President of this Republic visited Turkana District early this year, he directed that a KN K.N.T.C. Depot be opened in Lodwar, and that wananchi be sold sugar for less than Sh.800 per bag. Now, can the Assistant Minister tell this House ^{why} his Ministry is violating the directive of the President?

MR. KIMEMIA: Mr. Temporary Deputy Speaker, Sir, we still have plans for opening a K.N.T.C. branch at Lodwar. So, we are still in the process of doing that.

MR. EKIDOR: Mr. Temporary Deputy Speaker, Sir, the K.N.T.C. has a branch in Lodwar, but it is overcharging wananchi despite the President's directive that wananchi should be sold sugar for less than Sh.800/- per bag. The K.N.T.C. branch is already there, but wananchi are being exploited through overcharging. Can you ^{he} tell the House why this is the case?

MR. KIMEMIA: Mr. Temporary Deputy Speaker, Sir, the controlled price of sugar does not include the cost of transportation. Therefore, all those K.N.T.C. depots within reach of railway transport have the same price, while those depots which are far from easy reach have varied prices due to the mode of transport used. So, the price of sugar in Kapennguria is Sh.746.05 per 100 kilogramme bag, while in Maralal the price is Sh.786/- per ~~100~~ 100 kilogramme bag.

MR. SHIKUKU: Arising from that reply, the Assistant Minister has not replied to the supplementary question of the hon. Member to the effect that there was a directive. What happened to it? Did he ever hear of that directive? If he ~~SO~~ ~~has~~, what has he done to implement that directive?

MR. KIMEMIA: Mr. Temporary Deputy Speaker, Sir, in my reply I mentioned here that where there is railway transport the prices are the same; but if there is not ~~xxx~~ railway transport facility, they must charge a higher price because of the costs of transportation.

MR. SHIKUKU: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has not replied to the supplementary question, namely, that the President gave a directive that the price should be lowered. What happened to it? Is he telling the House that if there was a ~~xxx~~ railway line to the area they ^{would} have implemented it, and that since there is no railway line to Lodwar, wananchi must be overcharged? What ~~xxxx~~ action did he take to reduce the price as per the directive?

MR. KIMEMIA: Mr. ~~xxxx~~ Temporary Deputy Speaker, Sir, I have said that the price of sugar is controlled. But if the President directed that, I shall look into that.

MR. SHIKUKU: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is ^{it} in order for the Assistant Minister to try ~~and~~ to evade the question? The question is that a directive was given. Now, he ^{is} telling us that he has ~~x~~ never heard of it by saying "If the President.....". It is a statement of fact that he ~~x~~ did give the directive. Could he go back and find out if that is in record, then come back and give a proper reply? This is because the directive was given. Even those of us ~~xxxxxx~~ who were not in Lodwar know it because we heard it over the radio. How can the Assistant Minister sit here not knowing what the President has said?

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MR. KIMEMIA: Mr. Temporary Deputy Speaker, Sir, I will look into it.

MR. arap BOHET: Mr. Temporary Deputy Speaker, Sir, since sugar is an essential commodity, and since K.N.T.C. sells to other areas where they make profit, could they not restructure prices so that outlying districts like Turkana and others are not penalised? They should pay the same price as other districts.

MR. KIMEMIA: Yes, Mr. Temporary Deputy Speaker, I do agree with that. But we also do not want to penalise the transporters. This is because the K.N.T.C. also want to make a profit.

Question No. 796

MR. WAKIONDO asked the Minister for Labour:

- (a) whether he is aware that Mr. Josephat J. Kithetu, a former trainee at Marimanti Youth Polytechnic, sat for a trade test as Mason Grade III on 20.8.80 and up to date the result has never been released; and
- (b) whether he could explain the reasons why Mr. Kithetu has never received his results up to now, as per appointment for Trade Test letter of 17th July, 1980

THE ASSISTANT MINISTER FOR LABOUR (Mr. arap METTO): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

- (a) I am not aware that Mr. Josephat J. Kithetu who sat for Trade Test as a Mason Grade III on 20th August, 1980 has never received his results to date.
- (b) According to the available records, a person in the name of Josephat J. Kithetu sat for a Trade Testing Examination in Nairobi for Grade III in ~~masonry~~ masonry on 20th August, 1980. The record shows that Josephat J. Kithetu was at the material time a trainee candidate from Marimanti Craft Training Centre in Meru, to which the appointment for Trade Testing letter of 17th July, 1980 was addressed in the same name. The record also shows that he had a "pass" in the results dated 7th January, 1981. But the record does not show any subsequent written complaint or otherwise from either Josephat J. Kithetu or Marimanti Craft Training Centre for non-receipt of the "result" of the examination.

The record does not, however, show any true copy of an ^{identity} ~~identity~~ card or passport size photograph which are both mandatory requirements for the issue of both results and certificate. This may have delayed the release of Mr. Kithetu's results among

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THE ASSISTANT MINISTER FOR LABOUR (Mr. ara Metto)(CTD):

other results of about 30,000 candidates who sat Trade Tests in that year.

The matter is already receiving serious and urgent attention and the said Josephat J. Kithetu is being traced to establish what may have happened. If the hon. Member knows where Mr. Kithetu is, he should tell him to report to the ~~Dir~~ Director of Industrial Training, Nairobi, as soon as possible so that his certificate may be issued to him upon identification.

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A handwritten signature in cursive script, enclosed within an oval border. The signature appears to be 'J. Metto'.

MR. WAKIONDO: Mr. Temporary Deputy Speaker, Sir, I wish to thank the Assistant Minister for the reply he has given. I will notify the boy because he is at home. Thank you very much.

Question No.787

MR. MUIA asked the Minister for Transport and Communications:-

- (a) if he is aware that the section of Road C99 between Machakos Town and Wote Market was approved by the Machakos D.D.C. for tarmacking some years ago; and
- (b) what has delayed the tarmacking of the road.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Anyone from the Ministry of Transport and Communications? None. Next Question, Mr. Ndza

Question No.792

MR. NDZAI asked the Minister for Transport and Communications:-

- (a) what has delayed the refund of KSh.1675/40 to Mr. Harrison Charo W/P 7188, P/No.138326 as per letter Ref.ACC/K/470/21 of 21st December, 1980, from the Provincial Engineer, Box 90663, Mombasa; and
- (b) if he could arrange to pay him as soon as possible.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Anyone from the Ministry of Transport and Communications? None. Next Question, Mr. Shik

Question No.800

MR. SHIKUKU asked the Minister for Culture and Social Services:-

- (a) how many people are handicapped in Butere Constituency and how many of them have been employed in Government service;
- (b) how many of these handicapped people have benefitted from the National Fund for the disabled; and
- (c) if he will consider setting up divisional, district and provincial rehabilitation committees to process and manage the affairs of the handicapped.—

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES

(Mrs. Ogot): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) It is not possible to establish how many people are handicapped in Butere Constituency since there has not been any census for the disabled persons conducted in Kenya. Similarly, it is not easy to determine how many handicapped persons from Butere Constituency have been employed in the Government Service because the opportunities for employment are open to all Kenyans who meet the required qualifications and requirements and records of employees do not distinguish those who are handicapped from those who are not, or those who come from any particular constituency.

(b) The National Fund for the Disabled of Kenya does not assist individual disabled persons directly. The Fund channels its donations to the institutions catering for the disabled people which apply to it for merit assistance. On this basis, to the extent that there is not any institution catering for the disabled people within Butere Constituency, it is not, therefore, possible for the Fund to reach out the disabled people in that area.

(c) In Kakamega District, a District Rehabilitation Committee was established in 1986 with the District Commissioner as the Chairman and the District Social Development Officer as the Secretary. Divisional Rehabilitation Committees have also been, or are in the process of being established. In Butere Constituency which is composed of two Administrative Divisions, namely, Khwisero and Butere, there is one Divisional Rehabilitation Committee for Khwisero Division. The District Officer is the Chairman, and the Manager of Khwisero Youth Polytechnic is the Secretary. The Divisional Rehabilitation Committee for Butere has not been established yet, but it is under consideration.

This arrangement, Sir, is in line with the District Focus for Rural Development Policy which aims to involve the people at the local level who are the beneficiaries of the National Development Programmes

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Mrs. Ogot) (Contd) in identifying their needs and priorities, including the rehabilitation of the disabled people for gainful employment. The Provincial Rehabilitation Committee suggested by the hon. Member is not a priority.

MR. SHIKUKU: Arising from that reply, Mr. Temporary Deputy Speaker, Sir, which in my opinion is not very encouraging, in part (a) of the Question, the hon. Lady says that they have not conducted a census to know how many disabled people are there in Kenya, will she tell the House when she will, or the Ministry, conduct a census for every part of Kenya, starting with Butere and elsewhere, so that we actually know how many people are disabled in various parts of Kenya?

AN HON. MEMBER: As soon as possible!

MR. SHIKUKU: "As soon as possible"! Thank you.

MRS. OGOT: Mr. Temporary Deputy Speaker, Sir, hon. Shikuku know as much as I do that we are trying as much as possible to integrate the disabled people and not to make them feel that they are different from other members of the community. In order to assist us, as a Ministry, to plan for the disabled people --

MR. MATE: On a point of order, Mr. Temporary Deputy Speaker, Sir, Is taking census disintegrating the people? I think taking census is quite different from integrating the disabled from the able-bodied persons. So, why is the Assistant Minister confusing the two issues?

MRS. OGOT: No, Mr. Temporary Deputy Speaker, Sir. I am not confusing the two issues. I am speaking on an area where I have a lot of experience and ^{expertise} ~~expertise~~. The fact ^{is} that when we go out just to do the census for the disabled persons, counting the cripples and so on, we will make them ^{to be} very much aware of their disability, or of their being different from other Kenyans, particularly within families.

MR. SHIKUKU: No! No! No!

MRS. OGOT: Oh, yes. However, we have some guidelines based on United Nations (U.N.) arrangements where we just do the estimation.

MRS. OGOT (Contd.):

a population of
 For example, like in Butere where we have about 120,000 people, as we were debating in the House recently, we use some rough figures from U.N. Information and United Nations International Children's Educational Fund (U.N.I.C.E.F.). We say that there would be between 8 and 10 per cent of disabled persons in Butere although Kenyans have always felt that that is a very high percentage. However, because hon. Shikuku has now asked the Question, it will not be a bad idea for the Ministry to think along those lines, if it will not hurt the disabled persons.

MR. MUIA: Mr. Temporary Deputy Speaker, Sir, arising from that reply given by the Assistant Minister, is it not misleading the House to say that the census relied on by the Kenya Government is based on figures and information supplied by the U.N. and U.N.I.C.E.F., etcetera when we know that it is the other way round? ^{We know that} Some of the information with the U.N. organisations or bodies come from the Government itself.

MRS. OGOT: Of course, when I mentioned the U.N. and U.N.I.C.E.F. I am sure the hon. Member is aware that Kenya is part and parcel of ^{those} ~~the~~ international ^{bodies} ~~body~~. Also, the researches that are often done either by the U.N. or U.N.I.C.E.F. agencies in Kenya, the Kenya Government is part and parcel of that report. But when quoting a footnote, it is also good to quote the source.

MR. MUIA: On a point of order, Mr. Temporary Deputy Speaker, Sir, If that is the case, why can the Kenya Government, or the Ministry of Culture and Social Services, not produce proper figures instead of saying that it is not proper to conduct a census to know exactly how many disabled people are in Butere?

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): I am sorry, that is not a point of order.

MR. SHIKUKU: ~~Arising out of that reply,~~ ^{The} point of order which has just been raised by the hon. Member should have been a supplementary question. ^{However} ~~to~~ to be able to help and plan, we must know how many people we have in order to be able to help them. If we do not keep census, or if we do not find out through some other ways to know how many they are, the Assistant Minister knows very well that we cannot be able to help them. That is why it is high time - and I am glad she has accepted that - they looked at this problem so that we can know how many disabled persons we have in Butere, Kitui, Mbooni and other places.

However, in part (b) of the Question, the hon. Lady says that the National Fund for the Disabled in Kenya does not assist individual but channels its assistance through institutions. Now, I would like to know how much was channelled and to which institutions from the National Fund for the Disabled of Kenya? I would like to know how much was channelled to Kakamega and how much went to Butere?

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MRS. OGOT: Before I give an answer to that question, Mr. Temporary Deputy Speaker, Sir, I just wanted to mention to hon. Shikuku on his other supplementary question that he is aware - because we were debating this the other day - that figures of the World Health Organization, ^{relate to} which Kenya like any other country uses since they are part and parcel of the World Health Organization, ~~that it is the~~ 10 per cent of the population. So, in Butere, if the population is 126,000 people, it is estimated that about 12,000 people are disabled and unless we are pressed we usually do not use those figures but we use them on planning. On ~~the~~ ^{the} second question, as to how much ~~many~~ money went to the hon. Member's Constituency, I can give the figures immediately ^{and say} that the Kakamega Rural Educational Rehabilitation Centre got Sh.25,000/= ^{from} directly ^{from} the Fund last year. As for Butere ^{and} ^{as} I had mentioned, in ^{the} ^{Wisero} Division, ~~it~~ is benefiting because the centre has already been established. What we will do, now that the hon. Member has asked, is to find out ~~and process~~ when Butere will also have its own rehabilitation centre so that it can be funded directly.

MR. ANGATIA: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has ^{give} ^{us} a very useful information to say that she will find out on the lines proposed by the Questioner as to how many disabled people are in the country. I thought this would be a priority matter. The Assistant Minister seems to be afraid that if the disabled people are singled out and counted, they will feel ~~a~~ bad. But, the disabled ~~na~~ people ^{want} ^{need} to be known; we all want to know where they are so that we can assist them. The Ministry should not appear to be hesitant to find ~~the number~~ of these people. In fact, they should not just find

MR. ANGATIA (Ctd.):

~~out the number of the~~ disabled people, they should also find out the extent of disability of each disabled person. Can she assure us that she will go beyond knowing the number of the disabled people who are there in the country, but also to know the extent of disability in every area and let all of us know so that we may know how to help them and how to integrate them in society?

MRS. OGOT: Mr. Temporary Deputy Speaker, Sir, there is not any country in the world that has taken a lot of pains to take care of the of the its own disabled people as Kenya has. Apart from the National Trust Fund, which has ~~been~~ been spearheaded by His Excellency the President, and chaired by an hon. Member of this House - Dr. Gecaga - which gives out money every year----It was originally given to the Provinces but now, it is given to the Districts. There is no country which is planning as Kenya has done and within my Ministry, the rehabilitation committee under the Ministry, which has its own executive committee and management, donates money out money to the 42 districts - that is 41 districts plus Nairobi. Also, planning by using the World Health Organization figures - which Kenya is part and parcel - Kenya Government is ~~not~~ planning extensively on the disabled ^{and we have} many rehabilitation centres. That is why when hon. Shikuku asked a Question on Butere, I took the Question sympathetically, that Butere should also have a rehabilitation centre, and that we are going to make all efforts to have one in Butere.

MR. MUTISO: On a point of order, Mr. Temporary Deputy Speaker; Sir. I am just seeking your guidance. I need some clarification in order to understand the Question, "whether the terminology used by the hon. Member here "handicapped" is just

MR. MUTISO (Ctd.):

the same as the term "disabled" as is being used in the answer? I believe that the term "handicapped" embraces a wider area for the people who are disabled. Therefore, is it the same, and would the answer for a question on handicapped people be the same as that ^{on} ~~of~~ disabled people?

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Yes; next Question.

MR. ANGATIA: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether you realized that the Assistant Minister did not answer any part of my question at all? I am simply seeking an assurance from her that we will locate where these disabled people are and find out the extent of their disability and the nature of disability in order that help may be channelled accurately. She is saying that Kenya has done very well. We are grateful for we know that Kenya has done very well, but if the Ministry has channelled money to Kakamega District, to whom was it channelled? Money may have been channelled but it may have gone to able ^{bodied} people and not to any disabled person. If she ~~do~~ does not know where they are, how they are disabled and ~~what~~ the nature of their disability is, how has she channelled money to Kakamega or to any district for that matter?

MRS. OGOT: Mr. Temporary Deputy Speaker, Sir, in Kakamega alone, because it is the districts which----Please, give me time. In k Kakamega alone, the institutions of disabled persons ^{which} ~~who~~ have received substantial funding are as follows:-

MRS. OGOT (Ctd.):

Mumias Production Workshop
for the Disabled.....Sh.50,000/=

Mumias Secondary School for
the Deaf.....Sh.50,000/=

Mumias Shelter Workshop.....Sh.25,000/=

Kakamega Rural Vocational
Centre.....Sh.25,000/=

Itendo Vocational Rehabilitation
Centre.....Sh.25,000/=

Mumias Primary School for the
Deaf.....Sh.65,000/=

Mumias Shelter Workshop for
Deaf Girls.....Sh.50,000/=

The list is extensive, but all those areas are places where we have identified the disabled people and their disabilities and given the funds correctly.

(applause)

AN HON. MEMBER: On a point of order, Mr. Temporary Deputy Speaker, Sir.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Order! That Question has been answered sufficiently. Next Question.

Question No.762

MR. arap KOSKE asked the Minister for Health:

- (a) whether he is aware that a Mr. John Kipkemoi Koros, of P.O. Box 11, Kericho, a former employee of Kericho District Hospital was suspended on 30th September, 1986, and subsequently dismissed;
- (b) why he was dismissed; and
- (c) whether he was given any benefits.

THE MINISTER FOR HEALTH (Mr. Matiba): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Mr. John Kipkemoi was dismissed from the Service in September, 1986.

(b) Mr. Kipkemoi was a casual worker, performing the duties of a watchman. On the night of 25th September, 1986, he lured a woman patient into the Outpatient Department Examination Room and had sex with her. That is why he was dismissed.

(c) As a casual worker, he was not eligible for any benefits.

(laughter)

MR. arap KOSKE: Mr. Temporary Deputy Speaker, Sir, arising from the answer given by the Minister, is he not really misleading the House by bringing the affair of sex here when I have got the official letter - KER/ST/C.W./100 B/869 - of 30th September, 1986 saying that this person was laid off because of suspected drunkenness and malicious damage ^{to} the Government property? There is nothing about a sex affair mentioned here. Can he give us the real reason because this is an official letter?

MR. MATIBA: Mr. Temporary Deputy Speaker, Sir, all those have been an addition to what he had done.

MR. arap KOSKE: Mr. Temporary Deputy Speaker, Sir, can the Minister repeat what he said? I did not hear.

MR. MATIBA: Mr. Temporary Deputy Speaker, Sir, what I said is that what the hon. Member might be having in that letter is in addition to what this gentleman had done, which was totally disgraceful.

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MR. arap KOSKE: Mr. Temporary Deputy Speaker, Sir---

THE TEMPORARY DEPUTY SPEAKER(Mr. Karauri): Order, Mr. arap Koske! In any case if you knew the answer to the Question you should not have asked it. Let us go back to Dr. Omamo's Question.

MR. ABUYA-ABUYA: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the seriousness of the case, as per the Minister's reply, would he--- Since this person behaved like a beast would the Minister take steps to ensure that this fellow goes to court?

THE TEMPORARY DEPUTY SPEAKER(Mr. Karauri): That is not a point of order. Let us go back to Dr. Omamo's Question.

Question No.776

THE TEMPORARY DEPUTY SPEAKER(Mr. Karauri): Dr. Omamo still not here? Mr. Muthura's Question.

Question No.744

MR. WAKIONDO, on behalf of Mr. Muthura, asked the Minister for Co-operative Development what the Ministry is doing to revive the dormant co-operative societies in Laikipia District in relation to the reply to Question No.608 given on 22nd October, 1987.

THE TEMPORARY DEPUTY SPEAKER(Mr. Karauri): Anybody from Ministry of Co-operative Development? Let us go to Mr. Muia's Question.

Question No.787

MR. MUIA asked the Minister for Transport and Communications:-

- (a) whether he is aware that the section of Road C99 between Machakos Town and Wote Market was approved by the Machakos D.D.C. for tarmacking some years ago; and
- (b) what has delayed the tarmacking of the road.

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS (Mr. Keriri): Mr. Temporary Deputy Speaker, Sir, first of all I apologise for not being in the House when this Question was first called.

Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that in its meeting of December, 1985, the Machakos D.D.C. recommended, among other projects, the tarmacking of the section of Road C99 between Machakos Town and Wote Market.

(b) Lack of funds has caused the delay in tarmacking of this road. However, the Ministry of Transport and Communications will continue liaising with the Ministry of Finance for the purpose of identifying suitable source of funding £ for this project, along with others which have similar problems.

MR. MUIA: Mr. Temporary Deputy Speaker, arising from that reply from the Assistant Minister - and which I think is proper --- First of all I want to disagree with the Assistant Minister and ~~xx~~ tell him that the Machakos D.D.C. did ~~x~~ not recommend this road for tarmacking in 1985. The recommendation was made in the 1970s. I can provide that Minute to the ~~Assistant~~ Assistant Minister if he wishes to see it. The recommendation was made in the late 1970s. Secondly, if the Minister for Transport and Communications is still liaising with the Minister for Finance, the year 1981---

THE TEMPORARY DEPUTY SPEAKER(Mr. Karauri): Order! Ask your supplementary question.

MR. MUIA: If I may ask my first supplementary question, Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister aware that recommendations by the Machakos D.D.C. were made in the 1970s and early 1980s? I have Minutes to prove that. Is the Assistant Minister also aware that in the year 1981, the Ministry of Finance & wrote to the Ministry of Transport and Communications about this particular road? I had a copy of that letter and I gave it to the current Permanent Secretary, Ministry of Transport and Communications.

THE TEMPORARY DEPUTY SPEAKER(Mr. Karauri): Order! You are making a speech. You are not asking any questions.

MR. MUIA: Mr. Temporary Deputy Speaker, Sir, why is the Assistant Minister saying that they are still liaising & with the Ministry of Finance when the Ministry of Finance, in 1981, said it could identify funds for this project?

MR. KERIRI: Mr. Temporary Deputy Speaker, Sir, I do not understand what the hon. Member means by saying that the Machakos D.D.C. recommended this road for tarmacking in the 1970s. This is because the District Focus ~~for~~ for Rural Development ~~Strong Strategy~~ Strategy had not been introduced. I do not know what kind of D.D.C. it was. ~~Any Anyway~~ Anyway, Mr. Temporary Deputy Speaker, Sir, I am not aware of the letter the hon. Member is referring to. But the letter might be useful to us in the Ministry. Even if that letter existed it would not make much difference. This is because there ~~are~~ many projects which await implementation. We have been liaising with the Ministry of Finance to make funds available for the implementation of these projects. We are not ~~not~~ thinking about this particular project alone. If the money is not available there

MR. KERIRI (ctd);

is nothing we can do. We can only do something if money becomes available. So, we shall continue to liaise with the Treasury. I cannot give an answer while we are liaising with the Treasury over this matter. We are liaising with the Treasury to find money to tarmack the road.

MR. MUNYAO: Mr. Temporary Deputy Speaker, Sir, I do not understand what the Assistant Minister means when he says that the District Focus for Rural Development ^{Strategy} was not there in the 1970s. Maybe it was not there, but the District Development Committees were there to initiate development projects in the districts. Could the Assistant Minister tell the House when he intends to ~~for~~ forward these proposals to the Ministry of Finance? Will he do so during the 1987/88 and 1988/89 financial years?

MR. KERIRI: Mr. Temporary Deputy Speaker, Sir, discussions on Development Estimates are carried out between the Treasury and Ministry of Transport and Communications - and other Ministries - regularly. We will not only tarmack this road but we will include other roads. This road and others were included in the Forward Budget, but there was no money to include them in the Budget proper. But we always include these roads in the Forward Budget and if the money is not available we leave them out.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Mr. Ndzai's Question.

Question No.792

MR. NDZAI asked the Minister for Transport and Communications:-

- (a) what has delayed the refund of KShs.1,675.40 to Mr. Harrison Charo W/T 7188, P/No.138326 as per letter Ref. ACC/K/470/21 of 21st December, 1980, from the Provincial Engineer, Box 90663, Mombasa; and
- (b) whether he could arrange to pay him as soon as possible.

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS

(Mr. Keriri): Mr. Temporary Deputy Speaker, Sir, once again I beg to apologise for not being in the Chamber when this Question was *first* called. I was just entering the Chamber when the Question was asked.

Having said that, Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Mr. Harrison Charo ~~was~~ as a workspaid employee in the Ministry was on the manual payroll of the Provincial Engineer. The delay in refunding him ~~KShs~~ his KShs.1,066.60 but not KShs.1,675.40, has been due to an oversight which is greatly regretted.

(b) A payment voucher has now been prepared in the name of Mr. Harrison Charo for the refund of the money and he should be receiving a cheque for the same amount before the end of this month.

MR. NDZAI: Mr. ~~Temporary~~ Temporary Deputy Speaker, Sir, could the Assistant Minister tell the House when the payment voucher was prepared? Could he give us the date when it was prepared?

MR. KERIRI: Mr. Temporary Deputy Speaker, Sir, I am sorry I cannot give the hon. Member, and the House, the exact date when the ~~xxxx~~ payment voucher was prepared. But I am sure that the voucher has been prepared and this person will get his cheque before the end of this month.

THE TEMPORARY DEPUTY SPEAKER(Mr. Karauri): Let us move on to Questions by Private Notice. Mr. Abuya-Abuya.

QUESTIONS BY PRIVATE NOTICE

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

(a) Is the Minister aware that the late widow Sabina Nyabinda Nyakwama of Magogo Village, Kemera Sub-location, Kitutu East, died of severe beatings inflicted on her by youth wingers led by the Assistant Chief of Bogetaorio Sub-location?


(b) What urgent steps is he taking to have those involved in this heinous act brought to book?

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT

(Mr. Onyancha): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

I am not aware that the late Sabina Nyabinda Nyakwama died as a result of severe beatings ~~xxxx~~ inflicted on her by youth wingers led by the Assistant Chief of Bogetaorio Sub-location. On 15th September, 1987, at 6.00 p.m. the Assistant Chief of Bogetaorio Sub-location, Mr. Andrew Osebe, accompanied by a group of Kamu youth wingers were on raid within the ~~xxxx~~ area looking for

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT(Mr. Onyancha)(ctd);
illegal ~~of~~ brews of busaa and ~~chang'aa~~ chang'aa. At about 8.15 p.m.
they went to the House of Sabina Nyabinda Nyakwama who was present
with her two children namely, Joyce Kemto and Cecilia Kwamboka, aged
17 and 14 years respectively. A treetop ~~with~~ bottle full of chang'aa
and a plastic jerry can with some chang'aa were found in the House.
Sabina Nyabinda, ~~aged 42 years~~ who was aged about 42 years, looked
very drunk and she was staggering when she was being questioned
about the chang'aa. The Assistant Chief and his party took
possession of the chang'aa and asked the lady to report to the
Assistant Chief's office the following day. Before the party went
to the House of the late Sabina Nyabinda, two other ladies had also
been arrested for being in possession of busaa. They were also
released and asked to report to the Assistant Chief the ~~day~~
following day.

END.D... 

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Onyancha)(cont.):

That same night, on the 15th September, 1987, after the assistant chief and his party had left, the two daughters noted that their mother had difficulties in breathing. They went and informed their elder ~~brother~~ brother, Juvenalis Mwanjiri who was out of the house when the assistant chief and the party were in the house.

In the morning of the 16th September, 1987, the condition of the lady, Sabina had deteriorated, when the children called their uncle, Thomas Matoke, who also lived within the neighbourhood. She was rushed to Tabaka Mission Hospital unconscious where she was admitted for treatment. Since she could not talk, her problem could not be easily diagnosed. On 17th September, 1987, at 6.00 p.m. she dies while under-going treatment at the hospital.

The matter was referred to Kisii Police Station, and the dead body which had no visible injuries was moved to ~~Kisii~~ Kisii District Mortuary for post-mortem. The doctor who performed the post-mortem examination on the 18th September, 1987 formed his opinion that the cause of death was cardiac respiratory arrest whose basic cause could not be ascertained from gross physical condition of the lady.

A police inquest file has been opened - No.73/87 - and investigations are in progress. This Question raises quite serious implications of the matter, and we want thorough investigations to be done. This is actually being done now. I would like only ~~me~~ to take this opportunity to request my colleague, hon. Abuya-Abuya, to help us, if he has got any information that can help us to find the truth of the matter. For example, if he knows of some individuals who have any evidence, he should request them to go to the police station and record their statements so that the magistrate could be in a position to arrive at a fair judgement. If it is finally found that these allegations are true then proper steps would be taken according to the law of this country.

MR. ABUYA-ABUYA: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister for trying to answer this Question. I will do my best to avail those who were present during this unfortunate incident. Will he also, on his part, ensure that there will be no cover-up by the administration particularly since the assistant chief is involved?

MR. ONYANCHA: Mr. Temporary Deputy Speaker, Sir, I would like to give that kind of assurance.

MR. KANINDO: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would the Assistant Minister tell the House whether the inquest file was opened after the hon. Member had brought the Question to the House or whether it was opened much earlier?

MR. ONYANCHA: Mr. Temporary Deputy Speaker, Sir, I am not very sure about that particular fact. What I am aware of right now is that an inquest file was opened. Some statements have already been taken and that is why I made the appeal that if there are any other people who have any information that can help us to find the truth to come forward and make statements to the police.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Let us move on to Mr. Gachanja's Question by Private Notice.

(MR. GACHANJA) to ask the Minister for Local Government:-

(a) Is the Minister aware that there is a possible out-break of dangerous diseases at Kangemi Health Centre due to lack of proper sanitary facilities at the Health centre?

(b) What action is he taking to ensure that these facilities are provided?

MR. ABUYA-ABUYA: On a point of order, Mr. Temporary Deputy Speaker, Sir.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Order! Will you sit ~~down~~ Mr. Abuya-Abuya?

If Mr. Gachanja is not in, then let us move on to

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri)(contd.):

Mr. ^{Munya}~~Munayo~~'s Question.

MR. MUNYAO: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware that plot parcel Wamunyu/Kwakala/180 in Wamunyu location has been sub-divided into three parcels?

(b) Is he further aware that one of the family members is selling the third piece of land to an outsider without the consent of the other family members?

(c) Can the Minister take urgent action to stop this private sale?

THE MINISTER FOR LANDS AND SETTLEMENT (Mr. Nyakiamo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that an application for the sub-division of the plot parcel No. Wamunyu/Kwakala/180 into three ^{portions} ~~parts~~ was ~~approved~~ approved by the divisional land control board, and that the plot has already been sub-divided into two portions.

(b) I am not aware that a third portion of the plot is being sold by a member of the family without the consent of the other family members.

(c) The family members who are against any proposed ^{Sale} ~~sell~~ of the land, or a third portion of the land may present their grievances to the divisional land control board who will in conformity with the ~~rule~~ current Government policy demand the presence of all members of the family and consider their objections before making a decision.

Mr. Temporary Deputy Speaker, Sir, I want to make a clarification here. Although an approval was given to ~~divide~~ ^{for the division of} the land into three portions, so far, ^{it} has only been divided into two ^{portions}.

MR. MUNYAO: Mr. Temporary Deputy Speaker, Sir, the Minister was totally misled. I have a copy of the title-deed which I am talking about. I have also given the Minister a copy of these documents which I am holding and which contain information showing that the land has been sub-divided into three parcels. Why is the Minister misleading the House that this particular plot has not been sub-divided into three parcels when authority had been given by the division land control board? That is not true.

MR. NYAKLAMO: Mr. Temporary Deputy Speaker, Sir, I have not seen the information which the hon. Member says he has given to me. I agree that it might have been passed on to my officials. The information that I got yesterday and today is that although the approval for the sub-division of the plot into three parcels was given so far only two have been sub-divided.

I am prepared to receive any further information from the hon. Member to enable me to investigate this matter further. This morning, I even said that I was not satisfied with all the information that I got and I have asked for more information.

MR. MUNYAO: Mr. Temporary Deputy Speaker, Sir, the Minister has misled the House even further. This is because in the last one or two weeks when the Minister was replying to a Motion here, he sent hon. Muturia, who is his Assistant Minister to come and collect the information that I am talking about from me. I informed him that the land was to be sub-divided into three parcels. Why is the Minister still misleading the House? I am insisting on this one, so that he can give us the facts.

MR. NYAKLAMO: Mr. Temporary Deputy Speaker, Sir, I am trying to be very truthful. The mere giving of permission for sub-division of the land into three portions does not necessarily mean that ^{that} ~~the~~ has ~~the~~ already been done. I have said that I am quite prepared to receive further information on the matter. I do also agree that hon. Munyao passed on the information to my

MR. NYAKIAMO (contd.):

people, as I had requested him to do. It is on the strength of that information that we are asking for further information.

Mr. Temporary Deputy Speaker, Sir, I do not like the idea of an hon. Member saying that I am misleading the House because I am trying my best to give him the truth.

(applause)

End E

MR. SIFUNA: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Information and Broadcasting the following Question by Private Notice.

(a) Who was given the tender for supply of electronic valves for Radio and Television Transmitters as per the authority given by Treasury, letter Ref. No. AFN.720/42/01/51 dated 3rd February, 1987 in response to the Ministry's letter Ref. No. MID 9/11/252 dated 6th January 1987?

(b) How much did it cost the Government for the purchase of four valves type TH 521 that were bought in May/June 1987?

THE ASSISTANT MINISTER FOR INFORMATION AND BROADCASTING (Mr. Khasakhala):
Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Local Purchase Order (LPO) No. 838549 dated 8th April, 1987 was issued to Kenya Auto Electric Limited, P.O. Box 46631, Nairobi.

(b) The total cost for four valves was Kshs. 1,580,000/-

MR. SIFUNA: The answer given by the Assistant Minister is very misleading. According to the information and documents I have here, the Permanent Secretary in the Ministry of Finance gave the authority to the Ministry of Information and Broadcasting to order ^{for} these four valves directly from the overseas manufacturers. ~~But~~ After the Director of Information and Broadcasting got this authority from Treasury, he refused to order directly from the ^{said} manufacturers, but purchased them locally. I can quote ^{his letter} here ~~how the whole issue came about~~ which ~~can~~ ^{reads as follows:}

"The known price of valves procured from manufacturers and actual prices quoted and paid for orders with the local firm e.g. valve type TH521 whose price if procured from manufacturers is Kshs. 262,230/- for four valves as underlined on the attached list, Ref. No. VOK/ENG/S/55, as opposed to the price paid to the local company of Kshs. 1,580,000/- vide invoice No. 4758 of 24/6/87".

Therefore, this shows that the Director of Information and Broadcasting swindled the Kenya Government, Kshs. 1,317,770/-. Can the Assistant Minister tell us why they refused to buy directly as previously agreed? They went ^{ahead} and bought these valves locally so ^{that} they could be able to get more than 80 per cent commission ~~and~~ that is Kshs. 1,317,770/-.

MR. KHASAKHALA: Sir, that is a one sided question because the details the hon. Member is referring to can only be verified by going through the documents which I have here. The facts of the matter is that we were preparing for the Fourth All African Games which were due to be held here and most of our stations were not in working order because most of the valves had blown off and, therefore, we wanted to get valves very urgently. In view of that fact, an open Tender No. 12/86-87 was advertised, and the valves TH521 were awarded to Messrs, Berk Enterprises at the unit price of Kshs. 190,000/-. When LPO was issued to them, they returned it and said that their prices had gone up to Kshs. 422,255/- per valve.

The matter was then referred to the Central Tender Board (CTB) which § approved Messrs, Kenya Auto Electricals to supply the same valves at Kshs.225,843/- each. Again when an LPO was issued to Messrs Kenya * Electricals, they also wrote back and said that their prices had also gone up to Kshs.395,000/- for each valve.

HON. MEMBERS: Where is the evidence?

MR. KHASAKHALA: The letters are attached; I have got them with me. At this stage the price validity period for the subject tender had expired and hence the Central Tender Board was requested to approve re-validation of prices from all the tenders. I have those particular copies.

We went ahead and ordered the same from the local approved representative Messrs, Kenya Auto Electrical at their new prices of Kshs.395,000/- which then totalled to Kshs.1,580,000/-.

We had gone through all required systems and authority was given to us to buy these valves.

MR. KIKUYU: Sir, arising from that lengthy explanation from the Assistant Minister, can he tell the House how in one week there was such a big variation in prices such that the prices of these items trebled? And due to these variations, were these items re-tendered to check whether there were other Kenyans prepared to supply them at lower prices?

MR. KHASAKHALA: We had checked with the manufacturers to find out the cheapest way of getting the valves, and that is how we awarded the tenders.

MR. KIKUYU: On a point of order, Mr. Temporary Deputy Speaker, Sir. My question is very clear and I do not know why the Assistant Minister wants to avoid it. In the first instance there was the normal tendering. A few manufacturers connived together and offered prices which they would change later. In fact, they later changed the prices and the Ministry agreed with them. I am asking the Assistant Minister why he did not cancel that tender after it had gone through all the difficult 'cheatings' and re-tender to find out whether there was any other company in the Republic which could offer these items at lower prices than offered by those companies which had already tendered and later on varying the prices?

MR. KHASAKHALA: The information being given by the hon. Member regarding local manufacturers having colluded together to raise the prices is outside our knowledge, because we do not know whether they did that or not. The fact is that we needed these valves for the Fourth All African Games urgently and we were running out of time. We should congratulate the Ministry for what it did during the games.

HON. MEMBERS: No! No!

MR. KHASAKHALA: The stations could not broadcast the games live without these valves and they had to be brought in order to make it successful.

(There was a lot of noise in the Chamber)

We could not wait to be instructed by other people when we knew that we wanted to succeed. So, we had to do it.

MR. SIFUNA: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Assistant Minister is misleading the House and I wonder whether they shared this money or not. The information we have here is that they were preparing for the Fourth All African Games and that is why the Treasury gave them authority to purchase directly from Thomson CSF through their normal agent here and they were given that particular price which I quoted. The Director of Information and Broadcasting deliberately refused and placed the order with another company which made us suffer a loss of more than Kshs. 1.3 million. Is he in order to mislead this House when they shared that loot?

MR. KHASAKHALA: Mr. Temporary Deputy Speaker, Sir, I am one man who can never be named under any circumstances on corruption. I am as clean as I am, and as I am standing here. The fact of the matter is that the persons who supplied these valves are also local agents. We had to use local agents ~~because~~ to get the valves because we wanted the system to work; and it did work.

MR. OMIDO: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister serious in telling this House that within a few days of the cancellation and disregard of the instructions from the Ministry of Finance, prices could jump/nearly five times? Is this not a case where the ^{Assistant} Minister should have referred the matter to the police for further investigation because it is clear that the Government has been swindled ^{of} over Sh.1 million?

MR. KHASAKHALA: Mr. Temporary Deputy Speaker, Sir, I do not know why hon. Members are having their own ---

HON. MEMBERS: What do you mean?

MR. KHASAKHALA: I am answering; you are not going to answer on my behalf.

HON. MEMBERS: Shame.

MR. KHASAKHALA: The fact is that one valve had been tendered for and the price quoted was Sh.190,000/-.

HON. MEMBERS: What do you mean?

MR. KHASAKHALA: Wait, I am answering. Then ---

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Order! Shall we listen to the Assistant Minister?

MR. KHASAKHALA: The price quoted was Sh.190,000^a for each valve. After we ~~we~~ supplied ~~by~~ ^a Local Purchase Order, the person who had quoted the prices changed the prices and said

MR. KHASAKHALA (ctd.):

that the price of each valve had increased to Sh.422,000/-. We then went to another local agent, who deals in the same things, who quoted the price of Sh.225,484/- for each valve. When he was issued with ~~an~~ Local Purchase Order, he changed his price to Sh.395,000/- per valve. Hon. Members should listen to the reply correctly and note that it is not one valve which cost Sh.1 million; there are four valves costing Sh.395,000/- each, and the ^{total} price comes to Sh.1,580,000/- for the four of them.

MR. SHIKUKU: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has avoided answering the question raised by the hon. Questioner to the effect that there was a letter from the Ministry of Finance which instructed the Director of Broadcasting to purchase the valves from a certain person at a certain price, ~~and~~ ^{the} Director of Broadcasting refused to do so and did ~~his own~~ ^{it} in his own way. Can he tell us why the Director of Broadcasting sidestepped the instructions from the people who know about money? That is what we want to know. It can only be for one reason - to swindle. Let him not defend that swindling; let him tell us why the ~~the~~ Director of Broadcasting refused to take the instructions from the Ministry of Finance.

MR. KHASAKHALA: Mr. Temporary Deputy Speaker, Sir, all finances are audited and a report ~~of~~ produced ---

(noise)

A report is produced to this House by the Controller and Auditor-General. If hon. Members ---

(noise)

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Order! The Assistant Minister is answering the Question. If you want to listen to the reply, then you have to keep quiet, so that you do not have further questions on what he has replied to.

MR. KHASAKHALA: Mr. Temporary Deputy Speaker, Sir, if the hon. Member, who has ^{cited} quoted the Director of Broadcasting having refused to follow the instructions from the Ministry of Finance, has documents to that effect, he should produce the documents to the House and the Ministry will take action on the principles of those documents.

MR. SIFUNA: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is continuing to mislead the House. Mr. Muinde is the one who was directed by the Director of Broadcasting to handle that particular corruption package. In the end, Mr. Muinde's daughter, who ^{is} not an employee of the Ministry, travelled to Italy to train on how to handle Ampex equipment, at the expense of the Government. She later presented herself at the Voice of Kenya for allocation of duties for coverage of the ^{4th AV Africa} Games. She was assigned duties on the fourth camera OB Van at the Nyayo National Stadium, as a present to Mr. Muinde. I am going to lay these documents on the Table.

MR. KHASAKHALA: Mr. Temporary Deputy Speaker, Sir, I have answered the Question as it was asked. Those details which are cropping up now involve the police, and, if the hon. Member has the details, he should come forward and we will take the usual action through the Attorney-General.

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

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): No, we have finished with that.

~~(MR. MUISO) to ask the Minister for Tourism and Wildlife:-~~

~~(a) why has fishing in Lake Karuri and Girono dams been closed down?~~

~~(b) what licences had been issued prior to the closure of the dams and what type of fish has been reported to be present?~~

MR. MUTISO: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Tourism and Wildlife the following Question by Private Notice.

(a) Why has fishing in Masinga, Kamburu and Gitaru dams been closed down?

(b) How many licences had been issued prior to this closure and what type of fishing nets were licensed?

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): There is nobody here from the Ministry of Tourism and Wildlife?

We will go back to Mr. Gachanja's Question.

(MR. GACHANJA) to ask the Minister for Local Government:-

(a) Is the Minister aware that there is a possible out-break of dangerous diseases at Kangemi Health Centre due to lack of proper sanitary facilities at the health centre?

(b) What action is he taking to ensure that these facilities are provided?

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): He is not here. We will go to the next order.

MR. MUTISO: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister for Tourism and Wildlife is here. I do not know why he does not want to answer my Question.

POINTS OF ORDER

MR. KILIKU: On a point of order, Mr. Temporary Deputy Speaker, Sir. My point of order concerns what appeared in The Standard newspaper of Friday, 11th December, 1987, concerning the National Social Security Funds (N.S.S.F) Sh.7 billion not credited to members. In a Press statement, the Director of the N.S.S.F., Mr. Mulei, said that this Sh.7 billion had been held in the suspense account because the N.S.S.F. had not

MR. KILIKU (ctd.):

been given vital information concerning the employees by the employers concerned, concerning the contributions of the members. He went further and said that the majority of the employers affected were Government Ministries. He also said that 65 per cent of this money has been held in the suspense account. However, I do not agree with this report of the Director of the N.S.S.F. because it is quite unbelievable that they can know the amount of money which has been submitted to the N.S.S.F. without the vital information. I think this is a ~~xxx~~ cover-up story; maybe they have kept this money elsewhere and they ~~x~~ are trying to cover themselves while they are ~~xxx~~ trading with the money.

Yuh on → The N.S.S.F. should have taken action against those employers who are not submitting the vital information concerning their employees' contributions, ~~of the N.S.S.F.~~ That is why members of the Fund are suffering.

In 1985, the Minister agreed here that out of the ~~Sh.10 billion there ~~was~~ was then,~~ ^{belonging to the fund,} ~~9x~~ Sh.9 billion had been lent to ~~x~~ a private financial institution without security. Since then the Minister has ~~x~~ not told this House how much of the money has been remitted to the N.S.S.F. from the private financial institution. I would ~~k~~ now like the Minister for Labour to issue a Ministerial Statement on ^{these} ~~this~~ workers' money. Why ~~ix~~ has the Ministry ~~xx~~ kept quiet; why has the Ministry not taken action against those employers who are not giving vital information to the N.S.S.F.? The workers are suffering. The N.S.S.F. has ~~xx~~ admitted in this report that the workers are suffering. It will be taking a long time for the contributors to get their money because the Fund says that if a contributor applies for his money it takes a long time for the Fund to fish out that money from the suspense account, and take it to ^{the Contributor's} ~~his~~ account.

END G. *Shumof*

ANO

MR. KILIKU (ctd):

Mr. Temporary Deputy Speaker, Sir, before this House goes on recess, the Minister should issue a Ministerial Statement to tell us and the workers the circumstances which led to this. He should also tell us what is happening in the National Social Security Fund. The Government should also probe this Fund.

Thank you.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Does the Minister for Labour wish to respond?

THE ASSISTANT MINISTER FOR LABOUR (Mr. arap Metto): Mr. Temporary Deputy Speaker, Sir, I have been listening to the remarks which have been made by the hon. Member and we will prepare a Ministerial Statement and give it when it is ready.

MR. KOSKE: On a point of order, Mr. Temporary Deputy Speaker, Sir. My point of order is directed to the Ministry of Lands and Settlement. There has been a big delay on the completion of sub-division of land and also in the issue of title deeds. Although several Questions have been submitted to the House, the answers which were given to us were that there are very few surveyors in the country. Can the Minister for Lands and Settlement issue a Ministerial Statement to tell us the action he has taken or ~~is~~ is taking to accelerate this matter?

Thank you, Sir.

MR. KIKUYU: Mr. Temporary Deputy Speaker, Sir, I rise on a point of order concerning the general situation of drugs in our health centres, dispensaries, district hospitals and provincial hospitals. I do not know much about the situation in the Kenyatta National Hospital. There is a

serious shortage of all categories of drugs including pain killers in practically all dispensaries, health centres, district hospitals and provincial hospitals. This situation is causing untold sufferings to the sick who frequent these hospitals and their relatives are left wondering why this is happening and yet drugs are supposed to be provided in these hospitals. I believe it is time, if the Government cannot provide funds for drugs, they started charging wananchi for the drugs rather than letting people stay in hospitals without treatment. We also need a proper explanation from the Minister for Health as to why he withdrew the kitty system of supplying drugs which was working so efficiently in the country? Since that system has now been withdrawn, all health centres and dispensaries in the country, do not have drugs. This is a pathetic situation whereby sick people are denied their right and yet their relatives are not aware of it. We need an explanation from the Minister on this issue.

Thank you, Sir.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Does the Ministry of Health wish to respond? It seems as though there is no response from the Ministry of Health. Let us continue.

MR. OMIDO: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to raise a matter of very serious concern and I believe it is a matter of national importance to this country. As the House is aware, we have been provoked by Uganda, a country which we thought was ~~friendly~~ friendly.

(Applause)

They have decided to commit wanton crimes against our people. Sir, I wish to raise this matter under Standing Order No. 20 as a matter of national importance so that this House can discuss it.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): If you wish to raise that kind of matter, you have to consult the Speaker first. If you wish to

do so in the afternoon, you can consult the Speaker about it.

MR. SHUKUKU: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am still pursuing the Question I raised in this House before we adjourned last time in connection with Shs.10.3 million which was swindled from the Agricultural Finance Corporation (A.F.C.) The Minister for Agriculture was in this House, he heard what I said but did not respond. I do not see him here now. Could he be told that I am not through with him yet? He should tell this nation who swindled Shs.10.3 million which belonged to the A.F.C.

For your information, Sir, the people who brought these documents to the newspapers and who made us know what is happening, have been arrested. One of them is called Mr. Benson Thiru Karanja and a Mr. Bosire. These people were just doing their job to let us know what is happening. But because these files contained some names of big men, these chaps have been arrested. We would like to have a Ministerial Statement from the Minister of State, Office of the President, in-charge of internal security, to tell us why these people have been arrested. He should also tell us if their arrest is connected with leaking this information to the newspapers and why the Minister for Agriculture ~~cannot~~ cannot tell this House who swindled the A.F.C. of Shs.10.3 million.

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. arap Saina): Mr. Temporary Deputy Speaker, Sir, when a Question was raised in this House in connection with an allegation that unscrupulous people had swindled money from the A.F.C., the Ministry is now prepared to go into this matter and give a reply to this House. We do not approve of any swindlers. The A.F.C. money belongs to this country and it is a vital source ^{of} financing agriculture which is the pivot of our economy. I will take it upon myself to see to it that a Ministerial Statement is prepared and given to this House.

MR. KIPKORIR: On a point of order, Mr. Temporary Deputy Speaker, Si

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THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. arap Saina): Mr. Temporary Deputy Speaker, Sir, when a Question was raised in this House in connection with an allegation that unscrupulous people had swindled money from the A.F.C., the Ministry is now prepared to go into this matter and give a reply to this House. We do not approve of any swindlers. The A.F.C. money belongs to this country and it is a vital source ^{of} financing agriculture which is the pivot of our economy. I will take it upon myself to see to it that a Ministerial Statement is prepared and given to this House.

MR. KIPKORIR: On a point of order, Mr. Temporary Deputy Speaker, S:

MR. KILIKU: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Nilisimama hapa siku ya Jumanne na nikatoa jambo la nidhamu kuhusu uporaji wa ploti ya Shule ya Msingi ya Miritini. Niliweka karatasi h juu ya Meza ~~ya Bunge hili~~ na nikasema kwamba kuna mtu ama watu ambao wamechukua ploti hiyo. Barua iliyoandikwa na mkuu wa mkoa kwa Kamishna wa Ardhi haikuonyesha yule mtu aliyechukua ploti hiyo. Nilileta hiyo barua hapa. Nilisema pia kwamba Kampuni ya Ufuta nayo imechukua ploti ile na sasa wamenza kujenga katika barabara inayotumiwa na watoto wa shule. Niliweka karatasi hizi zote juu ya Meza ~~ya Bunge hili~~ niki jua kwamba Waziri atatoa taarifa kamili kuhusu jambo hili. Watu hawa ~~wana~~ wameanza kujenga pale na ingefaa Waziri asimamishe ujenzi huo ili shule hii isiingiliwe na uporaji huu ukomeshwe. Tangu siku ya Jumanne - wakati nilipoleta jambo hili - Waziri hajafanya chochote. Sasa Waziri yuko hapa na ningependa atoe taarifa kuhusu jambo hili. Kabla shule hazijafunguliwa, ingefaa Waziri atoe taarifa ya kutueleza kile tutakachofanya juu ya uporaji wa ardhi katika sehemu hiyo.

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

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): No. The Minister for Lands and Settlement wants to respond.

THE MINISTER FOR LANDS AND SETTLEMENT (Mr. Nyakiamo): Mr. Temporary Deputy Speaker, Sir, I am not going to make a Ministerial Statement until I get the facts with regard to this matter. If the hon. Member can give me the information, I will look into the matter.


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

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): No. It is not subject to debate.

MR. MUNYAO: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have two very short points of order to make. The first one is directed to the Minister for Supplies and Marketing. About three or four weeks ago while the ~~Minis~~ Minister was replying to a Question here. :

in relation to food situation, he assure the House and the country that his Ministry is making arrangement for proper distribution and control of food prices to all parts of the country. I still have a lot of confidence to his statement. However, I would like to say that ~~there~~ there is food shortage in some areas. For example, in Machakos District, the prices of ~~food~~ ^{maize} range between Shs.280/=, ~~300~~ Shs.300/= and Shs.350/= and the package is not the usual one.

END H



MR. MUNYAO (CTD.):

Mr. Temporary Deputy Speaker, Sir, we feel that it will ~~die~~ be in order for the Minister to make a Ministerial Statement streamlining the prices and distribution of foodstuffs, and also allowing the co-operatives which are more of communal organisations to hold food days as it happened in 1984. He should give us that kind of assurance.

Mr. Temporary Deputy Speaker, Sir, I have another short point of order which is addressed to the Office of the President. On 12th December, 1987, during the Jamhuri day celebrations, after the district officer read the Presidential address in Mwalu, all the other celebrations which were supposed to come after the ~~adr~~ address - football, dances and others - were ~~cancel~~ cancelled, when these groups were ready to perform. We would want to know ~~why~~ what ~~in~~ insecurity was in Mbooni. We were also ~~f~~ told that the renewal to business licences will be censored by the Kanu organisation of the area and we do not know what it meant. This is an issue that is bringing a lot of fear to the business community in that area.

THE MINISTER FOR SUPPLIES AND MARKETING (Mr. Kitele):

Mr. Temporary Deputy Speaker, Sir, we have been trying our best to make sure that Kenyans get sufficient supply of foods. It was just the other day when hon. Ivuti ~~x~~ requested me to open some maize selling centres. I have already opened three selling centres in his area. Hon. Ivuti is here and he can bear me witness. We do not open any selling centres unless we have been requested to do so. ~~As~~ All the same, I will make a Ministerial Statement regarding the prices of foodstuffs. If any hon. Member requires a maize selling centre in his area, we are ~~pre~~ prepared to deliver the foodstuff to the nearest place where people can buy from.

MR. KIPKORIR: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister of State, Office of the President promised to this House that he will issue a ~~Ministerial~~ Ministerial Statement regarding the Duke of Manchester Farm, and till today, he has not issued it. The people of Elgeyo/Marakwet are still waiting for that Ministerial Statement because they want to know what happened to their money.

MOTION

MR. MBORI: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the fact that good road network may serve an important role in a given area as regards human communications, agricultural activities, commerce, industry etc.; this House urges the Government to tarmac road C18 which links Oyugis - Rangwe - Rodi Kopany and Sori Centres in South Nyanza District.

Sir, ~~South~~ South Nyanza District is a very ~~big~~ big district in Nyanza Province, and, perhaps, people who do not have ~~x~~ its geographical knowledge do not realise that it is big. South Nyanza District is half the size of the whole of Nyanza Province. As regards communications, South Nyanza is perhaps very well served along ~~the~~ lake Victoria because there are no hinderances there, but, when it comes to road network, we have only have one complete tarmac ~~x~~ road, from Rongo to Homa Bay. This road has a distance of about 30 kilometres. Considering that this district is nearly three times ~~bigger~~ bigger than the other districts in Nyanza, this road is just a drop in the ocean. Therefore, ~~XXXXXX~~ I would like to request the Ministry of Transport and Communications to link Oyugis with Sori Centre. I request the Minister ~~to~~ not to oppose this Motion. If this road is constructed, it will add to the already short distant road network, which ~~are~~ complete.

MR. MBORI (CTD.):

Mr. Temporary Deputy Speaker, Sir, this road that I am talking about is completely impassable during rainy ~~xxx~~ seasons, and particularly between Rodi Kopany and Sori Centre.

There is an area known as Aura Chuotho, ^{which} and ~~it~~ is a 'stream of mud', ^{can} and even if you had a four wheel drive car, it/never go through ~~xxx~~ during the rainy season. Unless this road is ~~xx~~ tarmacked, the people will never be able to travel from Oyugis which is in the highlands to the shores of ~~the~~ Lake Victoria. If this road could be tarmacked, it would serve as an administrative links among the various ^{administrative} Divisions that ~~xx~~ serve South Nyanza District. These divisions are Oyugis, Rangwe, ^{Ndhiwa} Biwa and Sori. Politically, this road would serve Kasipul/Kabondo, Homa Bay, ^{and Ndhiwa} Biwa, both of which will have two constituencies as from next year. So, if this road is tarmacked it would serve this district very well.

Sir, ^{if} this road is tarmacked, ^{it} will help to raise the human communications. Human Communications, includes cultural activities, educational ^{activities} purposes, social, and, ~~any~~ maybe, political and commercial ^{activities} purposes. The people will be able to communicate ~~xx~~ easily if this road were tarmacked, otherwise, today, this area ~~xxx~~ is very much faced by communication difficulties through no fault of the people who happen to be living in this particular part of the world. ~~of South Nyanza.~~

Mr. Temporary Deputy Speaker, Sir, this area is a highly potential in agriculture. There are various crops which are produced ~~xx~~ in this area, and, to mention ^{but} ~~xxx~~ a few, there is ~~grown~~ cotton which is grown in the highlands that border Oyugis; tea, pyrethrum, and later the people might grow ~~xxx~~ other crops. They also grow maize, and, between Rangwe and Rodi Kopany, a lot of sugar ^{cane} is grown, ~~there.~~

(END.....I)

MR. MBORI (ctd.):

A new sugar factory is being planned to serve a place called Opapo and, once that is done, the road will be a link to the present South Nyanza Sugar Company ^{at} Awendo. That way, we will not only be maximising industry but, at the same time, we will be maximising commerce, communication and other facilities in this area. So, the people of South Nyanza are asking for this kind of thing in reply to what this country demands; in reply to what the people need and because the people are devoted to nothing other than agricultural productivity. This is an area where cattle ranching is extremely potential. Indeed, in Nyatike, a new constituency to be, there is a very important cattle ranching area. So, it goes without saying that when the road is tarmacked, this kind of stock trade will be enhanced and the people will be engaged in activities which will be profitable to them.

Mr. Temporary Deputy Speaker, Sir, what I am talking about, according to the present day development projects of Kenya, is a plan which has gone through and which has been approved by the South Nyanza Development Committee. Down the lake-shore in Sori, people find it easier to move into Tanzania because they can use their boats, canoes and other sailing vessels. However, people in that area find it very difficult to come upcountry through land routes because this road becomes completely impassable during the wet weather, mainly in the months of March, April and May. These months become very wet and the area also becomes very muddy, that it has been given the name of the stream as I named earlier - Aura Chuodo.

Sir, we need this road because, as I said earlier, South Nyanza is a vast district. Failure to give it a proper road network is a disservice. If the construction of this road is started, we will be very much appreciative to the Ministry of Transport and Communication which has been doing a very good job. We also want it to do the same to South Nyanza District. This road I am talking about is of a distance of 140 kilometres only. By the time it has been completed, it will not only serve South Nyanza District but also the neighbouring Kisii District which also grows sugar-cane that also requires to be transported. This is a ~~heavy~~ bulky kind of crop that requires good road network for transportation. By the time this road

MR. MBORI (ctd.):

is completed, the link between Nairobi and Sori will be at hand because, as you know, the railway line reaches Kisumu which is the provincial headquarters. There are also routes on the lakeshore which lead to the roundabouts in parts of Nyanza, and Sori happens to be one of them; it is one of the way by which you can reach Sori from Nairobi. One way of transporting the sugar-cane which is produced from Opapo and Awendo is by tarmacking this road so that this bulky good can be carried along a good road then downwards to the lakeshore ^{at} Sori. That way, we will allow the product to come to other parts of Kenya through the railways system.

Mr. Temporary Deputy Speaker, Sir, this will be a fair way of enabling our people to have an accomplishment of transport communication of human souls, goods and other merchandise which we require. In doing so, we shall be definitely enhancing commerce and industry in this country, something we require so much for our existence. If this is not done, then there will be a part of South Nyanza District which will be lying dormant. I am glad that most of the hon. Members from South Nyanza District, who know more about this area, are here. If there is a section I will have not talked about, then I know that hon. Members ~~xi~~ who will be affected by the line which will run from Oyugis through Rangwe, Rody Kopany and Ndhiwa downwards to Sori will definitely support me. As I have said before, the Ministry of Transport and Communications should see sense and accept this Motion as it is because, in doing so, it will merely be replying to the fact that a good road network enables an area to be opened up, advanced and be in contact ~~in~~ not only with the immediate neighbourhood but even with the distant neighbourhood.

Sir, I know that the Ministry of Transport and Communications has a lot of work at the moment, but I would like to ask it to look at South Nyanza as a vast district which suffers because it receives the same portion of the national cake as the smaller districts. Whereas we could ask that our neighbouring district receive one portion of the national cake, ~~we~~ we would ask that we receive three times the size of the portion received by the smaller districts.

Mr. Temporary Deputy Speaker, Sir, I do not want to tire the House with a lot of information about this road. However, I think ~~the~~ I have given

MR. MBORI (ctd.):

the necessary information to the relevant Ministry and the House. At this point, I would request the Chair to allow me to call upon hon. Kanindo to second the Motion. With those few remarks, Sir, I beg to move.

MR. KANINDO: Thank you, Mr. Temporary Deputy Speaker, Sir. Before I start seconding the Motion, I would like to thank hon. Mbori for having brought it to the House.

This is a very important Motion because the road in question runs from Kasipul/Kabondo Constituency and, along the route, passes through very important centres. The reason why this road requires to be tarmacked urgently is that it has been approved by the South Nyanza District Development Committee as top priority. On the way from Oyugis, before you reach Rangwe, there is Mititi Secondary School with over 400 students who suffer very much during rain seasons due to lack of proper transport. This is so particularly at the end of school terms. From Mititi Secondary School there is Koderia Forest, which is also a very important area in the district. There is also Asumbi Girls' Secondary School^{and} / Asumbi Teachers Training College which have over 2,000 students.

END.....

MR. KANINDO (CTD.):

This road is important because it facilitates their movement. In wet weather, the road sometimes becomes impassable and the parents who would like to collect their children from school find it difficult to reach the school. On several occasions, we have requested that this road be improved.

I remember that when hon. Kosgey was the Minister for Transport and Communications, he toured the road and gave the hope that it was not going to ~~take~~ ^{it} be too long before ~~the road~~ was tarmacked. A recommendation on the same road was made by the Kenya Tea Development Authority to the effect that the land there is good and the names of potential areas for tea growing were submitted here. The tarmacking of this road has also been given approval by the local District Development Committee because there is also a sugar factory in the area. We count all these ways in which the tarmacking of this road is going to benefit Kenyans. When you have sugarcane being grown in an area, we expect to get sugar there. Sugar is consumed by all Kenyans all over the Republic. That road has always been a problem.

Moving on, you will find that we have a big secondary school near the road, known as ^{Ogandi} ~~Gali~~ Girls Secondary School, with well over 1,500 students. We take into consideration the fact that we also have ^{Ogandi} ~~Gali~~ Boarding Primary School, in addition to ^{Ogandi} ~~Gali~~ Girls Secondary School with its two streams of students and teachers. This road is always a problem. If you tour the road right now, you will find that it is almost impassable because the bridge across it is worn out.

This road passes through a fertile area with a heavy maize production. Groundnuts also do very well here. A road is always tarmacked after considering the heavy productivity of the area it serves and the other benefits that are going to come out the exercise, besides the traffic the road is going to service. Rodi Kopany is an important trading area.

Mr. Temporary Deputy Speaker, Sir, let me thank the Ministry of Transport and Communications - it is good to thank the Ministry while we talk about this particular road - for the work they have done. You will find that

MR. KAMINDO (CTD.):

the construction of a telephone network in the area is going on very well. I wish that the way this construction is going on applies to roads as well.

While talking about this Motion, let me say that when we come to tarmacking this road after the Motion has been passed it will be important to remember that the contractor who is going to be given the job should be able to do it properly. The Homa Bay-Rongo Road, which was tarmacked just a few years ago, is now wearing out and it will soon require repairs. Despite the fact that funds were made available, and the local District Development Committee and the Government did well in tarmacking the road, the road is wearing out so soon afterwards. So, regardless of how much money we have already used on this road, we are now going to do the same job again. Let me request the Ministry to ensure that when they award the tender for the tarmacking of this road, those who are awarded the contract are able to do a good job and get the road into a good shape.

The area between Rodi Kopany and Karungu is very difficult, as will be confirmed by hon. Mak'Anyengo here who represents the area. Sometimes, he finds it difficult to tour his constituency during the rains. At times, necessary fund-raising drives have to be postponed until the weather is dry. The tarmacking of this road is important considering that Ndhiwa is a very rich area in respect of food production. The people there do not know what to do because they work hard, but transportation of food crops, such as maize, to stores is becoming impossible. This is why we are requesting the Ministry to take it seriously and see that this road is tarmacked.

Mr. Temporary Deputy Speaker, Sir, consider that we have Mirugi Girls and Mirugi Boys Secondary Schools in the area under question. We also have Ndhiwa Town, which is the headquarters of Ndhiwa Constituency. Getting officers to the headquarters sometimes becomes impossible when you get to Rachuothe, and this delays certain action that should be taken immediately. This is why we are appealing to the Minister concerned to tarmack this road urgently.

The tourist industry has not played a major role in South Nyanza

MR. KANINDO (CTD.):

District simply because of the poor condition of the roads there. We have very important things there for the tourist to see. Tourist attractions are not only at the Coast, where tourists normally go. South Nyanza District, with a population of over one million people, has only 30 kilometres of tarmacked roads. I think it is high time this district was given its rightful share of the national "cake". When you consider its population and the 30 kilometres of tarmacked roads it has, you find that we are not getting our rightful share of the national "cake" in respect of tarmacked roads.

We are not getting as many tourists there as we should, and if this road is tarmacked, it will be a step forward towards getting our share of tourists. The road will make sure that no matter how many tourists visit the country, we have some going to South Nyanza. Tourists have automatically abandoned visiting South Nyanza, and we are now not getting a good number of them, and yet we have such historical places there, such as Sindi Nyaima, Homa, with a still active volcano and Rangwe Forest with a good game variety. There are many more such places in the area.

This road will also enable people from Mbita ^{through} to Godibura(?) to move without problems. Sometimes the condition of this road deters people working outside their home places from going home during the rainy season, because they might not reach their homes and come back to work in time the next day. I appeal to the Ministry of Transport and Communications to look for funds to facilitate the tarmacking of this road. We have recommended the tarmacking of this road through the local District Development Committee, as required, and we appeal to this House to implement this recommendation. We request that it be tarmacked in order to serve the important parts of the district with a heavy agricultural potential, so that we may feed Kenyans who need the maize in the area. We should help our people to produce cash crops there.

We have the opportunity of producing tea. We also have coffee farmers who take a long time to get their coffee to the right destination, particularly during the rainy season. This road has been deserted, and the cost of travelling

MR. KANINDO (CTD.):

by matatu on the other roads is always very high, because the owners of these matatus get them worn out on a single trip. So, they have to inflate their charges because of the bad condition of those roads.

Mr. Temporary Deputy Speaker, Sir, the people of this area are loyal and devoted to serving the Government. They need to be served just like any other Kenyans in the Republic. This is why we appeal that this road be tarmacked.

Now that my time is gone, I appeal to the Ministry with these few remarks to work out a plan so that this road is tarmacked. I beg to second.

(Question proposed)

MR. arap KOSKE: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to make some contribution to this Motion. First of all, I would like to thank the hon. Mover for having found time to prepare and bring this Motion to the House. As far as I am concerned, the Motion deserves support in that it brings out the idea of our economy. We need a reasonable economy for our necessary subsistence.

END K 

MR. KOSKE (ctd.):

Mr. Temporary Deputy Speaker, Sir, it is not easy to achieve reasonable economy without good roads. We need to have reasonable agricultural production and trade in order to achieve the necessary economy. However, such reasonable agricultural production and trade may not be possible without ^{roads} good roads and, therefore, this Motion is ideal and should be supported, if funds for implementing it are available, as they normally say. I am saying this because the tarmacking of this road is actually ideal for such an area as South Nyanza District.

Mr. Temporary Deputy Speaker, Sir, lack of good roads normally curtails trade and agricultural production. I know of some areas where shops ~~have~~ are closed during the rainy seasons until such a time when the weather is dry. This is because fuel cannot be transported to such places, nor can goods be transported to the shops due to lack of ^{means of} transportation. I do not need to emphasize the ^{everyday} fact that even people need to move from one area to another to buy or sell goods in various places. However, without good roads trade is actually curtailed, ~~more~~ if not paralysed completely.

Mr. Temporary Deputy Speaker, Sir, we have areas where the picking of tea and the transportation of milk is done daily and when roads in such areas are in poor condition, or when there are no bridges, ~~these~~, tea and milk industries ^{come} to a standstill and the farmers are discouraged, and even a number of people are forced to leave their jobs. If these roads cannot be tarmacked due to lack of funds, then they should be improved into all-weather-roads, particularly in farming areas, where farmers need to transport their agricultural produce to the market everyday throughout the year.

Mr. Temporary Deputy Speaker, Sir, as I have said before, when customers cannot reach the industries, then the problem is ~~is~~ similar because trade is actually curtailed. While supporting this Motion, I would also like to appeal to the Government to see to it that we have enough access roads, particularly in the newly subdivided farms. Before we attained our Independence, the colonialists had very large farms. Some of these farms were as large as a location and when wananchi bought these farms, they had to subdivide them. After the subdivision of these farms, some of the farmers found themselves without access roads to the main ~~main~~

road. Therefore, it becomes a big problem to even transport patients to the health centres. It is very annoying to transport a patient for a long distance on a stretcher, ~~and~~ therefore, I appeal to the Government to see to it that where there has been subdivision of farms, rendering farmers to have no access roads, something ~~should~~ be done to enable them transport their agricultural produce to the market, and also be able to transport their patients to the health centres, when necessary.

Mr. Temporary Deputy Speaker, Sir, I would like to touch on the question of security. In places where there are no access roads, people have a lot of difficulties in sending messages, say, to the district ^{office} office, or to the chief's office or to the police station due to lack of proper roads. Therefore, it is very important that we have good access roads in all places where wananchi live.

Mr. Temporary Deputy Speaker, because of the high population which is still growing, we have the unemployment problem increasing at a very high rate. We need to encourage our youths to practice self-employment. Not all our youths will be able to get employment, either in the public or in the private sectors, and this is a statement which we cannot avoid to make. This is because of the high population growth and scarcity of employment opportunities. Therefore, it is ideal to have more room for encouraging our youths to take trade tests, so that they can be able to take up self-employment jobs for themselves. I know it is very expensive to tarmac roads in all places more or less at the same time, but it is also ^{as} ^{bad} equally ~~difficult~~ and expensive, ^{unemployed} as well to have very many ^{unemployed} youth in the country. When we have such a situation, then, ^{definitely} of course, we shall ^{and} continue to have serious problems. When we have a lot of youths with no employment, no land, then they will have no means of living. For this reason, it is important for the Government to consider ~~making~~ tarmac this road in order to solve such problems as lack of employment and the rest.

Mr. Temporary Deputy Speaker, Sir, while also supporting this Motion, I would like to urge the Government to see to it that it continues to tarmac the road from Fort Ternan to Londiani. This road has been tarmacked from Muhoroni to Londiani but the construction work for the remaining section has actually delayed for a long time, and I ~~will~~ would like to urge the Government to make sure that the

MR. KOSKE (Ctd.):

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tarmacking of this road is continued up to Londiani, so that it can facilitate easy travelling from Kisumu to Nairobi. This road, if tarmacked, would open up that area which is also very good in agricultural production. I am saying this because farmers in this area grow coffee, pyrethrum, ~~maize~~ maize and we also have ^{Some} ventures going on quite good business there.

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

END I.

J. M. M. M.

Nzioku

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS (Mr. Mak'Anyengo): Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support the Motion. In so doing I would also give some due credit to the Ministry for certain things that have been done in connection with it.

Mr. ~~the~~ Temporary Deputy Speaker, Sir, as the other speakers have stated, this road is a very, very important one, because it runs throughout South Nyanza. Actually, it divides South Nyanza into ~~the~~ two halves, the southern half and the northern half; it runs through almost half of the locations in South Nyanza, from ~~Kaspul~~ *the* Kaspul-Kabondo through Homa Bay and Ndhiwa Constituencies right up to ~~the~~ our border with both Tanzania and Uganda. The area through ~~with~~ which this road runs is a very rich ~~an~~ one; the soil is very rich. You can grow anything in it; mention any crop and ^{it} will ~~go~~ grow there. In actual fact, it passes through an area which has been approved for growing tea and coffee, besides sugar-cane and other local crops like simsim, groundnuts and many others. So, it is important that the Government has thought of working on this road.

Mr. Temporary Deputy Speaker, Sir, the other thing that I would like to say is that the Government, or the Ministry, should speed up the starting of the job in this area. I happen to know that almost half of it has been surveyed and all the necessary work has been done. What is remaining now is for the matter to ~~be~~ brought up for tendering and then the work starts. I feel that the sooner it is done the better. This is because ~~we~~ there is plenty of rain in this area; we have two rainy seasons, which receive very heavy rainfall. During the rainy season, as my colleague had stated earlier, there are some places which you cannot reach by road. This is because the road is a black-cotton-soil road, and during the rainy season vehicles cannot use it. I remember that during the last rainy season, for a distance of only 13 kilometres, the matatu people were charging Sh.45 for a single journey. This was due to the fact that there were very few vehicles that could brave the road. At the same time, if any vehicle owner uses that road for six months, the ~~year~~ vehicle will get worn out.

Mr. Temporary Deputy Speaker, Sir, in order to help the people, I would urge the ~~Ministry~~ Ministry to do the best they can to speed up the opening of this road. I am sure that by opening it we shall ~~in~~ encourage the production of crops. As I

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THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS (Mr. Mak'Anyengo)(Ctd):

stated earlier, I am sure that with good roads, the areas through which this ^{road} runs, particularly in Ndhiwa Constituency, production will be increased to the extent that we can be able to feed the whole of Mwanza and Rift Valley Provinces in terms of crops like maize, millet, groundnuts, simsim and choroko. I would not like ^{to} take much of the time, because I know that the Ministry is doing something about this ^{the} road. My only urge is that ^{the} Ministry should speed up the start of the work. If possible by next year, as was recommended by our district development committee, work on the road should start. This will give us the challenge of using the road to increase production.

Mr. Temporary Deputy Speaker, Sir, in addition to that, for this road to be very useful, we would like ~~to~~ the Ministry to also think in terms of ~~the~~ minor feeder roads; the minor roads that would feed this road from the interior. There is in the programme of the Ministry of Tourism and Wild ^{life} ~~life~~ what is known as the "Southern Circuit". At present, the tourists do not utilise the facilities that are in the Southern Circuit due to the fact that there are no feeder roads. Take, ^{for} example, ~~that~~ tourists fly from Kichwa Tempo to the Lakeshore in order to fish, because there are no roads. Otherwise, roads could have opened the Lakeshore and the tourist industry to the extent that those investors who would like to put up lodges and hotels along the lake would do ^{so} ~~it~~. But at present this has not been done because the roads leading to those areas have not been opened. So, I would urge the Ministry that in addition to this major road, they should also construct all-weather minor roads in order to encourage and boost the tourist industry in this area.

Mr. Temporary Deputy Speaker, Sir, I would like to remind the Ministry that we have the ~~the~~ ^{road} Rambwe National Park, and that if this ^{is} done we will be getting more revenue from the tourists who visit Rambwe National ~~the~~ Park. In addition to that, we have a museum in North Kadem, known as 'Timilichi; it has been idle; nobody has been visiting it because of lack of roads. We also have fishing facilities on the lake; there are Nile perch in the lake, some of them bigger than myself. If these roads are opened, I am sure that those tourists who would like to go to Mombasa for fishing would turn their minds to Lake Victoria; visit it and see very good sceneries in this area.

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THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS (Mr. Mak'Anyengo (Ctd)):

Mr. Temporary Deputy Speaker, Sir, with these remarks, I would only like to thank the Ministry for the much they have done so far. But so far, the much they have done is little. So, we would like them to speed up and do more in order to open this area for the general development of this country.

Thank you very much, Mr. ~~Mr.~~ Temporary Deputy Speaker, Sir.

DR. OMAKO: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the Motion. I happen to know this road very well. I remember way back in 1963/64 when I was the district agricultural officer there, this road was my headache number one, the Oyugis-Rangwe-Rodi Kopany-Sori Road. I would like to support what my hon. colleagues have said about the necessity of this road being tarmacked. This road is like an artery: other veins and little capillaries get into it.

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I remember in 1964 when ^{we wanted} to teach the small farmers modern farming, there was no road cutting across the half of South Nyanza District. You had to go through the periphery: you go to Kisii; enter a tarmac road; then go back towards Awendo, and get on up to beyond Kenhancha. But there was nothing right in the interior to help you get to the farmer.

Mr. Deputy Speaker, Sir, the other point, which the Ministry should take into consideration, is that right now a lot of fuel is being burned by people travelling from Oyugis to Homa Bay via Kisii and Rongo and then into Rodi Kopany. This is because the area between Oyugis, Rongo and Rodi Kopany happens to form a triangle. Now, we were taught in elementary mathematics that the sum of two triangles is greater than ^{third third} the path. The ~~path~~ is always shorter when you add two sides of a triangle.

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AN HON. MEMBER: Even Modern Mathematics!

DR. OMAMO: I do not know even modern Mathematics, but I am using the old ones. But a lot of fuel is being burnt by motorists trying to get to tarmacked roads.

Mr. Deputy Speaker, Sir; my colleagues have said rightly that this kind of road will promote agricultural production, and I quite agree with them. I also agree that tea may be planted there, but I am not sure the kind of variety. Pyrethrum has been mentioned, but I do not know the variety of pyrethrum that has been recommended. However, sugarcane does very well in that area. That is sugarcane area with its black cotton soil mixed with that light soil common in South Nyanza. It is the ideal land for sugarcane, and with the rainfall available, the Opwapo or Opapo Sugar Factory will have no difficulty in getting sufficient supply of sugarcane.

Mr. Deputy Speaker, Sir, the other crop which I would like to stress, because it is important for the nation, is that between now and the year 2000, in our Development Plan, some 50,000 hectares of robusta coffee should be grown here in Kenya. I am sure with 50,000 hectares of robusta coffee, the district that will have the lion's share is South Nyanza District. It is South Nyanza District that should grow for Kenya the additional robusta coffee which we are lacking in the world market today. All that good soil - the soil that has produced the hon. Mover of the Motion, hon. Mbori, the great Mak'Anyengo, and "Okuku Danger" - this is the kind of soil that should produce for Kenya the robusta coffee that we must add to the traditional arabica coffee in other areas. We are lacking robusta coffee in the world market today. We do not have it. But our neighbours in Uganda grow plenty of robusta coffee and of good quality. Therefore, South Nyanza should be keyed up with proper road system and proper road infrastructure to enable the small-scale farmer to grow robusta coffee for Kenya.

DR. OMAMO (Contd.):

My last point, Mr. Deputy Speaker, Sir, is that this ^{road} Oyugis - Rangwe - Rodi Kopany and Sori Centres in South Nyanza District should be considered seriously as one of the security roads in Kenya. I happened to come from the border, and today we are bothered by neighbours. I do not want to mention their names, but they are bothering us.

AN HON. MEMBER: They are not!

DR. OMAMO: Well, they are bothering us and they are also doing all sorts of things. We are going to react. Even if we bite them with our teeth, we will react. This road should be considered as a security road so that our security officers can move quickly from Kericho, Kisii, Kisumu and get to Sori Centres in South Nyanza. This is the road that I would compare with Ndori, Aram, Ragenyi, Luanda-Kotieno Road in Bondo. This is also the road with the same rank as Bondo, Manyuanda and Misoro Road in Bondo. These are security roads. Much as I know that it costs a lot of money to tarmac roads, it is my plea ^{to} with the Ministry and the Government that some money be found so that these security roads are done at once.

With those few remarks, Mr. Deputy Speaker, Sir, I fully support the Motion.

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS

(Mr. arap Koech): Mr. Deputy Speaker, Sir, I wish to assure the House, through you, that the Government appreciates the sentiments of the Mover, and that the Government has been and is still improving these road communication networks throughout the country in order to enhance human communication, agricultural activities, commercial activities and also industrial activities. The Government will do everything possible to improve various roads throughout the country, but within the Budgetary provisions.

Mr. Deputy Speaker, Sir, in South Nyanza District, the road networks which are being undertaken by the Government are quite

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS (Mr. arap Koech) (commendable. This is because we are already doing a road at the moment from Kisii/Kisumu junction all the way to Homa Bay, and also the road from Homa Bay through Rodi Kopany to the Kisii/Kisumu junction again is already done. So, you can see that the Government is doing a very good job to improve the ^{road} communication networks in South Nyanza.


Now, the hon. Members have spoken about South Nyanza giving a lot of good qualities which are indeed true. There are very good roads, a lot of agricultural activities in terms of sugarcane and so on. I also do understand that coffee is being started to be grown in those particular areas.

Now, on this particular road, Mr. Deputy Speaker, Sir, which the hon. Mover has requested the Government to tarmac, I want to say that the Motion is already overtaken by events because the Ministry is already committed to tarmacking some sections of this road, and we have already moved much ahead. In fact, I believe that we have moved much ahead of the Mover. At the moment, if I could give a broad coverage, the road from Oyugis - Rangwe - Rodi Kopany to Sori Centre, which I also understand is known as Karungu, has a length of 81 km. Now, the 48 km. section, that is between Rodi Kopany and Sori Centre, is now being considered for bitumenisation. Survey and designs are already completed. In fact, the compilation for the tender document is at hand, and the work for tarmacking the road is going to start soon, or as soon as the funds allow. Otherwise, we have already done the groundwork. So, this road is already completed. That is why I said the request is already overtaken by events. So, that section of 48 km. is going to be tarmacked.

Now, the 12 km. section, that is between Rangwe and Rodi Kopany, was gravelled only last year, and it is in very good condition. Now, from Rangwe to Oyugis, the road was graded in January, and the Ministry is making sure that from Oyugis to Rodi Kopany the road is always

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS (Mr. arap Koech) in very good motorable condition. Of course, I have already said that the section of 48 km. from Rodi Kopany is going to be tarmacked soon. So, it is going to serve all the sentiments expressed by hon. Members. This road is also going to reach the border. So, if it is a security type of a road, we know that the Government is already doing something ^{about} of it.

Mr. Deputy Speaker, Sir, many hon. Members have spoken about quite a good number of roads passing through areas of great agricultural potential. Now, it is the Ministry's view to ensure that these areas are actually made to be accessible, and the Ministry is doing everything possible to ensure that these ~~areas~~ ^{Roads} are made passable so that ~~it~~ ^{they} can improve the agricultural development, ~~in the country~~, the ^{in the country} commercial development and also the industrial development.

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THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS (Mr. arap Koech) (Ctd.):

So, since there is nothing to amend because the road has already been overtaken by events, I only wanted to let the House know that the Ministry is already committed to this road. I do hope that the hon. Mover is going to bear with us. It would be the wish of the Government to ~~re~~ complete the whole road, but this is going to be done when this other section is completed. ^{then} and / We are going to start on the programme to settle the designs on the remaining roads. So, this section will be handled well. Since this is something which is straightforward, I do not think I need to spend so much time ^{trying} to give the hon. Mover more information; I would only say that the Government is truly committed to the improvement of this particular road.

With these few remarks, I beg to tell the House that the Motion is already overtaken by events because we are already ~~being~~ working on this road.

MR. ANGATIA: Thank you very much Mr. Deputy Speaker, Sir, for giving me this chance so that I make a few comments on this Motion.

The Assistant Minister has left us wondering ~~we~~ whether he is supporting, opposing, or amending the Motion or whether he is inviting us to talk when he knows that nothing is going to be done at the end. Nevertheless, ^{despite} ~~dispite~~ the dead position in which he left us, we want to encourage him to go home and do something about it and not just to leave it---

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS (Mr. arap Koech): On a point of order, Mr. Deputy Speaker, Sir. My ~~pi~~ point of order is that I do not know what the hon. Member was---Maybe he did not follow my sentiments. I said very categorically: How can we say that we urge the Government to

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS

(Mr. arap Koech) (Ctd.):

something which it is already doing? We are already doing this road. So, I think what the hon. Member should stand up and say is that he thanks the Government for going ahead of the hon. Members' wishes in the implementation of this particular ^{Project-} ~~road~~. We are already doing so. What do you want me to amend? Do you want me to say that we are not going to do it? Maybe, what you can only request us is that if we can do it sooner, the better; and I think that will be more meaningful.

MR. ANGATIA: Mr. Deputy Speaker, Sir, I think that is an acceptance from the ~~part~~ ^{are already being done,} of the Government that while some parts ~~and~~ we are thankful for it, they are going to do the remaining parts which are mentioned in this Motion. So when eventually, we ^{approve} ~~approve~~ this Motion, we are ^{hoping} ~~hoping~~ that the Minister will extend the work that he has already done to those parts which he has not done, and which this Motion covers. Therefore, I want to thank the Member who raised this---

MR. DEPUTY SPEAKER: Order! Can I put something straight first? This is directed to the Front-benchers. ~~Normally~~, where a Motion is not going to change, we ^{advise} ~~advise~~ that the Minister responsible responds before the Mover replies. The purpose of that is to enable the Minister to respond to ~~them~~ some of the other things that the Members have already raised - Ministerially as a policy. As hon. Angatia raised it, this particular ^{one} ~~Motion~~ has ^{left} ~~put~~ us a little bit hanging. Although as has been said by the Assistant Minister, work has already started on this particular road but Members who still want to contribute ~~for~~ on this, ^{will} ~~you~~ still have the Floor until the time allocated for for it expires because I think there will be a lot to be reflected.

MR. DEPUTY SPEAKER (Ctd.):

Unfortunately, the Minister will not have a second chance to respond ^{and} but the Mover will have to come at the end. Can we go on now?

MR. ANGATIA: Mr. Deputy Speaker, Sir, I am very grateful to you for making it clear. I want to urge the Minister, as I had already said, to go and look for ways and means ~~for~~ of extending the work that has already been started on part of this road to cover those parts which are mentioned in this particular Motion but which ~~have~~ he had not yet started working on. I have only two points to make.

The first one is to ask the Ministry to look into ways of constructing permanent roads or roads in which some degree of bitumen has been put on in a cheaper way. The figures we hear given to us through the Press and other means of communication are very frightening.- they talk of millions of shillings for constructing one kilometre of ^{tarmac} road. With all this period since Independence, we would have expected the Ministry to have carried out some investigations ~~such as~~: Is there no way we can build our roads cheaper than we are doing at the moment - tarmac roads? Tarmac roads seem to consume a lot of money and some of them do not last very long. They go out of use in a very short time or they require resurfacing and therefore we spend further millions of shillings within a very short time. We have got very many examples of roads of this kind between Nakuru and Eldoret; between Ainabkoi and Kapsabet - a very short ~~small~~ road that was done very nicely recently only to find it all ^{of a} sudden ~~within a very short time, it already~~ has very dangerous potholes. We want to know whether these large expenditures are ~~gtx~~ giving us permanent roads or whether they are giving us roads that are of a temporary nature - that within three years, they should be done again. If this is the case, can the Ministry carry out some

MR. ANGATIA (Ctd.):

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research to find cheaper ways of building roads so that we know if we are going to be redoing them every three or five years, they are reasonable enough and they are in good enough conditions for us to drive on comfortably without dangerous potholes, some of which are contributing to the road accidents today.

The second point that I want to put to the Minister is that there are roads which are built in this country-----
All districts in this country have sponsored roads called Rural Development Fund Roads and ^{there} ~~these~~ are also those ~~one~~ ones called the Rural Access Roads. While the Rural Access Roads are being maintained to some degree - and this is a very good arrangement as we have said many times before - we find that no-one maintains the Rural Development Fund Roads. Of late, we have noticed some roads, particularly in Kakamega, which have turned into gullies due to erosion because they are not maintained. The Treasury gave money to the district; the district gave money for this work to be done under the Rural Development Fund Programme; good roads were built - earth roads which were very good. But because they are not maintained, they are worn out; water is now flowing on them so that where roads were constructed, we have merely accelerated the formation of big gullies on which water is flowing, carrying away our soil. We would like the Ministry of Transport and Communications to initiate the formulation of a policy on the Rural Development Fund Roads. What is going to be done about it? Are we going to build these roads and give them to wananchi who celebrate for having got a good road only-----

MR. DEPUTY SPEAKER: Sorry, Mr. Angatia. The Chair is a little bit at a loss because you have used this title "Rural Development Fund Roads" which I am not aware where it fits.

MR. DEPUTY SPEAKER (Ctd.):

Maybe I do not know whether this is a new ^{designation} ~~title~~ by the Ministry; but I have never heard about it myself and it may give a misleading connotation.

MR. ANGATIA: Thank you very much, Mr. Deputy Speaker, Sir. I am trying to differentiate between the rural access roads - which is a very special programme - ^{which} ~~they~~ are very beautifully done; they ^{are} ~~are~~ murramed and are maintained by the wananchi. ~~They are~~ ^{have} very good roads although the Ministry ~~has~~ does not seem to ^{have} ~~taken~~ them over yet. But there is another class of roads which are done from the District Development Funds allocations to each district. The various districts use the Rural Development Funds on different things - youth polytechnics schools, roads, cattle-dips and so on. In some cases, some roads in Kakamega are built out of these funds. They are constructed by wananchi who are paid and the intention ^{as thought} ~~we~~ had was to later hand them over to Ministry of Transport and Communications. These are the roads I am talking about; I do not know whether they exist in other districts, but in Kakamega we have got several of them. Unfortunately, after they have been finished, they are not handed over to the Ministry or the Ministry of Transport and Communications does not take them over. But because there are no funds allocated for ~~the~~ maintainance, they are used and used and wear out very rapidly especially under the heavy rains that fall in those parts of the country, and after a short time they turn into water ^{gullies} ~~gullies~~. These are the roads that I am talking about and I want to urge the Ministry of Transport and Communications to allocate funds for the maintainance of these roads. If it cannot allocate funds for maintainance of these roads, then they should formulate a policy on whether Rural Development Funds could be used in the construction of roads. If they were taken over, no road can be constructed in places like Kisii,

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MR. ANGATIA (Ctd.):

Kakamega n and be left without being maintained. It could even turn into a water gully if it is constructed and not maintained.

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MR. ANGATIA (ctd);

Therefore, Mr. Deputy Speaker, Sir, I would like to appeal to the Ministry of Transport and Communications to formulate a policy on this one and meanwhile take over the roads that have been done so far. The Ministry should take over those roads, classify them and maintain them in the normal way that roads are maintained in this country. So, I urge the Minister to look into this. Also I would like to thank the Minister for the tarmack work that has been done in this country. But as I have stated this ~~work~~ ~~is~~ appears to be a very expensive affair. Right now a road is being constructed between Turbo and Webuye. The work is being done very well indeed. But our worry - like it has been on the road between Nakuru and Eldoret and between Ainabkoi and Kapsabet - is that the large sums of money that are being spent on these roads may not give good roads for a long enough time. We may find that we will be called upon to spend more money within three or five years to come.

Mr. Deputy Speaker, Sir, by now the Ministry ought to have formulated ways of building these ~~is~~ roads to last a very long ^{time}, if we are going to spend those millions of shillings that I hear about. The Ministry should formulate ways of doing roads relatively cheaply but roads that will give us the service that we want.

Mr. Deputy Speaker, Sir, before I conclude my speech, I would like to thank the Minister for re-opening and widening the shoulders of the roads between Kapsabet and Chavakali. But a similar job is not being done ~~is~~ on the road between Kakamega and Webuye. I am suspecting that the Ministry has set aside the necessary ~~and~~ funds and has told a contractor to ~~is~~ go and do it. But the work is being done in pieces and patches. We do not know whether this is really what the Ministry ~~is~~ intended to do; to widen the ~~shoulders~~ shoulders of the already tarmacked road to make sure that the ~~edges~~ edges of the road ~~is~~ do not wear out too quickly.

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

MR. KILIKU: Thank you very much, Mr. Deputy Speaker, Sir. I have got only a few points to make on this Motion. I was very happy when the Assistant Minister said that this Motion has been taken over by events. That means that the Ministry has been going round trying to identify roads which need to be tarmacked.

Mr. Deputy Speaker, Sir, I would like to state here that transport and communi_cations and other facilities are very essential in the farming industry. These things put together form what economists call catalysts of economic development. This is because we cannot have a p rapid economic growth unless we have reliable mea_ns of transport and communications. These things enable us to ~~make~~ market our farm produce without problems. Farmers should be able to take their goods to the markets. This ~~xxx~~ makes it easy for many people to participate in the agricultural sector of this country.

Mr. Deputy Speaker, Sir, when the Ministry gives a job to a certain contractor it must make sure that that contractors sticks to the specifications which are approved by the Ministry. The contractor must use the correct materials that have been approved by the Ministry. I say this because sometime back a certain job was given to a company known as ^{Esoco} Isako. The contractor was given a contract to tarmack the Magongo road. But you will find that the road did not last more than two months. But I am happy to note that the Ministry has ordered the contractor to do the job again.

Mr. Deputy Speaker, Sir, I would also like to thank the Mover of this Motion because the road which ~~xxx~~ links Oyugis - Rangwe-Rodi Kopany and Sori Centres will benefit the people in those areas. The farmers in those areas will benefit from this road and as a ~~xxxx~~ result the whole country will also benefit. The Ministry should go round the country and try to pinpoint roads which need tarmacking. There are some roads which should ~~xxx~~ be given first priority. A road

should not be tarmacked just because it is in a Minister's constituency. All Ministers should have a national outlook to everything in this country. Roads which lead to farming areas should be given priority. Roads leading to coffee growing areas and those in major urban centres should be given first ~~priority~~ priority. This will enhance the growth of our economy.

Mr. Deputy Speaker, Sir, it is not good to over-burden a contractor. If a contractor has been given a job somewhere he ~~should~~ should not be given a second job before he completes the first one. If a contractor has a job he should be left alone to complete that job before he is given another job. We have enough contractors in this country.

Mr. Deputy Speaker, Sir, the Ministry concerned should indigenise the building and construction industry in this country. We should not rely on foreign contractors. It is good to support our indigenous contractors who repair our roads and so on. This particular Ministry of Transport and Communications is doing a good job. The Ministry is paying attention to the problems facing our people in this country.

I also want to commend the Kenya Railways Corporation for what they are doing. The other day I heard that the Corporation has purchased 10 locomotive engines. But the truth is that this Corporation needs more such engines. This is because railway is the cheapest means of transport we have in this country. So, the Ministry ~~for Transport~~ of Transport and ~~and~~ Communications should support that parastatal body.

In conclusion, Mr. Deputy Speaker, Sir, since the Mover of the Motion specified the ~~areas sections which~~ roads which need to be tarmacked the Ministry should not just tarmack some sections. The road mentioned in this Motion should be tarmacked completely.

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


MR. MWARUWA: Thank you very much, Mr. Deputy Speaker, Sir, for allowing me to join my colleagues in contributing on this Motion. This Motion is very, very important; particularly to the people of Kasipul-Kabondo and Kenya at large. The Ministry of Transport and Communications is ~~the~~ one of the richest Ministries in this country. We, therefore, urge this Ministry to visit every part of the country and inspect all roads. It should not concentrate its activities in the ~~big~~ City of Nairobi and other big towns. Most of us come from rural areas and that is where the Ministry should direct its attention to. ~~K~~ Nairobi City and ~~M~~ Mombasa Municipality do not benefit the Government very much. This is because all farmers are in the rural areas and----

MR. KILIKU: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to say that this country does not benefit from Nairobi and ~~Mombasa~~ Mombasa when we know that the Port of Mombasa collects a lot of ~~£~~ foreign currency for this country? Why is he saying that the Government does not benefit from Nairobi and Mombasa? Can he withdraw that remark?

MR. MWARUWA: Mr. Deputy Speaker, Sir, I am a farmer and I come from the rural areas. I produce food for people living in this City and other major towns. Also as a farmer, I ~~experience~~ experience a lot of problems. We have problems because there are no roads in our area. There are no roads and we are ~~not~~ unable to bring our farm produce to Nairobi and Mombasa. So, through this Motion which is very important, we urge the Ministry concerned to make sure that roads are constructed in every part of this country. These roads will make it easy for the farmers to bring their crops to towns to feed the nation.

AN HON. MEMBER: Watu wa mijini hawana mashamba.

MR. MWARUWA: Mr. Deputy Speaker, Sir, it is high time our Government valued roads more than anything else. We do not want to be beggars. We do not want to beg for food from other countries. We want to produce our own food. This is why I am saying that we need good roads in the rural areas. If there are no good roads farmers - I being included - ~~want~~ will be discouraged. They will not be interested in farming ~~or~~ activities any longer.

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MR. MWARUWA (ctd.):

Mr. Deputy Speaker, Sir, I ~~am~~ am saying this ~~is~~ from my own experience. There are a lot of farm products which go bad because the farmers cannot get quick transport to enable them transport these products to the city or towns. For instance, I was once invited as a guest of honour at Kasipul-Kabondo where I saw hard-working people doing a lot of farming. But it took me a long time to get to where the meeting was ^{cheduled} to take place. I had to leave my car along the way and walk some distance. At one time, I had to jump across a small river. This was very discouraging.

We are the only people supporting this Government. This Government is ours, and when we need something, we have to tell the Government. The Government cannot know all the problems ⁱⁿ of every place. We have to tell it the problems we experience in our areas. By so doing, it does not mean that we do not like our Government; we love it and we need it. But where we need its help, we have to stand ~~up~~ up and say so. That is what I am doing here.

Mr. Deputy Speaker, Sir, when you go to Mombasa North to a place called Mwakirunge, you find that the inhabitants are farmers, but, unfortunately, even a pregnant woman who is just about to give birth finds it very difficult to get to a maternity hospital, because there is none nearby and the roads are no good. When it rains for two days, no vehicle can go there. The Ministry of Transport and Communications should take care of that place. The people in that area pay heavy tax and so they expect services from the Government.

Kwale District is a district just like any other in the country. In that district there is a place called Lukore and another one called Majimboni. The people of these areas

MR. MWARUWA (ctd.):

are the ones who feed Mombasa until now. Two weeks ago, I made a friendly tour to those areas and I really pitied those farmers when I saw how they transport their farm products to Mombasa. The roads there ~~are~~ are "rotten." They are murrum roads and nobody takes care of them, so when it rains, it means that those farm products have to stay there until ~~ix~~ the rain stops. The Ministry should spread its people throughout the country so that they go to the places where there are farmers who need to transport their farm products. Those are the most ~~is~~ important places where the Ministry should send its people to serve and give the people assistance in ^{repairing} ~~carrying~~ these roads and tarmacking them.

Mr. Temporary Deputy Speaker, Sir, for the first time in history, the Assistant Minister has ~~said~~ said that the Government is already committed ^{to} ~~in~~ taking care of the roads in Kasipul-Kabondo. We have been asking questions about roads for a long time in this House ~~by~~ but there has been no response. But today, I feel very happy with the reply by the Assistant Minister for Transport and Communications ^{to the effect} ~~by his saying~~ that the Government is taking care of those roads. This should be done all over the country to ensure that roads are well taken care of. ~~Where~~ Where tarmacking is required, this should be done, because the Ministry of Transport and ~~is~~ Communications has a lot of money. When I ~~is~~ am coming from Mombasa, I pay ^{toll charges} ~~money~~ at the Nyalali Bridge, which is under the Ministry of Transport and Communications. When I reach Machakos, I pay ^{now} ~~other money~~ at the toll station. At Gilgil, there is another toll ~~is~~ station. Every day, the Ministry of Transport and Communications ^{earns} ~~gets~~ around Sh.1 million. If you ~~calculate~~ ~~this money~~ do the calculations of this money, you will find that

MR. MWARUWA (ctd.):

the Ministry gets a lot of money, which can easily enable ^{it} the Ministry to repair to repair all the country's roads, and even tarmac them to make the country look more beautiful and become more useful to the farmers, who would be encouraged to do more farming. At the moment, the farmers ~~w~~ do not have have good roads by ~~whz~~ which they can transport their products to big towns like Mombasa and Kisumu and the city of Nairobi.

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Mr. Deputy Speaker, Sir, it is us who have been sent here by the voters; it is not everybody who ~~was~~ ^{has} had an access into this place. The few of us who have managed to come here have to pinpoint the necessary roads which need tarmacking. In so doing, the country would benefit.

My hon. friend ~~is~~ here, who stood and challenged me when I said that Mombasa and Nairobi do not benefit the Government, was wrong. He did not know what he was talking about. Maybe he did not ~~know~~ understand my English. He is an ^{honourable} Member who comes from Mombasa, but he does not understand the importance of having roads in farming areas. He just stood up and talked and sang just like an ordinary bird who has no cage. When I am speaking here and an hon. Member ~~is~~ ^s stand up on a point of order which does not benefit anybody, he is just wasting his time and mine also. When I stand, I stand like a bull; like a man; like a lion. These other people who stand up on points of order do not make me fear.

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

MR. MWARUWA: Sit down.

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

My hon. friend, Mr. Mwaruwa, has used the term 'wasting time' in this House. *Can he withdraw that?*

MR. MWARUWA: Mr. Deputy Speaker, Sir, I never said that this House's time is being ~~a~~ wasted. I understand English. I was

MR. MWARUWA (ctd.):

not educated in Africa; I stayed for seven years in Scotland - a longer period spent in Europe than Mr. Leakey has spent there. When I speak in English, ~~Ik~~ I know where ~~is~~ I am ~~is~~ right and where I go wrong. Nobody can stand and correct me by saying that I said something that I ~~is~~ never said.

Mr. Deputy Speaker, Sir, I was very much impressed by the Assistant Minister for Transport and Communications ---

MR. MUNYAO: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to insinuate that being ~~in~~ in Europe is synonymous to knowing English, while we know that ~~there~~ so many ~~map~~ people have been there and they do not know English?

MR. DEPUTY SPEAKER: Order! What insinuation is that? I thought he was making a statement of fact. According to him, that is what he believes. You cannot challenge his ~~believe~~ ^{belief}.

MR. MWARUWA: Thank you very much, Mr. Deputy Speaker, Sir for supporting me. These are the people who went to 'ngumbant' schools.

With those few remarks, I strongly support the Motion.

MR. DEPUTY SPEAKER: I think it is now time for the Mover to reply.

MR. MBORI: Mr. Deputy Speaker, Sir, I am very grateful, first to the Ministry of Transport and Communications for accepting the Motion, as it is, even though the argument developed by my colleague, the Assistant Minister, hon. arap Koech, was ~~is~~ that the Motion was over-taken by events. I ~~would~~ ^{and} would like to say that I moved the Motion quite early, perhaps, some technical problem arose ~~from~~ in the office, which was neither of his making nor mine. I would like to ^{thank} ~~ask~~ the Ministry for accepting ^{to tarmack} part of the road Sori-Rodi Kopany, which is 48 kilometers long. We are grateful for that, but the Motion talked about the

MR. MBORI (ctd.):

road from Oyugis via Rangwe to Rodi Kopany and down to Sori which is on the lake shore. I hope the Ministry is committed, and will look for funds elsewhere, to be in a position to cover the whole area: so ~~s~~ that ~~this~~ the highlands' ~~part~~ part of the road, which is potentially rich agriculturally, is equally ~~f~~ covered. Bad roads affect both passengers and matatu operators equally badly.

END Q.

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MR. MBORI (ctd):

Mr. Deputy Speaker, Sir, bad roads affect both passengers and matatu operators as vehicles break down frequently. The amount of tear and wear does equal the profits they make. The passengers are affected most in the sense that matatu operators hike the fares to such a high extent that ordinary passengers cannot afford. I would like to appeal to the Ministry to look into that matter very carefully.

I am equally grateful to my hon. friends who contributed and those who did not have the opportunity to say ~~something~~ something but who took time to listen to the views expressed on this Motion. One of the speaker did say that if this road is constructed, it will be a security road. I am grateful for that important point. This road will be of strategic importance to Kenya. In case we have problems with the neighbouring country - I am not making reference to any country right now - ~~this road~~ it would play a very big role to the country. This road will also boost the tourism industry in Kenya. We ~~not~~ do not only have tourist attractions in Lambwe Valley but also in Oyugis where we have a bird sanctuary called Oyugis Bird Sanctuary at Mbusira Kewa. If this road is tarmacked, it will boost the welfare of the people who live in this area.

Ministry
Since the ~~Motion~~ ^{shown} has indicated a positive attitude to this Motion, I just wish to stress that the Ministry should look into the remaining un-tarmacked 33 kilometres, that is, 81 kilometres minus 48 kilometres. The Ministry should send its staff to survey that place and look for funds to tarmac it.

With these few remarks, I beg to move

(Question put and agreed to)

MR. DEPUTY SPEAKER: Let us move on to the next Motion.

MR. MUNYAO: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

delinquent
 THAT, in view of the fact that urbanization has brought about problems related to youth up-bringing which resulted in an existence of large numbers of ~~delinquent~~ children in big towns, (sometimes referred to as parking boys); this House urges the Government to check this trend by establishing homes for such unfortunate youths and raising funds during National Days for their upkeep.

I thank His Excellency the Vice-President and Minister for Home Affairs - under whom this Motion falls - for coming here personally and for not sending his Assistant Ministers to take notes for him. If the Motion is accepted, it will be in line with what His Excellency the President has been saying that Libya should bring back our ^{parking} boys who were taken there through Uganda for unknown training. We have so many parking ~~max~~ boys in this country. Examples of towns where parking boys are found are Nairobi, Mombasa and a few others. Some of these children have either lost their fathers or mothers and in very extreme cases they may have lost both parents. As a result, these children have nobody to take care of them and they finally find their way to big towns. These children have nothing to do other than sleep in Mathare, Kibera and on streets. At night, Sir, one can sympathetically see children moving about and some of them are usually naked.

I remember one time I was passing near Uchumi House, which is opposite Kencom House, and I saw some children searching for food in garbage bins. These boys were saying; "Acha ^{Wacha} nichukue chakula hapa; babangu alikuwa akiendesha Mercedes Benz. Mamangu alikuwa anakaa nyumba hii." This kind of thing makes one ^{feel} ~~to be~~ so emotional. A nation like Kenya should be proud and take care of its people. It is my wish that at one time, Kenya will boast of having taken care of its children. I thank the Government for the work it has done in this respect. We know of Tumutumu Approve Schools and many others. We hope that the Minister for Finance will put into practise what he said when we were discussing a Motion about the disabled persons. It is also our wish that the items used by the disabled will not be ~~taxed~~ taxed.

I would like to thank His Excellency the President for the speeches he has been giving with regard to the disabled. If this Motion is accepted, we would be the only nation south of the Sahara without anybody begging in the streets due to lack of education. We have a lot of idle land and it is my view that ~~if perhaps~~ the Government could spare about 10,000 acres in Kajiado and ^{other parts of} the Rift Valley, equip those places with all social amenities and collect all the ^{orphaned} children in the country and put them in those homes. The established homes will then develop ^{into} primary schools, secondary schools and even universities. Such homes should be given ^{equipment} facilities like tractors and other agricultural ^{implements} equipment so that the admitted children can be ~~will be~~ given agricultural training. In this way, we will have over-come two problems at a go. The first one is that we shall educate these Kenyans who have lost their parents through no fault of their own. They will be educated from primary school up to university level. The other one is that when these children come out as trained officers, we will be in a position to over-come the problem of food shortage. I am assuming that these children will purely be trained in the line of agriculture, veterinary and other professions which will benefit Kenya.

We read in the Press at one time that Libya had collected parking boys from Nairobi and elsewhere for mischievous training and purposes. This is very saddening. It may also suffice to enhance a statement which was made by His Excellency the President the other day that Kenya is able to take care of its nationals. I request ~~the~~ Parliament to make a categorical statement ~~to the~~ to the effect that our neighbours who are giving our youths money to influence them to start thinking otherwise, should lay their hands off Kenya. This is because Kenya is a nation which is very strong and which can support its people adequately. We are able to support our own country.

END A



JMK

MR. MUNYAO (ctd.):

There is no other country in Africa which is as strong as Kenya, and that is why we have become the envy of all Africa. We are suffering because we have done very well in projecting our own image. Indeed, we have done so to an extent that our neighbours and many other countries are envying us. My only appeal to those countries is that they cool down and organise their own economies so that they could be like ours. Our interest is to see Africa uniting together just as we have united Kenya. It is for this reason that we, as a Parliament, should support His Excellency the President's word that Col. Gaddafi should be told, wherever he is, that we are able to take care of our boys. There should be no stealing of human beings from Kenya. Let Col. Gaddafi come here and our country will take care of him.

Mr. Deputy Speaker, Sir, it is my feeling that if the Ministry of Lands and Settlement could be approached to set aside some parcels of land in the areas I have mentioned for the construction of rehabilitation and ~~train~~ training institutions for the ^{delinquent} ~~delinquent~~ children all over the country, that would serve a very good purpose. We could train the children in agricultural matters properly, something that will help them a lot.

Sir, I know that the Vice-President and Minister for Home Affairs will ask how we are going to sponsor and finance these institutions, and I would like to say that I have already indicated that we have several national ^{holidays} ~~days~~ in Kenya, during which I propose that money be collected to support the institutions. We have Madaraka Day, Kenyatta Day and Jamhuri Day. On top of that, according to a Motion passed by this House not too long ago, the Government will set aside a day to be designated Moi Day which will be a national holiday. When that is done, we shall have four national holidays every year in this country. Since we are ~~pr~~ proud of our Harambee spirit in Kenya, if everybody ~~don~~ donated a shilling to this worthy cause, we would be able to collect between KShs.8 million and KShs.10 million every national holiday. In total, assuming that we collect a minimum of KShs.8 million during every national holiday, we would be able to collect KShs.32 million per year. This money, added to the contributions given by voluntary organisations such

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MR. MUNYAO (ctd.):

as the Lions Club of Kenya, the ^{Jayees} ~~J.C.s~~ and others, we would get enough money to run the proposed institutions. In any case, the Government would be giving something every year to make sure that the institutions are well managed.

Mr. Deputy Speaker, Sir, there is nothing better than an organised nation. We are organised in all sectors. We now want to make sure that our streets are clear of these boys who have no parents.

Sir, I am aware of another question that His Excellency the Vice-President and Minister for Home Affairs may pose to us, that we have no law to force these boys to go to the proposed rehabilitation and training centres. Let these boys be collected from wherever they are and be taken to these institutions. They can be allowed to go out once in a year, as long as they are known ~~and~~ and as long as we can be able to train their minds to make them good nationals. That is the only way we can be proud of having a nation where no youth under the age of 18 years does not go to school. In any case, there is a rule that everybody who gets to school age must attend school. So, we can enforce the training of these parking boys under that rule. I was saying those few ~~work~~ words ~~because~~ because we must support the policies already projected by our Government. If we succeed in this programme, then we will be ~~f~~ the first country in Africa to have everybody of school age going to school. Those boys will come out fully trained as professionals in agriculture and other fields.

Mr. Deputy Speaker, Sir, since I want other hon. Members to contribute to this Motion which I feel is very important, and since I have already highlighted the most important points I wanted to cover, I might as ~~x~~ well stop there and ask hon. Wamalwa to second the Motion.

With those few remarks, Mr. ~~Spzndhnty~~ Deputy Speaker, Sir, I beg to move.

MR. WAMALWA: Thank you very much, Mr. Deputy Speaker, Sir, for giving me a chance to second this very important Motion. Let me state from the outset that this Motion is not asking for a totally new thing in Kenya. In fact, the spirit of social concern is very much alive and strong in this country. The Ministry of Home

MR. WAMALWA (ctd.):

Affairs, under the Vice-President's Office, already looks after many social institutions that cater for the less privileged members of our society.

In any country, the two groups of ~~our~~ people that require the greatest social assistance are the youngsters who have matured in terms of being able to look after themselves and getting jobs for themselves and who, quite often, therefore, run the risk of turning into juvenile ^{delinquents} ~~delinquents~~. The second group is the aged people who, having retired, cannot look after themselves any more. This group could very easily fall into another description of senile ^{delinquents} ~~delinquents~~. I do believe that it is the moral obligation for any government, properly so-called, to show concern and to be actively involved in the ~~the~~ welfare of these two ~~groups~~ groups of people. The Kenyan nation is an exemplary Government as far as these two groups of people are concerned and, I believe, what this Motion is asking is simply that the Ministry of Home Affairs, under the Vice-President's Office, enlarges the programme to spread it out to most parts of the country. Also, the Motion is seeking for the opening of new boys' homes in the city of Nairobi as well.

Mr. Deputy Speaker, Sir, it is important, particularly where the infants are concerned - I am using the word "infant" in a legalistic manner to point at those who have not achieved the age of the majority and joined the labour market and not in the medical sense - ~~it is~~ that they be given due care because of the attendant risks of ~~neg~~ neglect. The lots of infants who are ~~a~~ neglected ~~children~~ can no longer be described as non-neglect because it carries elements of a dangerous situation in the sense that those children who do not have an approximation of parental love in the form of an institutional love will grow up as mean people who feel that the ~~the~~ whole world is against them and that to survive they have to be mean, rough and tough. If a little concern, care and love was shown to such infants, they would probably realise that they have grown up in a world where people cared for them and are expected to care for others.

END...


MR. WAMALWA (CTD.):

This sort of thing is described in the proverbial writing on the wall of one of the pyramids outside Cairo. The writing says in Arabic, "And nobody cared". That maxim says a lot. It says that there is so much going wrong with the lot of people who cannot look after themselves, and nobody cared.

I believe that we are a caring nation, as we have demonstrated many times, and that we will intensify our spiritual caring by looking after the youngsters who are growing up in town now and who, for no fault of their own, do not have parents to look after them. Urban areas are the breeding grounds of this class of people, firstly, because of the laxity in the morals of the people in the city, which is brought upon them by all kinds of influence, both local and foreign. It is in these towns that young ladies, for the sake of looking after themselves, have dropped any expectation^s of ever getting married. So, they fulfil their natural urge of producing children without any hope of getting spouses to look after them. So, they become both the mothers and the "fathers" of these children. Quite often, these ladies fail to look after these children. There is also the case of unwed mothers who try very hard to look after their children. Once these children, especially if they are boys, reach the age of puberty, they automatically rebel against their mothers' control, take to the streets and engage themselves in all kinds of unlawfulness.

Mr. Deputy Speaker, Sir, it would be a wonderful idea to expand this programme of social welfare homes in the City of Nairobi and other big metropolises such as, Mombasa, Kisumu, and so on, and in all the small towns, too. There is an old lady near Ngong who has started her own children's welfare home. I saw a programme on this home on television sometime back. The lady has about 10 children that she looks after, and they engage in all kinds of games and other activities, such as, cultivating the garden, growing vegetables, selling their produce, and so on. Apart from asking the Ministry of Home Affairs to intensify this programme, I would also take this opportunity to appeal to Kenyans of good will to do what this lady in Ngong is doing for unfortunate children.

MR. WAMALHA (CTD.):

In Kitale, where I come from, there is now a growing population of especially Turkana children who have refused to go to school and who roam the town asking for a shilling, 50 cents, and so on. We have requested the Municipality of Kitale to look into the possibility of starting ^a home for these children. We are quite sure that Kenyans would be forthcoming in terms of contributions towards enabling us to look after these children, instead of seeing them get totally derailed at this early stage of their lives.

I think the idea canvassed by the hon. Mover of this Motion, that tracts of land be set aside where institutions could be built to cater for the education and upkeep of these children, is very sound. I would go further and suggest that a [?] "Kibbutz" type of idea, such as they have in Israel, where youngsters are taken and engaged in education and agriculture by irrigation, would be a very useful example to borrow. I think that if these institutions are set up in our marginal lands, where irrigation is possible but none is being undertaken at the moment, these children could be very gainfully employed, and the spirit of nationalism nurtured in them so that they grow up as Kenyans who can also make a positive contribution to the development of this country.

This idea is not totally far-fetched, Mr. Deputy Speaker, Sir. In Garissa, there is a "Boys Town" which was started by an Italian missionary, called Brother Mario. Brother Mario's "Boys Town" in Garissa took in ^{delinquent} delinquent or potentially ^{delinquent} delinquent children. He gave them love and also engaged them in active agricultural activities. The Garissa melons are very well known in this country today. These children have produced a lot of horticultural products in that "Boys Town" which has proved extremely successful.

Such a project would be an interesting experiment for Kenya to undertake if land was set aside in marginal areas and sufficient funds were raised, either through the usual Kenyan generosity of Harambee, through donor agencies or otherwise to set up a ^{"Kibbutz"} "Kibbutz" - we could start off with one ^{"Kibbutz"} "Kibbutz", and we do not have to call it a ^{"Kibbutz"} "Kibbutz" - where these children could be taken, educated, fed, looked after medically and, eventually, engaged in productive

MR. WAMALWA (CTD.):

agricultural activities.

As I have said, it is incumbent upon the conscience of any nation to look after its people, particularly those classes of people ^{who are} that incapable, or cannot look after themselves. In line with these sentiments, I believe that this Motion - although it is not calling for anything drastically new; it is calling for an intensification of what we already have in this country - is most timely. This facility of looking after our socially less fortunate people should be expanded and strengthened.

With these few words, Mr. Deputy Speaker, Sir, I beg to second.

(Question proposed)

MRS. ASIYO: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this very timely Motion by hon. Munyao. I would like to congratulate him for the ideas that he expresses and the concern he has shown towards the youth who form the majority of our populace. I would also like to congratulate hon. Wamalwa very much for some of those very authentic and original ideas that he has expressed today with regard to this Motion.

I think our Government has done a great deal in terms of the provision of health to children from the time before they are born to the time they cease to be children. The Government also spends a lot of money in the education of our children in many other services that it renders not only to children, but also to ^{the} families who take care of these children. However, there is still much more to be done in this regard. Hopefully, ^{the} Office of the Vice-President and Ministry of Home Affairs, which is concerned with children, will take some of our views seriously and ^{do} ~~sp~~ something about them.

So far, we know that Non-Government ^{at} Organisations (N.G.O.'s), such as the Child Welfare Society of Kenya, the Faith Homes, in Eldoret and elsewhere, S.O.S. children's villages and the African Independent Church and other churches are giving a lot of assistance to the youth of this country. However, as I said earlier, much more still remains to be done. Many social workers in this

MRS. ASIYO (CTD.):

country have expressed their concern about the future of these children. In fact, when "parking boys" were so evident in Nairobi, most of us were very concerned and we came up with some very good ideas about how they should be taken care of. We ^{knew} ~~know~~ then, as we know even today, that the devil will find work for idle hands. This is exactly what Libya and President Museveni of Uganda have done. We cannot go on exposing our children to these evil people who have taken away our children and dehumanised them. They have even brutalised the children and taught them how to kill. These are innocent children who should be brought up within their home background, loved, educated and otherwise prepared for their future lives.

I think these two countries, Libya and Uganda, stand condemned, not only in the eyes of the ^{now} ~~Members~~ Members of Parliament in this House, but also in the eyes of the international community for dehumanising, brutalising and demoralising our children to the extent that they can no longer be useful either to themselves, ~~or~~ their families or their nation which, I am sure, they ~~loved~~ loved very much before they were taken away by these two ~~evil~~ evil men, Gaddafi and Museveni.

END T

MRS. ASIYO (Ctd.):

Therefore, Mr. Deputy Speaker, Sir, we want to emphasize here that problems affecting our children cannot wait, ^{then} like you would pick up a file and push it aside hoping to get the time to look at it later. The problems affecting our children cannot be made to wait because these children are growing ^{very fast} all the time and, therefore, the first attention must be given ^{to them} because they are the best resources that we have in this country. Therefore, all the investment that we have to make in this country ~~has~~ must be made in these children in the way that our own President has done. Not only normal children need education, but even those who are physically ^{or mentally} disabled ~~also~~ require to be educated. I think His Excellency the President, as hon. Muniyo said, has shown us the way and it is up to us, in this House and in the Government, to follow his footsteps by implementing some of the ideas that he himself has originated, and others that have emanated from this House. ^{should have}

I agree entirely that we ^{should have} farms where these children should be trained, but I would like to pass a word of caution here, that even where children are being taken care of very well in these institutions, ^{they} do lack something else. What they lack can only be given by a mother or a father or a closer relative. I am saying this because we want to bring up these children within their traditional as well as cultural values. If these children are not given the time to go back home and interact with the members of their families, they will have lost this very important aspect of their national development. Therefore, much as I feel that the ideas expressed in this Motion are very useful, I must also say that the children after every three months on these ~~farm~~ institutions, should be able to go back home and stay with the members of their families, so that they can be part and parcel of those families.

Mr. Deputy ~~Speaker~~ Speaker, Sir, there is also the question of the mothers of these children. I think the time has come when the mothers of these children must be given some assistance, ^{even} in the form of loans to be able to protect these children and bring them up on behalf of the Government. After all, this country is ^{accountable} ~~accountable~~ for every single child who is born. Therefore, through these mothers, I am sure that a great deal of good can be done, if they can be helped to feed cloth and educate their children.

LN.P.

Another area which I would like to touch on, Mr. Deputy Speaker, is the area of youth polytechnics. I think there is need now to establish a fundation or a

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trust for all the youth polytechnics in this country which would ^{???????} solicitate ~~funds to grant to the village polytechnics~~ to pay the teachers and also expand

youth programmes in these polytechnics. A lot has been said in this House about the staff salaries in these youth polytechnics and hon. Members have expressed the fears that many of the administrators have regarding the problems of the

youth polytechnics. I think within the framework of this Motion, we can also suggest that a foundation ^{be} set up at the highest ~~position~~ ^{possible} position by the Ministry concerned with children affairs, so that they can get the necessary funds

LN/P

with which to carry out all the good work that is being done. I am saying this because we know only a small fraction of the children are affected by this Motion. We know that quite a good number of children drop out after Standard VIII, but we do not know what happens to those who do not continue with education.

By the time a child has gone to Standard VIII he or she is already aware of his or her hygienic needs and, if the child cannot get the money ^{for food} ~~to eat and dress~~ properly, any other means to get the money is acceptable to the child in order to provide himself with these requirements. Therefore, unless we do something

LN.P.

for that child now, it will be too late, just as we have witnessed how late we have been in rehabilitating the parking boys. If in the Office of the Vice-President ^{Ministry of} and ~~Minister for~~ Home Affairs, action had been taken to take these children away from streets and put them somewhere in the farms or in the ^{youth} village polytechnics, nobody would have reached them and taken them out of this country to utilize them ^{for} and teach them certain things that they have now been taught. There is no way that you can now use to bring these children back/lead a normal human being's life and to learn how to love their mothers again and how to cherish their fathers and their traditional values and so on. I think we are too late in this and there is nothing we can do about it ~~and~~ it is a spilt-milk issue, but for those ~~in~~ children who are innocent and still suffering, action must be taken now to safe them.

Mr. Deputy Speaker, Sir, as I said before, and I want to repeat it again, all other things can wait, but children's problems cannot be made to wait. With those few remarks, I support the Motion.

MR. KOSKE: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to also contribute to this very important Motion. First of all, Sir, I would like to thank the hon. Mover of this Motion for bringing this very important Motion to the House.

Having said that, Mr. Deputy Speaker, Sir, I would like to say that it is very pathetic to see the way these destitute children behave, and it is also very discouraging; indeed, to note how the rate of ^{their} population growth is ~~going up~~ ^{rising}. It is very discouraging to note how indisciplined these children are. Sir, this is not only happening in the City of Nairobi here, but you will find that the number of destitute children in other towns as well, is ~~growing~~ ^{rising}. The way these children approach foreigners and visitors is most unbecoming and something really ought to be done at all costs possible.

Mr. Deputy Speaker, Sir, it is also very discouraging, as a parent who loves children, to see these children going without food all the time and to see some of them eating rotten food. I think it is our duty to make sure that these children are assisted in every ^{way} possible, and Government ought really to come out and look for ways and means of assisting these children. Something really should be done about these children. They should be put together somewhere and given special education. I am saying this because I believe that there is something wrong with these children and they cannot actually be given the normal education that we give to normal children. Therefore, a special ^{educational} curriculum should be established for these children.

Mr. Deputy Speaker, Sir, these children are doing what they are doing, not because their parents are not able to support them. Some of them have able parents but they have got out of their hands and cannot be assisted. They run away from their homes and start moving around the way they are doing. It is true to say that some of them ~~get~~ ^{got} astray from their parents for lack of food, ~~and~~ proper care and other facilities and have now been forced to behave in the way they are now behaving. So, it is quite correct to say that if some of these children were assisted, they would turn to be normal children, and, therefore, something should be done to assist them.

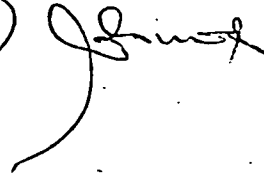
With those few remarks, I beg to support the Motion.

ADJOURNMENT

MR. DEPUTY SPEAKER: Hon. Members, it is now time for the interruption of business and the House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at thirty minutes past Twelve o'clock

END U

A handwritten signature in cursive script, appearing to be 'J. J. Jones', written to the right of the 'END U' text.

H A N S A R D

Wednesday, 16th December, 1987

The House met at thirty minutes past Two o'clock.Mr. Speaker in the Chair

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.807

MR. WAKIONDO asked the Minister of State, Office of the President:-

- (a) whether he is aware that Mr. Mathew Inoti of P.O. Box 1631, Meru, a former employee of D.C's Office, Meru, Personal No.181111, retired in 1984 but has not been paid his pension benefits; and
- (b) whether he would order that Mr. Inoti be paid his benefits without any further delay.

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Onyancha): Mr. Speaker, Sir, I beg to reply.

Mr. Mathew Inoti, whose Personal Number is 181112 and not 181111, was working in the District Commissioner's Office, Meru, as a member of the subordinate staff until he retired from the Service with effect from 31st May, 1985. On his retirement, he was entitled to a compassionate gratuity which is payable to officers of his grade, and not pension gratuity. My information reveals that his compassionate gratuity was paid to him through cheque No.031227 for Sh.22,272/50 and the cheque was dated 9th June, 1987 and was to pass through the District Commissioner's Office, Meru. He is now advised to check with that office if he has not already received the cheque.

MR. WAKIONDO: Mr. Speaker, Sir, I thank the Assistant Minister for that reply, but is it in order that when this retired officer has been in the cold for some time, it is only after the Question was put forward that he was paid? Would the Assistant Minister, therefore, rectify the situation in his office?

MR. ONYANCHA: Mr. Speaker, Sir, I am not sure what is left for me to rectify; we have already done so by paying out the cheque.

MR. SHIKUKU: Mr. Speaker, Sir, would the Assistant Minister not agree with me that it was only after the hon. Questioner brought this Question to this House that ~~the~~ his officers woke up and gave the cheque he has mentioned - this year? I thought I heard him say November, this year? Could he explain to the House why they have done injustice to this man from 1984 when he retired, and they are paying him in 1987, and they are not paying him any interest? This is very absurd on the part of his office.

MR. ONYANCHA: Mr. Speaker, Sir, I am not sure that my colleague is right because the cheque was paid in June not November.

Question No.793

MR. MATE asked the Minister for Environment and Natural Resources:-

- (a) approximately how many tree seedlings have been planted in Gachoka and Siakago Divisions of Embu District for the past three years;
- (b) what the survival rate of these tree seedlings have been and whether he is happy with this rate; and

MR. MATE (Ctd.):

- (c) if the answer to the second part of (b) is in the negative, what immediate steps he is going to take to improve the survival rate of the tree seedlings in the dry areas.

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (Mr. Korellach): Mr. Speaker, Sir, I beg to reply.

(a) A total of about 1,584,080 seedlings have been planted in Gachoka and Siakago Divisions of Embu District during the last three years.

(b) The Minister is informed that the survival rate has been approximately 65 per cent.

(c) The survival rate is unfortunately low due to a number of reasons, such as:-

(i) Drought conditions caused by lack of sufficient rain in the area.

(ii) The area has a lot of termites which destroy tree seedlings and other shamba crops such as maize, peas, et cetera.

(iii) The other cause is the lack of fencing around and as a result, goats and other animals have aroused and devoured the seedlings.

MR. MATE: Mr. Speaker, Sir, I wish to differ with my great friend because the survival ^{rate} of trees in that area, according to very good information which I have is 2 per cent and not 65 per cent. To me, it could be a futile exercise if every year, we plant trees and most of them die because of lack of water and other facilities and other evils which have been ^{mentioned} ~~said~~ by the Assistant Minister. So, could the Ministry consider first of all, providing water----I hear one Minister here saying that we should ~~wa~~ water them, but there is no water in the area for watering them.

MR. MATE (Ctd.):

Therefore, could he first of all, consider providing water there rather than doing a useless exercise where the survival rate of tree seedlings is only 2 per cent?

MR. KORELLACH: Mr. Speaker, Sir, I have given the reasons and it is appreciated that this area is one of those dry areas in the country and water is not easily available. But every effort is bein_g made to water seedlings in some areas wherever water is available - that is if the water is available. The best thing is to educate wananchi that whenever there is water, they should try to water the seedlings and also to make sure that they provide fences around these tree seedlings.

MR. MATE: Mr. Speaker, Sir, I think we are talking the same language with my friend, the hon. Assistant Minister, that there is no water. My bone of contention is: Could the Ministry provide water before even planting these trees? Again, he has been misled there where he says that the survival rate is 65 per cent when I have said that it is about 2 per cent if anything.

MR. KORELLACH: Mr. Speaker, Sir, if the hon. Member agrees that we are talking the same language, especially on the fact that this is a dry area and it is not easy to find water, it is agreed that whenever water is available, this can be done. But, when the water is not available, then there is nothing we can do, save to educate wananchi to do their best just like our Ministry is doing its best.

END A.....

J.K.

Question No.769

MR. GACHANJA asked the Minister for Local Government:-

- (a) whether he is aware of the existence of a very bad smell around Dagoretti Market which if not eliminated will risk the lives of the residents of this area; and
- (b) what steps he is taking to eliminate this smell.

THE ASSISTANT MINISTER FOR LOCAL GOVERNMENT(Mr. Marita):

Mr. Speaker, Sir, I beg to reply.

I am aware that there is a very bad smell around Dagoretti Market due to the poor maintenance of the butcheries. The City Commission has already served the owners of the premises with 30 d_ays notice to avert the nuisance, failure of which will lead to closing down of the premises.

MR. GACHANJA: Mr. Speaker, Sir, the hon. Assistant Minister has said that the Nairobi City Commission has sent notices to the butchers--- But what part is the City Commission playing itself to make sure that these butcheries are clean? I ask t his because the City Commission is also charging these butchers money.

MR. MARITA: Mr. Speaker, Sir, the responsibility of maintaining cleanliness around this area, where butchers do their work is their own. There is no question of the City Commission going there to make the place clean for these butchers.

MR. GACHANJA: But, Mr. Speaker, Sir,---

MR. SPEAKER: Order! I have not called you.

Mr. Lotitiyo.

MR. LOTITIYO: Mr. Speaker, Sir, could the Assistant Minister say ~~xxx~~ something about butcheries in other towns? This is because ~~xxxx~~ the same conditions prevail in ~~xxxxxxx~~ Maralal Town. Can the Assistant Minister give a general directive to these local authorities so that these butcheries ~~xxxxxxx~~ and slaughterhouses are cleaned and their conditions improved?

MR. MARITA: Mr. Speaker, Sir, I agree with the sentiments expressed by the hon. Member. But I would like to say that any businessman who does not keep his premises clean will ~~xxxxxxx~~ face action from the Government. The Government will take action against such businessmen. So, these people have to keep their premises clean.

MR. GACHANJA: Mr. Speaker, Sir, is it really fair for the Nairobi City Commission to exonerate itself from any responsibility in this City? Is their responsibility only that of collecting rents and rates and nothing else?

MR. MARITA: Mr. Speaker, Sir, a lot of services are being rendered by the Nairobi City Commission. So, it is not right for the hon. Member to claim that the Nairobi City Commission is not rendering any services in this City.

MR. SPEAKER: Let us move on to hon. Muthura's Question.

Question No.745

MR. MWACHOFI, on behalf of Mr. Muthura, asked the Minister for Labour:-

- (a) whether he is aware that civil servants who are being retired pre-maturely before attaining the age of 55 years cannot withdraw their N.S.S.F. benefits; and
- (b) what steps he is taking to help these wananchi.

THE MINISTER FOR LABOUR(Mr. Okondo): Mr. Speaker, Sir,
I beg to reply.

(a) I am aware that civil servants who retire before attaining the age of 55 years do not receive their N.S.S.F. withdrawal benefits because under the operative law this is not permissible.

(b) As the hon. Member is already aware, Parliament passed a law recently amending the National Social Security Act which permits retiring members to ~~with~~ withdraw their benefits at the age of 50 years of age instead of 55 years. I am at present in the process of making arrangements to implement the amended law effectively. I hope I will be able to do with ~~effect~~ effect from 1st January, 1988.

MR. MWACHOFI: Mr. Speaker, Sir, while thanking the hon. Minister for that reply, I would like him to tell the House how many members of the N.S.S.F. who qualify to be paid their benefits have so far not been paid in time and how much money is involved?

MR. OKONDO: Mr. Speaker, Sir, in as much as I would like to please the hon. Member, that question is completely different from the one hon. Muthura asked and I cannot agree to answer it at the present ~~moment~~ moment.

MR. MWACHOFI: Mr. Speaker, Sir, it is a bit sad that the Minister does not want to answer that particular part of my question. But I would like him to tell the House why, when the law was amended, it was amended up to the age of 50 years when in fact in the Kanu Parliamentary Group meeting we agreed that people should be paid their N.S.S.F. benefits immediately they retire irrespective what their ages are?

MR. OKONDO: Mr. Speaker, Sir, I think the question here is not what the hon. Member wants me to tell the House, but rather what is lawful and necessary to tell the House. I will tell the House what is lawful and necessary. When the Bill was presented to this House, it was very clearly written and published that the age would be 50 years. We debated that Bill here for a long time. We agreed on it and passed it. So, we cannot, at the moment, with due respect to the hon. Member start another debate as to why it was ~~50 years~~ 50 years and not 45 years. That debate passed and I am not prepared to start another debate on it.

MR. SPEAKER: Next Question. Mr. Shikuku.

Question No.816

MR. SHIKUKU asked the Minister for Labour:-

- (a) why M/S. Alfonse Muhunzu and Walter Okong'o of City Garden Restaurant were sacked on 19.10.87; and
- (b) whether the said employees had been paid their three months salaries before dismissal.

THE MINISTER FOR LABOUR(Mr. Okondo): Mr. Speaker, Sir, I you will excuse me because the reply is a bit long. But I think I should give a detailed reply.

(a) Mr. W. Okong'o went on leave on 4th September, 1987 and resumed duty on 1st October, 1987. At that time, that day, he learnt that the ~~pr~~ police had been investigating thefts of restaurant property during his absence and that his name was being implicated in the investigations. He then ~~he~~ disappeared from duty that same day and he has never gone back since. So, Mr. Okong'o was never dismissed but rather absconded from duty.

Mr. Muhunzu, on the ~~he~~ other hand, was dismissed on 16th October, 1987, for persistent absenteeism and for late reporting to work persistently. He had been issued with withree warning letters on the matter.

THE MINISTER FOR LABOUR (ctd);


Mr. Speaker, Sir, I am reading out this reply because this is a very protracted issue.

(b) Mr. Okong'o's September salary was paid by Mrs. Khan who was managing the restaurant that ~~month~~ month. His August salary was paid by the current manageress - Mrs. Scot. He did not work for October, 1987 and as such no salary was due to him.

I will now go back to Mr. Muhunzu again. His salary for September was paid by Mrs. Khan ~~and for~~ and for August he was paid KShs.1,550.00 as advance leaving a balance of KShs.950.00. The balance together with pay for the 13 days worked in October brings his dues to KShs.2,198.00. During August and October he was absent for a total of 96 hours, which, at the ~~rate~~ rate of KShs.12.00 per hour comes to KShs.1,152.00. So the balance of his dues is KShs.1,046.00 which has been deposited with the Labour Officer, Nairobi. This money will be paid to him when he returns the uniforms he is holding in his possession at present. The uniforms are estimated to be worth KShs.3,765/- and made up as follows:

2 suits	-	KShs.3,500.00
2 shirts	-	KShs. 190.00
1 neck-tie		KShs. 75.00.

So, this adds up to KShs.3,765.00. That is the position as we have it at present.

END.B... 

MR. SHIKUKU: Arising from that long reply, which is in defence of the employer - and which is normal to us - will the Minister lay on the Table the papers he has referred to? He has said that the employee had been served with three warning letters. We want to know she was warned from what date to ~~what~~ what date, because this lady is very famous in doing ~~very~~ very ~~involving~~ tricky things. Even now she is supposed to be in jail, but she is not. She is capable of doing anything. Can he lay those papers on the Table?

MR. OKONDO: Mr. Speaker, Sir, obviously, ladies are ~~not~~ capable of doing many things; they are so capable of doing them that hon. Shikuku is here. So, ~~we~~ we cannot dispute the capacity of ladies to do a lot of things, and she ~~is~~ is not inhibited either. She has got a terrific amount of capacity; that is why she runs the restaurant successfully, and also doing all sorts of things.

Mr. Speaker, Sir, I was not expected to produce copies of letters of warning, but, in anticipation of my hon. friend's ubiquitiveness, I did bring them forward. If the hon. Member would like to have a look at them, I will bring them here on the Table to show that she got three letters of warning and a salary slip going along with them. So, the hon. Member can have [↑] look at and read them; they have the dates and the figures.

(Hon. Okondo laid the papers on the Table)

MR. SHIKUKU: Arising from that reply and the Minister knowing that I am ~~not~~ capable of leaving this place, looking at those papers and then asking a supplementary question, could he be kind enough as to read the dates of those letters? I cannot read them now and then ask a supplementary question.

MR. OKONDO: Mr. Speaker, I have laid the letters on the Table; he can read them. All of them are ~~a~~ long; some of them are giving names. So, they can be read by the hon. Member.

MR. MWARUWA: Mr. Speaker, Sir, could the hon. Minister tell this House where he got all that information and how he got it? Was the employee there when this information was being given, or was it given by only one party?

MR. OKONDO: Mr. Speaker, Sir, the employee does not keep records of his employment; these are kept by the employer. There is no employee who keeps a master-roll on how often he attends for duty; but the employer writes down every time

MR. OKONDO (CTD):

the employee reports for duty. When every employee who goes into a factory picks up a clocking card and clocks in. But ~~m~~ he himself does not keep a clocking card. So, that is the case here. It is true that some employers play tricks on wananchi, but this Ministry is not tolerating that sort of situation. The Nyayo Government is for the simple man or worker. That is why this Government looks specially ~~at~~ after the interests of the small man or employee. But this excludes rascals.

Mr. Speaker, Sir, a joint meeting was called by the Labour Officer, Nairobi, at which Mr. Muhunzu was invited to attend at 2.30, but Mr. Muhunzu did not turn up at the meeting.

AN HON. MEMBER: Why?

MR. OKONDO: Well, you can tell me why he did not turn up. Subsequently, he came and complained that he did not know that the employer was coming to the meeting. This was irrelevant because the labour officer had told him to come and have a joint meeting with his employer. Mr. Muhunzu would be well advised by the hon. Member to call on the Labour Officer, Nairobi, so that they can go to the employer's office and discuss whatever matter he has against the employer. However, it appears to me that Mr. ~~M~~ Muhunzu is dodging a bit.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. I am wondering whether the Minister was in order in the course of responding to my supplementary question to refuse to read to the House the dates of those warning letters. Was he in order to refuse to ~~in~~ do that?

MR. SPEAKER: Yes, he was very much in order. The papers are available and you can check ^{if} you want.

(Mr. Shikuku made some remarks while sitting down)

Mr. Shikuku, I have to warn you. I can hear you very clearly. The people ^{you} surrounding ^{are} people who will not tolerate the kind of remarks you are making.

Question No. 770

MR. WAGURA asked the Minister for Health:-

- (a) how many health centres are operational in Nyandarua North Constituency;

MR. WAGURA (CTD):

- (b) how many are not operational; and
- (c) how many the Ministry is going to construct in the constituency during this financial year.

THE ASSISTANT MINISTER FOR HEALTH (Mr. Muthamia): Mr. Speaker, Sir, I beg to reply.

(a) Five health centres are ~~in~~ functional in Nyandarua North Constituency; namely, Kwangi and Maina, Mirangini, Leshau Pondo, Njabini and Wanjohi Health Centres.

(b) There are no ~~health~~ health centres in Nyandarua ~~North~~ North Constituency that are not operational.

(c) The Ministry has no plans to construct new health centres in Nyandarua North Constituency during the current financial year. But there are two dispensaries in Nyandarua North Constituency currently under construction, namely, Tumaini and New Mawingo Dispensaries. The first one has been allocated £15,000 and the second one has been allocated £30,000.

MR. WAGURA: While I thank the Assistant Minister for a part of the answer that he has given, he has misled the House. In the first place, Njabini and Wanjohi Health Centres are not in Nyandarua ~~North~~ North. Can the Assistant Minister now give the correct number of dispensaries and ~~the~~ health centres in Nyandarua North Constituency?

MR. MUTHAMIA: Mr. Speaker, ~~xxxx~~ you can then reduce them by two.

MR. WAGURA: Mr. Speaker, Sir, the Assistant Minister should not ^{take} the House for a ride. I am telling him that Njabini and Wanjohi Health Centres are not in Nyandarua North. Can he give us the correct figure of the health centres in Nyandarua North?

MR. MUTHAMIA: Mr. Speaker, Sir, ~~if~~ if I had given five, and he is insisting that two of these five ~~health centres~~ are in Nyandarua South, then that leaves three health centres in Nyandarua North.

MR. WAGURA: On a point ~~in~~ order, Mr. Speaker, Sir.

MR. SPEAKER: Order! No! Mr. Kisuya's Question.

Question No. 808

MR. KISUYA asked the Minister for Education why Mr. Timothy W. Musee, T.S.C. No. 20711/50, retired before attaining the mandatory retirement age.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M'maiti): Mr. Speaker, Sir, I

C.4. 16.12.87

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M'maitisi)(Ctd):

beg to reply.

Mr. Timothy Wanyama Musee, T.S.C. No. 20711; P3 certificate No. T3/59/2981, was correctly retired on 1st May, 1987 by the Teachers Service Commission after attaining the mandatory age of 55 years. Furthermore, during his first appointment by Nakuru County Council in ~~January~~ January, 1960, Mr. Musee gave his official date of birth as 1932, and hence this is the official date of his birth as clearly recorded in the Teachers Service Commission Computer Bi-product, and which is strictly adhered to when retiring teachers.

END C

MR. KISUYA: Mr. Speaker, Sir, I do not know where the Assistant Minister got his information from because according to the old identity card which was given to him in 1958 - K/TN 2359 - and also the new identity card, they both tally with the same time. He was born in 1940. How come that he was retired before the retirement age? Both the old and the new identity card show that he was born in 1940.

MR. M'MAITSI: Mr. Speaker, Sir, that the problem which this teacher has created himself, and he has not given the hon. Member the correct information. As from January, 1960, he was employed by Nakuru County Council under the Roman Catholic Church Management. His official records maintained by the Teachers Service Commission (T.S.C.) indicate that at his own accord and voluntarily, he indicated that he was born in 1932 in Elgon Nyanza District, Maluhya by tribe, and of Catholic Religion. The history given by the teacher at the time of his first appointment determines his future records which is clearly reflected in the T.S. C. Computer By-products, and it is strictly followed, as I said, when we are retiring teachers. Records also held by the T.S.C. show that the service of this teacher - Timothy Wanyama Musee T.S.C. No.20711 - gave three different dates of birth.

As explained above, Mr. Speaker, Sir, during his first appointment by the Nakuru County Council in January, 1960, he gave his date of birth as 1932. Secondly, when he transferred his services to the T.S.C. in 1967, he gave his date of birth as 14th February, 1934. Thirdly, on the T.S.C. records sheet which he signed on 13th February, 1980, he gave his date of birth as 10th January, 1940.

I have already explained the correct date which was recorded in the T.S.C. Computer By-product, and which, as a rule, is adhered to when retiring teachers from the service. This is the date which this teacher gave during his first appointment which was 1932.

MR. M'MAITSI (Contd.):

Mr. Speaker, Sir, Mr. Timothy Wanyama Musee, T.S.C. No.20711, was, therefore, correctly retired on 1st May, 1987 by the T.S.C. after attaining the mandatory retirement age of 55 years.

MR. MUTISO: On a point of order, Mr. Speaker, Sir.. While listening to the Assistant Minister, it does seem to me that this contradicting information was either verbal or hand written. Could he clarify whether when somebody is being employed he does not give his identity card which shows the date of birth which is shown there since the time he took his identity card? Was this information obtained from the identity card, or was it just verbal information?

MR. M'MAITSI: Mr. Speaker, Sir, I would say that even when I brought my identity card, those clerks merely wrote "over 18 years". They may not have written I was born in 1934 or 1932. They merely wrote "over 18 years". But what I have explained here is what he gave himself and what he has put down and signed on it.

MR. MBORI: Mr. Speaker, Sir, it is not yet very clear from the Assistant Minister's reply because since Kenyans became registered every person gives the most correct date of his birth. Now, could he tell us whether this teacher had his identity card which would indicate when he was born so that that could be taken as the most correct record.

MR. M'MAITSI: Mr. Speaker, Sir, I think this teacher gave his identity card number. When he finished his teacher training course, he was entered into a register and his age was also determined. According to his own statement on the first appointment, we have determined and processed his retirement benefits based on that record. The Treasury has paid him and he is on pension now. So, the T.S.C. cannot re-employ him.

MR. SPEAKER: Next Question, Mr. Muia.

Question No.788

MR. MUNYAO, on behalf of Mr. Muia, asked the Minister for Water Development:-

- (a) how many storage water tanks are earmarked in the Kilimanjaro Water Scheme to be built between Sultan Hamud and Machakos Town; and
- (b) if he can assure this House that the Kilimanjaro pipeline will be extended to serve the people of Kasikeu Location, Nunguni, Malani, Kasunguni, Kalama, Ndolo and Upete.

THE MINISTER FOR WATER DEVELOPMENT (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply.

(a) It is planned to construct one big storage tank between Sultan Hamud and Machakos Town. This reservoir will be located at Kiima Kiu area.

(b) Residents and their livestock living within the Kilimanjaro pipeline route will be supplied with water. The pipeline passes through Kasikeu Location, Nunguni, Mayani, Kasunguni, Kalama, Ndolo and Upete. Demand for water for the residents of these areas will, therefore, be catered for.

MR. MUNYAO: Mr. Speaker, Sir, on behalf of the hon. Questioner and Ukambani people, I would like to thank the Minister for his direct answer. But in part (b) of the Question, in his reply he has said "Mayani". Would he confirm whether this is the same ^{as} "Maiyani" we are talking about, or it is a different one? Could he also confirm or deny the rumour that already there exists a problem with the Kilimanjaro Water Scheme?

AN HON. MEMBER: What problem?

MR. MWENDWA: Mr. Speaker, Sir, it is the same "Mayani". It is just the question of pronouncing "y" as "i". As regards the rumour, I must confess that I have not heard of it.

MR. SPEAKER: We move on to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

MR. MUTISO: Mr. Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware ^{that} since 1968 allowances for the elders of land arbitration cases has been only KSh.75/- per day?

(b) In view of the present high cost of living, would he consider raising this allowance as a matter of urgency?

THE ASSISTANT MINISTER FOR LANDS AND SETTLEMENT (Mr. Muturia):
Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the allowance for the elders who sit to hear land arbitration cases has not been reviewed since 1968.

(b) Consultations are in progress to review upwards the current rate of allowance for the elders who sit in land arbitration boards.

MR. MUTISO: Mr. Speaker, Sir, arising from that inadequate answer from the Assistant Minister, could he be specific and tell the House exactly the progress of this review because the question of allowance to these arbitration elders is very important? In fact, they are open to bribery and corruption. Many people are losing land because these people do not earn anything. Can he tell the House how soon this review is likely to come up, and with how much?

End D.



MR. MUTURIA: Mr. Speaker, Sir, with all due respect to the hon. Member for Yatta, I have already indicated that there are some consultations taking place. We are looking for ways and ~~an~~ means of raising the allowances paid to the elders. It is only a matter of giving us time and the hon. Member will be very happy.

MR. SPEAKER: Let us move on to Mr. Munyao's Question by Private Notice.

MR. MUNYAO: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that two vehicles, a Land Rover and an ambulance, allocated to Masii Health Centre were withdrawn last month?

(b) Why were they withdrawn?

(c) Could the Minister order that they be returned immediately since they are urgently needed?

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that a Land Rover, G.K. 841T was taken to a garage for repairs. There was however, an ambulance at Masii Health Centre. This was done a long time ago and not last month as the hon. Member has alleged.

(b) The vehicles were not withdrawn as the hon. Member has again alleged. The Land Rover was taken to Cooper Motors Corporation for repairs (C.M.C.).

(c) The vehicle was returned to Masii Health Centre on Monday, 14th December, 1987.

MR. MUNYAO: Mr. Speaker, Sir, I partially thank the Assistant Minister, but why had they to wait until a Question was brought to this House before returning the vehicle?

MR. MUNYAO (contd.):

There is, however, a need for an ambulance because this is a high-way and due to the high rate of accidents ^{taking place there} people have to be ~~x~~ rushed to Machakos District Hospital. Will the Assistant Minister assure this House that along with this Land Rover which serves ~~the suburbs~~ ^{that} of the area, he will return the ambulance which is very badly needed at Masii Health Centre?

MR. arap CHEBOIWO: Mr. Speaker, Sir, as I said earlier on in my reply, there was no ambulance last month at Masii Health Centre. ~~The one which used to be there~~ ^{It was} ~~was there~~ some time back. As a matter of fact, the Land Rover has not been permanently attached to Masii Health Centre. The Health Centre gets assistance from Machakos District Hospital which is only 18 kilometres away. There was an ambulance at the Health Centre in 1981. It was a Chevrolet, G.K. C172, which was loaned to Makindu Sub-District Hospital the same year. It, however, broke down and was taken to ~~the~~ garage where it has been lying since 1981, and you can imagine what a long time that is. Makindu Sub-District Hospital had another Chevrolet vehicle which used to break down quite often. It is recorded that spare parts were obtained from the Chevrolet ~~from~~ ^{and used} ~~at~~ Masii ^{vehicle at} to repair the Makindu ~~vehicle~~ and that is why the one ~~from~~ ^{at} Masii Health Centre has never been repaired.

Mr. Speaker, Sir, I have issued instructions for the ambulance to be bonded because it is not ^{serviceable} ~~servisable~~ any more. Since we are, however, receiving a lot of generous donations from foreign countries, the Masii Health Centre will be considered when we get one of the new ambulances.

MR. MWACHOFI: Mr. Speaker, Sir, the Assistant Minister has told the House that this vehicle has been in the garage from 1981 until today. That is ~~x~~ a period of about seven years. Can he tell the House why such public property should have been left ~~rotting~~

MR. MUNYAO (contd.):

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MR. MWACHOFI (contd.):

rotting in the garage for seven years? Why did his Ministry allow that to happen when wananchi were suffering?

MR. arap CHEBOIWO: Mr. Speaker, Sir, there were two problems; this being a Chevrolet, it has not been easy to get its spare parts. ~~We~~ We have been looking for them. The other problem has been money. It is not only this vehicle which has lacked spare parts. There are so many others, not only in the Ministry of Health, which have ~~stayed~~ stayed for a very long ^{without being repaired} because of lack of funds throughout the Republic.

MR. SPEAKER: Let us move on to Mr. Abuya-Abuya's Question.

MR. ABUYA-ABUYA: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that Kisii District Hospital is in an appalling state, with many of its buildings having been condemned for human use?

(b) Is he further aware that services in this Hospital have deteriorated due to congestion in both out patient and in-patient wards?

(c) What happened to plans commissioned by the Ministry three years ago to have the hospital ~~re~~ renovated to cater for the prevailing situation?

(d) How much money ~~was~~ was earmarked for this rehabilitation programme and what happened to it?

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap CHEBOIWO): Mr. Speaker Sir, I beg to reply.

(a) I am aware that Kisii District Hospital is an old hospital. It is, however, not ~~that~~ correct to say that the buildings have been condemned for human use.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo)(contd.):

(b) It is common for hospitals situated in highly populated areas to experience congestion, but this does not necessarily mean deterioration of services. In fact, Kisii District Hospital is not worse than many other hospitals in the Republic. We have others which are worse than Kisii District Hospital with regard to congestion.

(c) I am not aware of any plans commissioned by my Ministry to have the hospitals renovated three years ago. A sum of kshs.174,750/- has been earmarked for the 1988/89 Financial Year for the improvement of certain sections of the hospital.

(d) I am not aware of the money previously set aside ~~of~~ for the hospital.

MR. ABUYA-ABUYA: Mr. Speaker, Sir, I am surprised that the Assistant Minister has given a totally misleading picture of the situation in Kisii District Hospital.

As regards part (a) of the Question, I would challenge the Assistant Minister to deny that for the last five years the three buildings near the main entrance to the hospital have not been in use. They are therefore, condemned for human use and so he is not right.

Two wrongs do not make a right. The Assistant Minister has said that Kisii District Hospital is not ~~worse~~ the worst hospital. Even if that is so then that is still not an answer because two wrongs do not make a right. The Assistant Minister has not said what he is doing to correct the situation in Kisii District Hospital despite the fact that there are others in the country which are in a similar situation.

Hon. Nyakiamo and other Members of Parliament will bail me out of that late last year when hon. Nyakiamo toured Kisii District, he announced that a sum of shs.18 million had been sanctioned for the development of some hospitals by the Government

MR. ABUYA-ABUYA (contd.):

signed
under an agreement/between the World Bank and the Kenya Government.
He said that Kisii District Hospital was going to benefit from
this agreement which covered ten hospitals in the whole of the
Republic. The Assistant Minister is, therefore, not right in
saying --

MR. SPEAKER: Order! You are taking too long to ask
your supplementary question.

MR. ABUYA-ABUYA: Mr. Speaker, Sir, could I ask the
Assistant Minister to go back and check the correct answer? I
can even quote the name of the contractors who had been given
the job of drawing the plans? The answer he has given is totally
wrong.

MR. arap CHEBOIWO: Mr. Speaker, Sir, the hon. Member
can ~~xx~~ challenge me or the Ministry by saying that the answer is
wrong. That is according to his opinion. I have no quarrel with
him. If what he says is correct, it will be done. What I know
is that a total of kshs.27,000/- was allocated during the 1986/87
Financial Year for the renovation of the theatre for operations
related to family planning. The Work was completed and the theatre
is operational now. To ~~xxxx~~ improve out-patients wing, what I
know is that --

MR. ABUYA-ABUYA: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Order! Mr. Abuya-Abuya, why can you not
wait for him to finish what he is saying?

End E

MR. ABUYA-ABUYA: On a point of order, Mr. Speaker, Sir. The Assistant Minister is still misleading the House. I am not asking about the allocations for maintenance given every year. This is a special programme or agreement between the World Bank and the Kenya Government. The Assistant Minister is talking about the annual allocation for maintenance but I am talking about the special agreement signed between the World Bank and the Government.

MR. arap CHEBOIWO: Sir, if the hon. Member could be patient, I was coming to that because I do not have any quarrel with him. What I was saying is that a total of K£27,000/- was allocated in the year 1986/87. Therefore, the renovation of the theatre for the family planning operations has been done. The work was completed and the theatre is operational. In order to improve out-patient services, MCH/FP and surgical contraceptive unit is going to be added to the hospital at a cost of K£174,750/-. The work will be carried out during the 1987/88 and 1988/89 Financial years. A sum of K£ 20,000/- has been allocated to the hospital during this Financial Year for constructing a perimeter fence to improve security in the hospital.

As regards to what the hon. Member has said about the contract between the World Bank and the Government, I am not aware of that. He is talking of an announcement which was made about two years ago by the previous Minister for Health, hon. Nyakiamo. It is good in that he is still here and he is a neighbour of the hon. Questioner. I will check whether this is correct. If the Kisii District Development Committee - all hon. Members from Kisii are members of the committee - has recommended that then it must be in the records. I will inform the House tomorrow about my findings. If my statement will turn to be wrong, I will apologise. If my statement will turn to be correct, then the hon. Member will have to apologise. I will check that information today and tomorrow I will tell the House about my findings if it will be meeting.

MR, SPEAKER: Order! Let us go on to the next order.

POINTS OF ORDER

MR. LOTITIYO: On a point of order, Mr. Speaker, Sir. When I asked a Question by Private Notice about the Samburu Consumers Co-operative Society, the Assistant Minister who answered the Question promised to produce the minutes for the liquidation of the said society. I am still waiting for those minutes. Meanwhile, if he cannot get the minutes, could he implement what part (b) of the Question referred to.

THE ASSISTANT MINISTER FOR CO-OPERATIVE DEVELOPMENT (Mr. Ejore): Mr. Speaker, Sir, it is true that I promised the hon. Member that I would bring the minutes on the liquidation of Samburu Co-operative Society. However, the auction was organised by the District Commissioner, Samburu and that the minutes are being held at the District Commissioners' office and not in our Ministry. Our investigations have shown that our officers were not involved and that the auction was done by the then District Commissioner, Samburu and elders. The minutes are not available, but I am still pressing to see whether I can get them.

MR. OMINDO: On a point of order, Mr. Speaker, Sir. I rise on a point of order to seek the leave of the House to allow me to raise a matter of national importance under Standing Order No. 20 on the frequent incursions into our country by the Ugandan troops and also on the interference in our internal affairs by the Libyan Government. It is a matter of national importance and everybody in the country is concerned.

MR. SPEAKER: Order! The Standing Order the hon. Member is referring to reads as follows and I quote:-

"If any Member rising in his place at any time shall propose to move the adjournment of the House for the purpose of discussing a definite matter of urgent national importance, and if -

- (a) Mr. Speaker, rules that the matter is a definite matter of urgent national importance; and
- (b) not less than 15 other Members rise in their places in support, Mr. Speaker shall nominate a time on the same day at which such a Motion may be moved".

MR. SPEAKER (Ctd.):

Therefore, I agree that it is an important matter indeed and thus you can raise it at the rise of the House, 6.30 p.m. this evening.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. Do we have the required 15 hon. Members rising in their places in support?

(Several hon. Members stood in their places)

MR. SPEAKER: All right, you can take your seats. The Motion has the support of the required number of hon. Members.

MR. MUNYAO: On a point of order, Mr. Speaker, Sir. I raised a point of order in the morning which I wanted to be replied to by one of the Ministers of State, Office of the President who was in by then. Can he reply to it?

MR. SPEAKER: We have already finished with matters like that. The method you are using shows that we are going backwards.

MR. MATHENGE: On a point of order, Mr. Speaker, Sir. I would like the Minister for Local Government to issue a statement regarding the allocation of plots in Laikipia District. It was only yesterday when about 200 people in one village were allocated plots which were not available. This is particularly happening in Muthara and all other small areas left for public utility. This has become a confusing issue in my constituency. Therefore, I would like the Minister concerned to issue a statement to show how a very small place which is not even suitable for a town can be sub-divided among all the people living there?

MR. SPEAKER: Order! Mr. Mathenge, actually that is covered under the Local Government (Abridgement of Terms of Office) Bill. The debate on that Bill will be open to all hon. Members to raise such matters. Really there is no need for anybody to give you an answer on that since already there is a Bill on the Order Paper regarding the local authorities.

F.4.....16.12.87

MR. MUNYAO: On a point of order, Mr. Speaker, Sir. I rise on a point of order to pursue another matter which I had raised in the morning. I wanted the Minister of State, Office of the President to make a statement. I was rising on a point of order so that the Minister may respond to that.

MR. SPEAKER: No.

Next Order.

END F.....

PROCEDURAL MOTION

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki):

Mr. Speaker, Sir, I beg to move:-

THAT, this House orders that the publication period of the Nairobi City Commission (Extension of Tenure) Bill (Bill No. 23) be reduced from 14 to 3 days.

Mr. Speaker, Sir, those of us who were here yesterday will remember that we did go through this discussion on why the matter is urgent and why we have, ^{as it were,} to clear all the debts so that whatever will happen in 1988 will happen. It is in that process that this particular Motion has been brought because the Bill ~~is~~ dealing with the Nairobi City Commission, specifically, had to be published a little bit later than the others. The reason for this is the same as was explained yesterday.

HON. MEMBERS: What were the reasons?

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki): Mr. Speaker, I hope the hon. Members are not asking me to repeat myself because this is against our Standing Orders here. However, the particular reasons - - -

MR. SHIKUKU: ON a point of order, Mr. Speaker, Sir. Is the hon. Member in order to mislead the House that he is not supposed to repeat the same matter when he knows that this is a different Bill altogether. [?] The Bill we now want to deal with is not the same Bill that we discussed yesterday. Therefore, is he in order to mislead the House?

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki): Mr. Speaker, Sir, we are not talking about any Bill here. An hon. Member interjected asking what were those reasons which were given yesterday and it was in response to that interjection that I said what I did say. I am not making such an obvious mistake and no one should, possibly, make it by saying that this Bill is the same as the one of yesterday. I was responding to a ^{Other} n interjection from an hon. Member from this ^{Other} end of the House.

With those few remarks, Mr. Speaker, Sir, I beg to move.

MR. HUBIA: On a point of order, Mr. Speaker, Sir. I think we should get that point cleared. The reasons that were given yesterday referred to an entirely different matter and, I think, quite seriously, that the Vice-President and Minister for Home Affairs, who is also the leader of Government business, should show a little bit of seriousness in this matter. He should know that he is talking of a Commission which takes care of 1.75 million people in Nairobi. Therefore, can he give us reasons why ^{we} he should reduce the publication days of this Bill from 14 to 3 days?

THE VICE - PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki): Mr. Speaker, Sir, I seriously object to the idea that I am not taking this matter seriously. No one could be more serious than I am on this matter, and I do not know what I am expected to do to show that I am serious on this matter. I am not sure whether one is supposed to show a particular face, or even look at anybody in a particular stand, ^{or even shout} to show that one is serious. This is a serious matter and ought really to be given due seriousness. This is a legislative matter and it is a fact that Nairobi, as the hon. Member says, has been under a Commission and we are intending to extend the tenure of the Commission and this is in the Bill, itself, hence my avoidance to debate the substance of the Bill. ~~From saying this~~ You will agree with me, Mr. Speaker, Sir, that for a Bill ^{So precise that it} of this size which has only one clause dealing with the extension of tenure, if one began to give reasons why we intend to extend the tenure of the Commission, then this would be unprocedural. As to whether to debate the Bill or not, it would amount to my moving the Second Reading of the little Bill. So, for those of us who have been in this House since 1963 and have ^{gained} gained substantial experience know the distinction and that is why I said that I was not ~~going~~ going to be tempted to move to the Second Reading of the actual Bill.

Mr. Speaker, Sir, the Motion before the House now is purely procedural on whether we should go ahead and discuss the Bill, ~~not~~ or not, and I proposed why we should go ahead.

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I stand to second this Motion and I endorse the distinction that is envisaged here. The Motion is calling for the reduction of publication period from 14 to 3 days. If we had the time, ^{no doubt,} we would not ~~doubt~~ call for the reduction of time because, obviously, the time would naturally run until the 14 days are over. ~~We did~~

Mr. Speaker, Sir, you did agree, the day before yesterday, to recall this Parliament so that we can dispense with certain Government business, which Government requested us to carry out. This is why we do not wish to keep the House for a longer period than necessary. When we come to the substance of the Bill, we shall tell hon. Members, particularly, hon. Charles Rubia, why we want to extend the tenure of the Commission. However, there is need to reduce the days because the House will not sit for a longer period than is necessary. and with those reasons, I think the Motion is very well ~~supported~~ grounded and I, therefore, ~~support it.~~ Second the Motion

(There was noise in the House)

MR. SPEAKER: Order! Order!

(Question proposed)

MR. MUNYAO: Thank you very much, Mr. Speaker, Sir, for giving ^{me} this opportunity to vehemently object to ~~proposed~~ proposal of reducing the publication period of this Bill from 14 to 3 days. Sir, I will be very x brief in my contribution. B First of all, the Bill No.22, which was introduced yesterday was dated 11th December but the other Bill which we are now trying to introduce, ^{on} ~~that~~ the Nairobi Commission (Extension of tenure) Bill No.23, is dated 14th November. In accordance with our ~~own~~ Standing Orders No.98, we have only three types of Bills which can be exempted from the publication period of 14 days, that is if a Bill has anything to do with ^{the} consolidated fund, Supplementary Appropriation Bill, or Appropriation Bill. In any case the publication period of any of these Bills is reduced to seven days and not anything less than seven days. However, here we are being asked to reduce it to 3 days--

MR. SPEAKER: Order! Do not mislead the House Mr. Munyao because you know that the days are getting less and less ~~and~~ as we go along, and so, if the period was 4 days yesterday, it is 3 days today.

MR. MUNYAO: Mr. Speaker, Sir, I agree with your ruling because I ~~would~~ would not like to mislead anybody in this House. However, I feel it will be totally wrong to reduce the publication period of this Bill because even our Standing Orders ^{and} require that such a Bill should first appear in the Kenya Gazette. I am doubtful whether this was done with regard to this particular Bill. I will ask the Clerk to the National Assembly to get me the Kenya Gazette ^{of} last week to check whether this Bill appears there.

MR. MUNYAO (ctd.)

I am saying this because I doubt it ever appears there. I therefore object to reducing the publication period from 14 to 3 days.

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr. Biwott):

Mr. Speaker, Sir, I think hon. Members ought to really be realistic in this particular case. We are only seeking the permission of the House in order to go deep into the substance of the Bill and that is the time when hon. Members can go deep into the Bill. However, to refuse to grant this House the permission to discuss this Bill, is in fact, being very unrealistic. Saying that the period of 3 days is short, is not enough reason to block the Motion regarding this Bill in this House. Therefore, I would like to appeal to the hon. Members to be pragmatic because this is one of the Bills which necessitated our being recalled here to debate. I think hon. Members are full of suspicion and there seems to be something which is worrying them or influencing them which is not the real substance of the Bill.

Mr. Speaker, Sir, I would like to conclude by appealing to hon. Members to agree ~~xi~~ to this Procedural Motion so that we can go into the deep details of the Bill where ~~xx~~ Members will be free to ~~xi~~ contribute effectively and constructively for the good of the people of Nairobi.

With those few remarks, I beg to support.

END G.

MR. OMIDO: Mr. Speaker, Sir, I rise to support this Motion! because, ~~just~~ just as the previous speaker has stated, we are not dealing with ^{the} 'meat' of the Bill. It is just a Procedural Motion so that we can quickly start discussing the Bill and determine what is going to be the future of the City Commission of Nairobi. I do not think this ^{is} ~~the~~ the right time to oppose because, in many occasions, the House has been requested to shorten the publication period of Bills and it ^{the} has always given leave. So, I ~~believe~~ believe in ^{the} same spirit that has happened in the past, and in the same spirit we should ~~demonstrate~~ demonstrate that we have one Government, Therefore, we should show that the Back-Benchers and the Front-Benchers are working ~~in~~ ^{same} towards the ^{and a} cause, Therefore, I believe that ^{is} it/proper for the House to agree to reduce the publication period of this Bill.

THE MINISTER FOR SUPPLIES AND MARKETING (Mr. Kitele):

On a point of order, Mr. Speaker, Sir. Since we are about to eat the real 'meat', may I propose ^{that} ~~the~~ Mover ^{to be now called upon to reply} ~~to reply~~ -----

MR. SPEAKER: Order! ~~the question that~~ the Mover (Question, that the Mover be now called upon (to reply, put and agreed to))

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki): Mr. Speaker, Sir, just as hon. Biwott has said, we will get a chance to debate the substance of this matter. This is purely procedural, and, with that, I be to move.

MR. RUBIA: On a point of order, Mr. Speaker, Sir. I am not challenging the Chair, and I would be the last person to do so, but, Sir, do you not think it is a bit too much, ^{The Alliance} ~~The Alliance~~ the Front-Benchers, ~~a~~ are very ~~xxx~~ many, and I do not see why they should shorten debates like this.

(applause)

MR. RUBIA (CTD.):

What kind of ~~dem~~ democracy are they practising. Is it just ^{the} a question of numbers? I ^{felt} ~~said~~ that I should ^{put} this matter to the Chair because that is what happened yesterday, and ^{it} will happen when we start passing the bills. In my view, this amounts to overstretching ones powers.

MR. SPEAKER: Order! I will now put the Question.

(Question put and agreed to)

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki)
On a point of order, Mr. Speaker, Sir. I am just seeking your guidance. The hon. Member for Starehe raised a point of order, where he asked you whether you could ~~be~~ do something about the ^{Size} ~~number~~ of the Front-Bench. Is the hon. Member in order to ask the Speaker/ of this August House to do things which he cannot do; or even attempt to do and ^{which he} ~~he~~ is not even authorised, ^{and} This only makes the situation/look ridiculous by asking the Speaker/ to do things that he cannot do.

MR. RUBIA: On a point of order, Mr. Speaker, Sir. I would like to respond to that in saying that the Leader of Government Business knows very well that the Chair, in the interest of democracy and freedom, can allow or disallow the closure of a debate. If the hon. Vice President and the ~~the~~ Leader of Government Business thinks that I was asking the Speaker, to intervene because of the size of the Front Bench, that was ^{my} not/view. ~~Myxxxxx~~ I was only appealing to the Chair to use that lee-way to allow more freedom of expression which seems to be ^{suppressed} ~~suppressed~~ by the mere size of the Front-Bench. That is all I was saying.

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr. Biwott

On a point of order, Mr. Speaker, Sir. I think the Leader of Government Business told us the truth, that Front Benchers - the Ministers and the Assistant Ministers - are there by ~~virtue~~ virtue of other authorities which do not exist in this House. My main point of order ~~is~~ is in connexion with the point of order which was raised by the hon. ~~MEMBER~~ Member for Starehe. Why should he tell us that ~~the~~ it is the Front-Bench that carry the day, while the truth of the matter is that the ~~the~~ Front-Bench was heavily supported by the Back-Benchers and we had only two or three "Aoes." Therefore, is the hon. Member in order to continue misleading the House further, while he is still confessing to being a champion of democracy, ~~and~~ and democracy is fully working in this House?

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Order! I think, Mr. Shikuku, you ^{had} better behave like a grown up. I do not see why we should bring in a lot arguments on a thing which is ^{really} ~~really~~ ~~is~~ obvious on the point which hon. Rubia raised. The only ~~the~~ problem was that you interrupted at ^{an} ~~unusual~~ ~~stage~~ stage, and normally, hon. Members do not ^{stand up and} interrupt at such circumstances. With that, I think we better now proceed on like ladies and gentlemen.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. ~~Mr.~~ We are now on Order No.5 which is followed by the first ~~Reading~~ Reading of the City Commission's Bill, and, in Order No.7, I think the Clerk of the National Assembly or the typist forgot that the Local Government (Abridgement of -----

AN. HON. MEMBER: You are wrong.

MR. SHIKUKU: I am wrong, Mr. Speaker., Sir.

MR. MWACHOFI: On a point of order, Mr. Speaker, Sir.

Sir, I think that Standing Order No.80 prompted hon. Rubia to make the suggestions that he raised. I want it to be put on record that hon. Rubia was not challenging the fact that the Front-Bench has a higher number of people, but he was saying that according to Standing Order No.80, the Speaker has discretion to allow debate irrespective of whether the 'Ayes' have it. The Speaker has the discretion to allow debate in the spirit of the Constitution and democracy. Therefore, it should not be understood that hon. Rubia was challenging the number of the Front-Bench.

MR. SPEAKER: Order! The Standing Order is there, and I do not see any difficulty. I do not see why we should start arguing about a Standing Order which is not really necessary in what we are doing.

MR. SHIKUKU: It is!

MR. SPEAKER: Shall we proceed with the Business for the day. This idea of making things as difficult as possible in order to prolong a thing does not help us all the time. We have a duty to do the work which brought us here.

(END.....H)

BILLS

The Nairobi City Commission(Extension of Tenure) Bill

(Order for First Reading read - Read the First Time -
ordered to be read the Second Time tomorrow)

Second Reading

The Local Government(Abridgement of Terms of Office)Bill

MR. RUBIA: On a point of order, Mr. Speaker, Sir. I stand to oppose the Second Reading of this Bill.

(Hon. Rubia resumed his Seat)

MR. MUPISO: Give your reasons for opposing the Second Reading!

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Yes, Mr. Minister.

?? THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): Mr. Speaker, Sir, I
?? would like Mr. Speaker to leave the Chair.

Mr. Speaker, Sir, hon. Members will recall that in 1984, I introduced a Bill in this House seeking to amend the Local Government Act, Cap. 265, in connexion with the terms of office of councils from four years to five years. This request was granted by the House. As a result, Section 40 (1), (2) and (3) was accordingly
?? amended to give the life of terms of office— Therefore, may I move that we
?? read the Bill on Abridgement the Second Reading. I beg to move.

HON. MEMBERS: No! No! Oooooh No!

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): Mr. Speaker, Sir, the principal object of this Bill—

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. With all due respect to the hon. Member on the Floor of this ^{House} Bill, I thought I heard him say "I beg to move", after which he proceeded to resume his seat. After that, something happened and he has now come back to the Floor. Where do we stand? He is supposed to know how to move the Second Reading of a Bill. I heard him say "I beg to move" and then proceeded to resume his seat and he has now come back again to explain.

AN HON. MEMBER: He is moving! He is moving!

MR. SPEAKER: Order! Order, hon. Members! The Minister had just gone back to collect his reference papers and he has now come to continue.

(Applause)

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): As I was saying, Sir, the principal object of this Bill is to shorten the terms of ~~all~~ office for all mayors, chairmen, deputy mayors, vice-chairmen and councillors so that they end on a date to be appointed by the Minister for Local Government. Those terms of office would have, otherwise, run in accordance with the provisions of the Local Government Act to the end of 1988. The due date to be appointed will enable the local government elections to coincide with the Presidential and National Assembly Elections.

I beg to move.

THE MINISTER FOR ^{EDUCATION} ~~LOCAL GOVERNMENT~~ (Mr. Oloo-Aringo): Thank you very much, Mr. Speaker, Sir, for giving me a chance to second this Bill. Because the Bill is very straightforward, I will highlight one or two issues in it.

First of all, I would like to take this opportunity to pay tribute to His Excellency the President for his wise and pragmatic leadership of our country. This Bill must be seen within the context— First and foremost, we want to place it in context. I do this very sincerely because it is the leadership which has been the most important input in the management of state affairs. In fact, it is this leadership ~~which~~ which accounts for the success of Kenya, a story that is very well known to all of us.

Sir, allow me, first and foremost, to start by thanking His Excellency the President for providing national unity in this country, for providing peace and stability as well as for laying the foundation for socio-economic progress in our country. No matter which direction we look, ~~when~~ whether in education, health, transport or communication, we have made ^{strides} ~~strips~~. It is important to register this fact, as hon. Members of Parliament, so that we can count our blessings as Kenyans. One of our greatest blessings is the leadership of His Excellency the President.

Secondly, Sir, there is another ~~dimension~~ dimension which is important to register. That is that it is the President, more than anybody else in this country,

THE MINISTER FOR EDUCATION (ctd.):

that has taught us to uphold the Constitution. It is the President who firmly supports constitutional government in this country. Besides, it is the President who has provided us with leadership in support of the rule of law. We have come here because this Government respects the Constitution of this country. We have come here because ~~x~~ this Government respects the rule of law. In fact, Sir, you have recalled Parliament in accordance with the Standing Orders of this Parliament, and also in conformity with the laws of this country. You have ~~xxx~~ recalled this Parliament to give authority for the legal action or actions of both Parliament and the Government.

END..... I.

THE MINISTER FOR EDUCATION (ctd):

Therefore, as Kenyans, we must support by recognizing that we have always upheld the Constitution and the rule of law. The recall of this Parliament is an excellent example of our commitment to the rule of law. Our critics should acknowledge this, Mr. Speaker, Sir.

This is important because this Bill is intended - as the Minister himself has pointed out - to give the Minister ~~the~~ power, as provided for in the Act of Parliament, to dissolve local authorities in the event of the dissolution of Parliament. That is all it is about. I do not see any panic in this. What we are saying is that we are acting in accordance with the relevant laws. We are also saying that in event of the dissolution of Parliament, the Minister will act Constitutionally and legally. What is so contradicting about that?

Mr. Speaker, Sir, I am so surprised that some of my colleagues want to confuse the country and project as if we are acting unconstitutionally or illegally. We are acting Constitutionally and legally. Secondly, Sir,-----

MR. MWACHOFI: On a point of order, Mr. Speaker, Sir. Much as I do not want to interrupt the hon. Member who is ~~speaking~~ contributing very well, my concern is with regard to ^{what he says} ~~when he said~~ that some of his hon. friends would appear or are implying that we are acting unconstitutionally and yet nobody has spoken on this Bill as yet. How does he know? Can he tell us who these people are?

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Mr. Speaker, Sir, I was here during the Procedural Motion yesterday and I listened to some of those extravagant remarks and they are the ones I am now referring to. I am intelligent enough to read between the lines. Sir,-----

(Applause)

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. This is a very serious matter and I am entitled under Standing Order No. 68 to stand at any time on a point of order and I would like the Front-Bench to listen.

Could the hon. Minister - he said categorically that he is intelligent enough or said to read between the lines - be specific and tell us who thought/yesterday that we were acting unconstitutionally?

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Mr. Speaker, Sir, the hon. Member for Butere is supposedly an expert on matter of Standing Orders. In this particular instance, I do not see how he can pin me down because I did not refer to him or to anybody else by name. My hon. friend will have time to contribute to this Bill and he will challenge me on every issue that I have raised here. I am not timid; that should be quite clear. I am an hon. Member of Parliament who is popularly elected by the people of Alego. There is no particular speciality in which the hon. Member for Butere is going to try to intimidate me. There are various claims that the hon. Member for Butere was supposedly at Lancaster House but he was, in fact, in the back room somewhere.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. It is a very serious matter for the Minister to use the word "supposedly" when I was in Lancaster House and the Minutes can prove that. If he is not going to substantiate that, I would like him to withdraw that remark because I was in Lancaster House. He should not use the word "supposedly" because I was there.

HON. MEMBERS: So what?

MR. SHIKUKU: I am on a point of order, Sir. I was not, as he said, in the back room. Can he substantiate that hon. Shikuku was in Lancaster House in the back room?

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Mr. Speaker, Sir, the hon. Member for Butere and I agree that he was in Lancaster House but it is a huge building.

(Laughter)

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. When people talk of Lancaster House, they are talking about the Independence of this country which took place in the Lancaster House Conference. I am talking of having

- not supposedly - attended the Lancaster House Constitutional Conference in London in 1963. Can the hon. Minister now substantiate that I never attended that Conference and that I was in the back room? He should say so.

THE MINISTER FOR LABOUR (Mr. Oloo-Aringo): Mr. Speaker, Sir, with all due respect to my hon. colleague, the hon. Member for Butere, I did mention, of course, that Lancaster House has a conference hall and other rooms in which other functions take place. Secondly, Sir, the evidence in the Press in the last publication on Jamhuri Day, did not include his name amongst those who attended the Lancaster House Conference. That is adequate evidence.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. Am I to believe that we can have this sort of misleading and rather ~~vain~~ vexing attitudes? The truth of the matter is that I was in Lancaster House----

HON. MEMBERS: So What?

MR. SHIKUKU: Mr. Speaker, Sir, I am on a point of order. The hon. Minister said that my name did not appear amongst those who were in Lancaster House Conference. The facts are that I was the Secretary-General of the Kenya African Democratic Union. I was together with hon. Muliro - who is an hon. Member of this House -, hon. Seroney, who was a Kadu delegate and hon. ole Tipis. Is it true that----

MR. SPEAKER: Order! I think this is becoming rowdy. There is nothing really in the fact that hon. Shikuku was in the Lancaster House Conference; many other people were there too.

(Applause)

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Mr. Speaker, Sir, I thank you for your very wise ruling-----

THE ASSISTANT MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr. Adicharch): On a point of order, Mr. Speaker, Sir. I think we should not be proud of what we have done. Hon. Shikuku is saying that he was in Lancaster House; I was there also. It was not in 1963 as he says but

THE ASSISTANT MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr. Adichareh) Ctd:

from November 1961 to April 1962. We were there and we are not proud ^{of} it. Everybody was there including hon. Nyagah. Why should we be proud of what we have done; it should be upon the people to praise us.

(Applause)

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Mr. Speaker, Sir, I once again thank you most sincerely-----

MR. ANGATIA: On a point of order, Mr. Speaker, Sir. I would like to seek your guidance on this ^{issue}. Being in Lancaster House is a fact of history and it is either that somebody was there or not.

AN HON. MEMBER: So what?

MR. ANGATIA: I am still on a point of order, Sir. It is not a question of who ~~is~~ argues loudest or most accurately in this House today. It is a fact of history. If hon. Oloo-Aringo knows that hon. Shikuku was not in Lancaster House, you have the right, Sir, to give us the correct facts as to whether he was there or not. If he was there, then hon. Oloo-Aringo should withdraw those remarks. If hon. Shikuku was there, there is no reason why we should be told that he was not there when it is a fact of history.

MR. SPEAKER: You can continue, Mr. Oloo-Aringo.

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Thank you, Mr. Speaker, Sir. I can handle the situation-----

MR. BOMETT: On a point of order, Mr. Speaker, Sir. I do not think that the matters which are now being raised all the time are really points of order. We have a matter here ~~which~~ which is urgent and we are now being taken back on matters of Lancaster House. It was stated that the hon. Member was in Lancaster House. Why should we continue to talk about Lancaster House? Can you protect this House, Sir?

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Thank you, Mr. Speaker. Sir.

J....5 16.12.87

MR. SPEAKER: Order! I think we better stop all these. There is too much shouting and so on and I think we had better change the way we are doing things and embark on the job which we have here.

END J

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Thank you very much, once again for your wise guidance. As I said, even in this honourable House, there are members of the public who are attending the proceedings within the Galleries. Likewise, there are those who attended the Lancaster House proceedings within the galleries.

Having said that, let me turn to the main issue and the theme of my discussion. The theme of my discussion is that we respect the Constitution and the rule of law. That is why we have come to this House, to seek ~~the~~^{the} authority of this House, to act legally and constitutionally, in the event of the dissolution of Parliament. Yesterday, in the course of the deliberations, we were misled by being asked what the hurry is about, that this Parliament has a five-year life. This is true. The Constitution provides for the life of Parliament to be five years, but the Constitution also provides His Excellency the President, as Head of State and Head of the Government, with the prerogative to dissolve Parliament and call elections in the interest of the State. He is the one person who has the mandate of this country, as a whole, for that Constitutional prerogative. We should not, therefore, as a Parliament, be seen, as these few critics are trying to put it, to be here to tie the hands of the President. We must not be seen here to be attempting to usurp the power which, by Constitution, we have arrogated to the President. Therefore, ---

MR. ANGATIA: On a point of order, Mr. Speaker, Sir. I do not know why the atmosphere is being unduly heated up. If there is anybody who is trying to anticipate when the President will call elections, it is the people who are hurrying these things, as if elections are going to be held tomorrow. As far as everybody knows, we have not finished five years, and it

MR. ANGATIA (ctd.):

is completely the prerogative of the President to call elections. No-one should anticipate that; no one should try to ~~mk~~ tie the ~~mk~~ hands of the p President, that elections will come in the next two weeks. We should be debating ~~x~~ as if there is no anticipation for elections; as if there is no expectation of elections, until the President, himself, call ^s elections. The Minister is ~~ix~~ out of order; he is misleading us.

MR. SPEAKER: That was not really a point of order; you are arguing against him but not raising a point of order.

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Thank you Mr. Speaker, Sir. I thought that after these healthy four and a half years or so, my colleague would have understood what a point of order is ^{as opposed to} ~~from~~ sheer argument. That was a point of argument. I will play it as it is.

Mr. Speaker, let me point out, therefore, that while ^{yesterday} this argument, which was put forward ^{by} my colleague, the hon. Member for Starehe, in fact, he ignored the other part of the Constitution which vests the power of dissolving Parliament in the hands of the p President. Therefore, this House has every right to give His Excellency the President the freeway. That is what I ~~x~~ mean. We must not, as hon. Members of Parliament, argue as though that Constitutional prerogative does not exist; it does exist.

MR. RUBIA: On a point of order, Mr. Speaker, Sir. The Cabinet Minister has become very controversial. The hon. Minister is misquoting me and a little bit of civility will help him. What I said yesterday was in answer to hon. Mutiso Swords. I was not raising that purely as my contribution to the debate; I rose on a point of order. I would like your protection, Mr. Speaker. The hon. Minister is becoming a bit provocative.

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): I have a lot of respect for my hon. colleague from Starehe, but I also know that if he can only listen to what I want to say, he will get the point of my argument.

Mr. Speaker, Sir, I would, therefore, like to take this opportunity to appeal to my hon. colleagues to pass this Bill as it is and to allow us, as ~~xxx~~ a country, to ^{continue to} act ~~&~~ Constitutionally and legally. Having said that, I think it is very fitting, on an occasion like this one, to pay tribute to the role which has been played by some local authorities in assisting in the management of affairs. There are some local authorities which have discharged their duties very honourably, and, I think, they deserve a pat on the back. Some members of various councils have joined hands with the hon. Members of this House and have continued to contribute very effectively to the development process of this country. They have contributed at the level of sub-locational development committees, locational development committees and also as members of the district development committees. They have also contributed as members of district education boards, as well as land boards. Therefore, it is fitting, ~~&~~ first of all, to give due credit to the role that has been played by ~~&~~ several local authorities. It is also true that the work of some councils has been paralysed because ~~&~~ councillors, instead of seeing their role in the development process, see councils as stepping stones to Parliament. Therefore, we hope that councillors will take heed and understand that they have a responsibility to contribute to the development process of this country, even at the council ~~in~~ level, and not to see councils as spring-boards to Parliament. If we did this, the councils would have more initiative, they would run more effectively, and they would assist in the total contribution of the development

THE MINISTER FOR EDUCATION (ctd.):

of our country in all its various aspects. I am saying this because they have the platform. In fact, if there is any tradition which we have preserved in this country, it is the democratic tradition - that we participate and discuss our issues freely, and that people are ~~free~~ free, at all levels, to contribute to the development of this country.

Having said that, Mr. Speaker, Sir, let me also add that we in the Party, ~~we~~ members of the Party, which all of us are, ~~we~~ have an important role to ~~play~~ play. I say this because we are continuously ~~and~~ and His Excellency the President set a very good example here ~~searching~~ searching on how to make our system function effectively and democratically. The search continues. There is no end to it because we are an ~~evolving~~ ^{evolving} society and we shall continue to learn from our total experiences, as a people. Therefore, ~~we~~ I think we have a role, as a Party, to guide the various institutions. I do not think there is any doubt in Kenya any more that it is the Party that is supreme in this State because this Parliament emanates from the Party. The Government emanates from the Party. All the other institutions are subordinate to the decisions of the Party. For that reason, I think the Party's role, in assisting ~~in~~ the mobilization of our people, in giving advice to the various members of our various institutions^s - this House and the local authorities included - should be strengthened ~~be~~ even more. In fact, the Party ^{has} now reached the grassroot level. The Party is present at the sub-^{and} locational level/ the locational level. It is very important that even though all candidates who run for ~~an~~ elections are members of this Party, it is very important for the leaders of the Party to expose ~~we~~ those divisive elements; and they are many. Only the other day, we had ["] ~~Mwakenya~~ ["] members in this House.

THE MINISTER FOR EDUCATION (ctd.):

Those elements that want to infiltrate the Party, to subvert it from within, should be exposed.

MR. WAMALWA: On a point of order, Mr. Speaker, Sir. I have a lot of respect for the Minister contributing, but if this Bill will ---

MR. SPEAKER: Order, Mr. Wamalwa. I think I should put the Question first.

HON. MEMBERS: But he is on a point of order.

END K. 

MR. WAMALWA: I was on a point of order, Mr. Speaker, Sir, to state that, as much as I respect the Minister, and given the urgency of this Bill, I wonder whether this debate on party matters is really terribly relevant here.

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Mr. Speaker, Sir, this is a Bill, and all the elements that touch on it are important and relevant. I think it is important that you allow me to put the discussion of the Bill in context. I have placed that context—

MR. MWACHOFI: On a point of order, Mr. Speaker, Sir. In his last sentence before he was interrupted, the Minister mentioned something which could be misunderstood. He said that the party leadership should have the power to expose those who are not in line with the party. He said that such people are there, and that it was only recently that we had "Mwakenyas" in this House. I hope that he meant to say that we heard "Mwakenya" being mentioned in the House. However, ^{is} he said that we had "Mwakenyas" in this House, He should make a correction here very clearly.

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Mr. Speaker, Sir, I was referring to the former Member of Parliament, hon. Ngumba, who himself declared that he was prepared to lead "Mwakenya".

Having said that, let me add that it is my duty as ^{an hon.} a Member of this House to ensure that, as a people, we evolve this democratic system without fear, and that we support the constitutional and legal action which we are taking to safeguard this country and democracy.

Mr. Speaker, Sir, with those few remarks, I beg to second.

(Question proposed)

THE MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (Mr. Nyagah): Thank you, Mr. Speaker, Sir, for giving me an opportunity to speak. I will start off with an appeal to my colleagues here to look at the memorandum of objects and reasons of this Bill. The object of this Bill is very simple. We know that in 1988, which is just next door, on a date to be appointed by the President, the House will be ^{disrupted} ~~proposed~~ and there will be elections. That is a fact. The Bill says that in order to save our people from being harassed by

THE MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (CTD.):

U.C. two sets of elections - the Presidential and National Assembly elections, and Civil elections at another odd time of the year - the two sets should be brought together. We know that, in order to do that, the President, in his wisdom, will appoint a date for that purpose, according to the Constitution. The Minister in this case is asking that he, too, be given powers to be able to say, "Since the Presidential and National Assembly elections have ~~it~~ been declared, I, too, do dissolve local authority councils." These councils will include mayors, deputy mayors, chairmen and other elected officers of local authorities. That is what we have to address ourselves to.

We went on a very well-earned recess but, because the Kenya Constitution is paramount, we had to come back to give a constitutional right to the Minister to do what is being asked for in the Bill. I believe that that is all we are in for. If we could, disregarding anything else that we feel, confine ourselves to that very essential part of the Bill, we would do this work with ~~the~~ the utmost speed that it deserves.

With these few remarks, Mr. Speaker, Sir, I support.

U.C. MR. BOMETT: Mr. Speaker, Sir, I do not want to say much because this Bill is, in fact, straightforward. However, from the trend of affairs, during the last two weeks before we went on recess and during the period that we have been back here for the purpose of this Bill, ~~we~~ ^{we} should not ~~notice~~ ^{see} the unfortunate and an uncalled for situation whereby, although we are one party and are all Members of Parliament - I have never seen any division here - there has been a tendency of bringing up an "ugly head". I appeal to hon. Members, as the ^{hon.} Member for Nakuru North, and as a member of Kanu, to remember that we are one and we belong to one country.

There is only one thing that we are requested to do here. I do not see why we should really fear. If these elections come tomorrow, as members of Kanu, we should ~~not~~ respond when we are called at any time. I know that somebody is afraid of something, but I do not know why this should be so. I hope that we are all ready to move on. We have worked for four years now, and we know

MR. BOWETT (CTD.):

that the prerogative of dissolving this Parliament rests with the President. If the President dissolves Parliament in August, 1988, or at any other time, it will be all right because he has that power. All that is being required

U.C. here is that we synchronise the Presidential and National Assembly elections
 U.C. with ~~the~~ Civil elections. I think this request is straightforward. I appeal to
 hon. Members to ensure that we give the Minister for Local Government ^{the support} ~~what~~ we
 are being requested to give him.

I do not think that there is any point in our talking as if we are different. In fact, we are all elected by Kanu, and we have all sworn our allegiance to Kanu. So, I appeal that we all get together and pass this Bill this afternoon without any further delay.

MRS. ASIYO: Thank you, Mr. Speaker, Sir, for allowing me to support this Bill. I will be very brief.

The Bill speaks for itself. Even if this House was not going to be dissolved, we would not come back in time next year to discuss the City Commission and give it another life because its life would have expired on 31st March, 1988. Surely, the whole point is very clear.

HON. MEMBERS: It is not the City Commission, but other local authorities. It is local authorities.

MRS. ASIYO: Yes, I am talking about the abridgement of term of office of local authorities.

I do not think there should be any problem in the passing of this Bill, because, in his introduction, the Minister made it very clear to the House why there should be this abridgement of terms of office. I want to go along with the sentiments that have been expressed and whole-heartedly support the passing of this Bill this afternoon.

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr. Biwott): Thank you, Mr. Speaker, Sir. I would like to express similar sentiments to those that have already been expressed regarding this Local Government (Abridgement of Terms of Office) Bill. This matter is clear. It is a consequential and a

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (CTD.):

L.C. contigency matter. This is a Bill that has to be passed in order to synchronise our elections timing so that the Presidential and National Assembly elections and civic elections coincide. Whether these elections will take place in 1988, or not, all we know ^{is} that they will take place. This is a fact. Whether we are made to pass this Bill now, as opposed to doing it in the beginning of next year, this is immaterial. Suppose, for instance, that we are recalled here on 2nd January, 1988 - no elections will take place before 2nd January, 1988 because Christmas comes in the middle of next week - we will have been recalled to deliberate on some formal Business. As members of Kanu, to which we have all sworn allegiance, we stand ready to be called to serve the nation at any time. We will have been recalled to serve the nation by tidying up some loose ends that require tightening.

L.C. Because ~~the~~ the memorandum of objects and reasons of this Bill is so clearly stated, and because we know that this has to happen as the Bill is triggered for the Presidential and National Assembly elections and the Minister for Local Government has to call his own civic elections, too, in order to get things moving, my only appeal to hon. Members is that we do not read too many extrenuous things into an ~~at~~ otherwise straightforward and clear procedural matter which must be legalised.

END L

MR. KARAUARI: Thank you very much, Mr. Speaker, Sir, for ~~also~~ giving me an opportunity too to support this Bill. This is a clear demonstration of Democracy because, if the Government was to ignore these facts and then perhaps, the Minister for Local Government acts against the Constitution and against the Law, we would be blamed for not doing our jobs.

(applause)

We will not then be ~~upholding~~ the Constitution. Hon. Members will agree with ~~me~~ ^{that they have} ~~in their~~ fears about the elections - not fears of being defeated - but fears of the elections coming sooner than they expected. I am sure that everybody would support that if the elections were to come sooner than they were expected, it would be better because the registration of voters is over, ^{and} we would not like stay campaigning for more than a ~~year~~ year. So, if that is the fear, it should not be there.

I would only like to ask the Minister for Local Government not to repeat the mistakes he made in the previous years. If the elections were to come, and councillors were to be elected, there are a lot of vacancies for nomination of councillors. The mistakes I am talking about are the mistakes that were made in certain areas like in Meru District where nominated councillors - even where they are more than the seven constituencies - they were all nominated from one particular constituency. We would like to see a fair distribution of the nomination of councillors so that the Minister will appear to be acting rightly.

My last point is that the Attorney-General should think of making the registration of voters a permanent phenomenon so that we do not have to go to register voters when elections are near; so that we do not have to give our people anxiety about elections and election fever when people start registering.

MR. KARAUURI (Ctd.):

I think the laws of this country must change so that the registration of voters becomes a permanent feature so that it becomes like now that you have an identity card, you have a voters card. Then elections can be called any time without a lot of warning ^{we} that ~~we~~ are taking too much time ^{on} for registration; checking the register and so on. So, if we were carrying the voters card like we carry our identity cards, then the President would have a very easy time saying elections are going to be next month without raising any election feavers anywhere and so on.

With those few remarks, I support.

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Muigai):

Thank you Mr. Speaker, Sir, for giving me this opportunity. All we Kenyans should be grateful to ~~go~~ God because we ^{very often} hold elections when they are supposed to be held. This is a phenomena that is not found in a lot of countries ^{on} in our continent. I think our citizens have done this country ^{proud} ~~with a pride~~ to have kept the tradation of democracy, of holding elections.

(The Minister for Education (Mr. Oloo-Aringo)
Stood near the Table taking water)

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir.

Do you realize that there are two Members on the Floor; one taking water and the other one speaking? I thought he would take the glass of water and withdraw, but he stood there taking water while the other Member was still speaking - which is against the Standing Orders.

(laughter)

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Muigai):

Thank you Mr. Speaker, Sir. The Bill ⁱⁿ ~~is~~ front of us only serves to make that system neater and to bring the elections of the local authorities closer to those of Parliament. For that

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Muigai)(Ctd.):

#we have no reason not to support ~~ix~~ this Bill because it just facilitates what is good in Kenya during elections to be done even better.

My point is a little bit different. Members have talked about when the elections would be, or when they will not be, but elections will come in 1988 when His Excellency the President chooses to announce the elections. My point is that we have now a new system of doing elections which involves queing. It is a system that we have not gone through before. Probably, because there is some nervousness among the Members of Parliament, it ~~is~~ also reflects to a certain extent some nervousness among the citizens. While one ~~can~~ cannot say when is the appropriate time to know all the details as to how the elections will be carried out, we would call on the Kanu headquarters to probably come up with the rules, the regulations and the logistics on how this election will be done, and that nervousness may calm down a little bit. People have a habit, or it is human nature to be a bit apprehensive for what you do not know; but once you know it, then you can live with it and settle down. We might also ask that the Kanu headquarters through the media, especially the Voice of Kenya, to come out with these rules ^{and} regulations that will be practised. The Voice of Kenya should publicise those rules ~~and those~~ so that the electors and those that are aspiring to be elected know what their role is and how they are supposed to behave. There are some things that have not been quite clarified in those procedures and we hope that the Kanu headquarters will do that. In the middle of this, as a central point, is whether the ~~queing~~ queing system is a clearing system or a nomination system. If it is a clearing system - as we know clearance - such that it takes the place of the clearance that the Party headquarters was doing - then it has certain implications.

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THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Muigai) (Ctd.):

I do not know whether - if we consider it strictly as a clearing process - the 70 per cent will also hold in a clearing process. Because once you have been cleared and have to go by the laws of nomination, then you still have to go to nominations whether you got your 70 per cent or did not get you 70 per cent. You ~~may~~ might even fail once you been cleared with 70 per cent. If it is the nomination process, then we must think whether we need to change the law so that the law that governs the nomination process is brought into line with what we are doing. It is a ~~brilliant~~ brilliant idea to have this system. As one of the Members said - I think it was hon. Oloo-Aringo - ~~that~~ our ^{Political} ~~medical~~ processes must keep in pace with the other development of the country and that evolvment is what we are in now. Nobody should feel afraid in any way that change should not be welcome. Change can always be welcomed so that our country must continue to evolve politically, economically, ^{and} socially and that this will keep in pace with each other.

With those few remarks, I beg to support.

END M.....

S/K

MR. SIFUNA: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to support this Bill. I hope that the entire ~~new~~ House will support this Bill. But ~~likewise~~ I would like to re_mind the Minister for Local Government one thing. At one time when he was replying to a Question I had asked in this House, in connection with four wards ~~xxx~~ created in M Bungoma Municipal Council--- Up to now these wards have not been Gazetted. I ~~am~~ therefore hope that the Minister for Local Government will take note of this and make sure that the four wards - Range, Seretanyi, Ndengelwa - are Gazetted so that ~~when~~ wananchi will know where to vote during the next general elections.

Mr. Speaker, Sir, I would also like to urge the Minister for Local Government to consider giving more responsibilities to these local ~~authorities~~ authorities. This is because a lot of responsibilities have been taken away from local authorities. You will find that councillors have been left with no work and as a result of this they have resorted to squabbling and so on. So, if they are given more responsibilities they will have no time for gossiping and so on.

I would also like to touch on the salaries paid to councillors. We know that the Government reviews civil servants salaries from time to time. Even we Members, in this Parliament and the previous one, have had our salaries ~~reviewed~~ reviewed twice. But you will find that councillors' salaries were reviewed only once. So, the Minister for Local Government should review the salaries paid to councillors in our local authorities.

With these few remarks, I beg to support.

THE MINISTER FOR SUPPLIES AND MARKETING(Mr. Kitele):

Thank you very much, Mr. Speaker, Sir, for giving me a chance to air my views on this Bill. I will be brief. First of all I would like to thank His Excellency the President for leading this country peacefully. We are breathing the air of freedom and this freedom is guaranteed to us by His Excellency the President.

Mr. Speaker, Sir, I think this Bill is very simple and ~~strzighf~~ straightfoward and it shows very clearly that Kenya is a democratic country. ~~You will find that the Minister for Local Government has brought this Bill here because Kenya is a demoeeratic country.~~ He brought the Bill here so that it can be discussed by this august House. The House should discuss and pass the Bill.

Mr. Speaker, Sir, yesterday one hon. Member said here that His Excellency the President takes this House ~~seriust~~ seriously. This is why this Bill has been brought to us here as representatives of the people. We should discuss it and pass it.

Mr. Speaker, Sir, if you look at Clause 3 of the Bill you will find that it reads as follows:

"Upon the date appointed under section 2, all councils shall stand dissolved and the Minister shall take immediate steps to reconstitute them in accordance with the relevant provisions of the Local Government Act."

Mr. Speaker, Sir, I think this is a very good thing. His Excellency the President has promised us that we are going to enjoy democracy in this country. So, hon. Members should feel honoured because this Bill has been brought here for them to see and pass it. This Bill is short. We do not know when the general elections will be held. According to us elections should be held sometime in August or September next year. But the President has got powers to call elections any time. But ~~we~~ hon. Members of this House must feel honoured ~~for this~~ because we have freedom to discuss issues in this House. This is because in other countries they pass

THE MINISTER FOR SUPPLIES AND MARKETING(ctd);

things without discussing them. We have democracy in this country.

People say that there is democracy in Europe but there is no democracy in Europe. This is because a party ~~winners~~ chooses the people it wants to contest seats. So, people in those countries are never given a chance to make their own choice. But here in Kenya, during the next general elections, people will form a queue behind the candidate of their choice.

MR. GACHANJA: On a point of order, Mr. Speaker, Sir. We are not supposed to ~~interferer~~ interfere with the running of other people's Governments. Is it in order, therefore, for the hon. Member to tell us that there is no democracy in ~~the~~ Britain?

THE MINISTER FOR SUPPLIES AND MARKETING(Mr. Kitele): Mr. Speaker, Sir, I will not say that there is something wrong with my hon. friend's ears. I know that he is perfect. But I mentioned Europe. There is no country called Europe. If the hon. Member knows of a country called Europe I ~~strongly~~ challenge him to tell the House where that country is. We have freedom in Kenya. We are here to do whatever we want to do.

Mr. Speaker, Sir, since there are many hon. Members who want to speak, I will not take a lot of time on this, and with those few remarks, I support this Bill fully.

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY

(Mr. Ayah): Thank you very much, Mr. Speaker, Sir. I really did not want to say very much. But as I listened to my hon. friends contributing to this Bill one thing came out very clearly to me; the fact that we are all agreed that we in this country are following the rule of law. We in this country are following our ~~own~~ Constitution, word for word. Also in this country we are trying to ^{make quite} sure that the basis of law is the reason for our peace.

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (ctd);

Mr. Speaker, Sir, as I sat down listening I also had one idea which came to me; that sometimes we do not go to the next extension of this very fundamental issue. We are attempting to pass this Bill - and I am sure we will do so - based on the fact that we want to be Constitutional, legal and peaceful. But we must go to the logical extension. I have tried to say to myself that this must be the reason why some people do not like this country.

END. N.!!

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (CTD):

Some people would like to see a state of unpeacefulness in this country. This is because we happen to want to follow the rule of law; we want to be peaceful; because we want to be constitutional ^t some people ^{feel} that this is a country that should be undermined and interfered with. Where I come from we have ^a saying that "a hyena might live in a sugar-cane farm without knowing ~~how~~ how sweet the sugar-cane is."

Mr. Speaker, Sir, sometimes I get the feeling that we are in living in a country which is so legal; so constitutional and so peaceful that we tend to take these things for granted; we do not look beyond that and be proud of that fact. But we should look at the logical extension and see that the reason why some people do not like ^{us} is because we are doing exactly what we are doing here.

Mr. Speaker, ~~Mr~~ Sir, yesterday, you gave us the guideline by quoting to us the provisions of our own Standing Orders, which have made us come ^{back here}. I, therefore, feel that I can only explain, for instance, the reason why Libya, through other countries in the neighbourhood and some of our own people in this country, ~ maybe some students, ~~you~~ You can only explain the machinations of people like the Libyans. If you look at the fact that because we are so peaceful, constitutional and follow the law so well, other people would like to undermine our stability. The reason, therefore, why I ~~stand~~ stood up was to ask my hon. colleagues that sometimes we must go to the next extension of our state of affairs. Once we accept that we are following the rule of law; we are being constitutional, we must also expect that other people will try to undermine our stability.

On that basis, Mr. Speaker, Sir, while I support this Bill very strongly, I would like to say to people like the Libyans - and whoever else they are using in the neighbourhood - that we have ^{no} intention of changing our ^{method of} ruling our country; of changing our method of conducting our ~~of~~ affairs just because we ~~have~~ happen to be peaceful, constitutional and legal.

Mr. Speaker, Sir I beg to support the Bill.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Kisiero): On a point of order, Mr. Speaker, Sir. In view ^{of} the fact that this is a very simple and clear Bill, I would I be in order to propose that the Mover be now called upon to reply?

MR. SPEAKER: Order! I will put that Question.

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

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): Mr. Speaker, Sir, first of all I would like to thank all hon. Members of Parliament in this House, who have supported the idea of shortening the terms of office of local authorities. I am very pleased because what this Bill means is very simple. It merely means that since the local authorities, according to their terms of office, will run up to the end of next year, it would be better for me to seek this permission from this hon. House to appoint a date when the local authorities would stand dissolved. The date to be appointed will entirely depend upon the date when His Excellency the President will choose to dissolve this House and call for the Presidential and Parliamentary Elections. For that reason, it would be unfair for the House to hold the hands of the President. He has got to be free because he knows the secret; ~~he~~ he knows the date when he will make his own decision to dissolve Parliament. For that reason, I should be well-equipped; otherwise, it would mean that local ~~authorities~~ authorities would continue operating until such a time that their terms of office expire towards the end of next year.

Mr. Speaker, Sir, our intention has always been that the Presidential and Parliamentary Elections must ~~can~~ coincide with the elections of local authorities. I am very pleased that the hon. Members are going to give me this approval. This will enable me to be ready so that when the President dissolves this House and calls for Presidential and Parliamentary Elections, I will then be in a position, depending on his date, to dissolve all local authorities in the country, except in Nairobi.

Mr. Speaker, Sir, there have been interesting remarks ~~is~~ about how we could improve our ~~is~~ institutions. I think hon. Karauri was right; it did happen in Meru when the Administration gave names which appeared to be from one constituency. In normal ~~is~~ circumstances, the Administration, in consultation with the local people, try to give me names of people whom they feel, when nominated to be councillors, are likely to serve the interests of wananchi and the Government. This is what they normally expect. But I can assure this House, because there was that weakness, this point will be observed very strictly.

Mr. Speaker, Sir, regarding the wards in Bungoma, the district commissioners (D.C.s) and my officer in charge of Local Government elections, together with the office of the Attorney-General, have been going round to look at the newly created ~~electoral~~ locations, and see whether they would be regarded as electoral units.

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THE MINISTER FOR LOCAL GOVERNMENT (CTD):

What I can do about this is to assure ~~that~~ the Member for Bungoma South, Hon. Sifuna, ~~is~~ that if registration has already taken place in certain areas, known as electoral units, it will be difficult to change ^{that} ~~now~~. If registration has not taken place, it will be ^{up to} the hon. Member to consult the D.C., Bungoma, and ~~advise~~ then advise me on the possibility of creating those new locations or sub-locations as electoral units.

END

Jem

THE MINISTER FOR LOCAL GOVERNMENT (Contd.):

Mr. Speaker, Sir, with regard to responsibilities of councillors it is true that councillors, once elected, some of them keep on quarrelling as to who should become the mayor. Even after electing the mayors or chairmen, they always want to remove them. That is the reason why they remain idle backbiting each other. But as a matter of fact, in a county council like Bungoma, if the councillors are to go round and check on development, there is enough work for them to do. But I agree with the hon. Members that they tend to group themselves, or divide themselves into groups just to oppose those who hold offices in their councils.

Mr. Speaker, Sir, with those few remarks, I beg to move.

(Question put and agreed to)

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

Mr. Speaker left the Chair

IN THE COMMITTEE

Mr. Chairman took the Chair

The Statute Law (Miscellaneous Amendments) Bill

MR. SHIKUKU: On a point of order, Mr. Chairman, Sir. Now that we are in the Committee of the whole House, under Order No.8, we have items (a) and (b). Item (b) is "by leave of the House". So, when we come to that item, I think, it should be known there is no "leave of the House". I am giving notice of that in advance.

MR. CHAIRMAN: It should be noted that we are in Committee of the whole House, and I am dealing with The Statute Law (Miscellaneous Amendments) Bill which was stood over yesterday, and we are in the Schedule.

Schedule

MR. CHAIRMAN (Contd.):

Now, I would like hon. Members to be with us, and we have a Supplementary Order Paper this afternoon which contains the amendments, most of which we had ~~already gone~~ ^{went} through yesterday. What we have for this afternoon is contained on page 581, and it is related to the Local Government Act (Cap.265).

THE ATTORNEY-GENERAL (Mr. Muli): Thank you, Mr. Chairman, Sir. The amendment on the Order Paper is sought to amend Section 252(3) of the Local Government Act, and it is reproduced at the end of the Order Paper.

MR. SHIKUKU: On a point of order, Mr. Chairman, Sir. On page 581 of the Supplementary Order Paper, you will find that there is an error. If you look at the amendment proposed, it reads and I quote:-

"THAT, the Schedule to the Bill be amended in relation to the Workmen's Compensation Act (Cap.236) --"

You will find that in paragraph (a) it says delete the expression, and insert the following:- Now, if you look at what is being inserted, it is exactly the same as what is being deleted. Have you noticed that?

MR. CHAIRMAN: Order, Mr. Shikuku! We had already dealt with that yesterday, and at the time of reporting progress, we were on the item "The Local Government Act", and that is where I am beginning now. Continue, Attorney-General.

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Chairman, Sir, the amendment is yet ~~is yet~~ another point which goes to show that this House has got its own respect and must be respected. We do not take it for granted. Again, we would like to do things Constitutionally and in accordance with the law.

Sub-
Mr. Chairman, Sir, the amendment sought under Section 3 of Section 252 - on the Order Paper - you will see the actual Section as it stands now. It gives power to the Minister on a ^{dissolution} resolution of a Local Authority or formation of a Commission. It gives the Minister

THE ATTORNEY-GENERAL (Cond.):


power to extend the life of a Commission, like Nairobi, but I do not want this to be thought it is for Nairobi City Commission because we are dealing with Nairobi City Commission as a separate matter.

It gives the Minister power to order by a further period not exceeding one year. You can see that under little (i). Under little (ii), he can only do so with a resolution of this House.

Now, Mr. Chairman, Sir, if the House has given a resolution and the Minister extends it for a further period, as I read little (ii) you cannot come back to the House at all for a further resolution. That one is restrictive, and according to the construction of the section, it means that you cannot come back here for a resolution for power provided by the Act. For the House to give a resolution, it is exhausted by little (i). I say that is restrictive. The amendment sought is, therefore, to remove that factor, and to enable the House to give, by resolution, more than once or as many times as can be necessary for an extension of a Commission. That is provided for under little (ii) on the opposite page of the Order Paper. The new reading will be as follows:-

"thereafter by the Minister, by order --"

You can see that I have omitted the word by "a further" order. That phrase "by a further order" is restrictive. It means only one resolution. You cannot do it any more. But now we are removing that to allow "by order made with authority of a resolution --"

End P. 

MR. SHIKUKU: On a point of order, Mr. Chairman, Sir. I have been trying to listen to the Attorney-General very attentively, but there is too much noise. I cannot follow what he is saying. Could he repeat what he has said?

THE CHAIRMAN: Could hon. Members please consult gently? There is a lot of murmuring in the House and this Bill is fairly new and hon. Members ought to really hear what the Attorney-General is saying. Carry on Mr. Muli.

THE ATTORNEY-GENERAL (Mr. Muli): Thank you very much, Mr. Chairman. As I have said, and for the sake of clarity, to avoid any repetition, I would like to refer hon. Members again to sub-paragraph (ii) of Section 252 (3) and I would like to read it again.

"Thereafter by the Minister, by a further
~~the~~ order made with the authority of a resolution
of the National Assembly"

Mr. Chairman, Sir, "by a further order" is restricted. It says that the National Assembly can only give "by one further". I am reading "One" instead of "a". In which case once the National Assembly has passed that resolution, it cannot do it again and that is why I am complaining that the hands of the House are tied. Therefore, I would like to move this amendment to remove the fetters, so that should there be a necessity for the Minister to issue a further extension, then he can come back to the House and the House will, with unlimited powers, say yes or no. We are doing this because we do not want to do things illegally. Therefore, the new Section will now read as follows:-

"thereafter by the Minister, by order....."

Therefore, ~~there~~ there will be no question of "by further order", and ^{it} will continue as follows:-

"made with authority of a resolution of
the National Assembly for an additional period
or additional periods".

The House would be interested to know the main clause of the amendment is to remove that fetter so that anytime the Minister would like a commission to be extended, he must come back here. However, as the law stands now, what we did in 1985 was enough and cannot be done again, and that is my interpretation of the section. I think I am correct in so interpreting it, that is, the Minister's hands are tied only once and ~~there~~ there could be a danger here in that the House cannot be required to exercise its powers even twice or three times should there be a need for extension

of a commission for a further period. I plead with hon. Members to understand that except for the exercise in Nairobi, but this one is not affecting the others, and I will explain so later on. This one is a general proposition of the law for amendment for the future. So, Sir, I think that amendment is fully explained. I wanted to explain it in details because it is new and does things that we would like done legally and also not to tie the hands of this House where it is necessary for it to pass a resolution.

MR. MWACHOFI: Mr. Chairman, Sir, I am grateful for the explanation of the Attorney-General and I am just wondering whether I would be allowed to comment on what he has just said regarding what he refers to as a "fetter", which he wants to remove. My understanding of what the law says is very clear. It talks of "a further period". That means that the House can only be asked to make that resolution once and no more, as the Attorney-General himself said. Therefore, Sir, the spirit in which this kind of law is made, where a local government has to be under a commission, is the spirit of democracy where we want the ~~sa~~ people to be represented by the people they have elected. That is why I am quite sure, that fetter was there so that Parliament can only resolve once that those people in ~~that~~ that particular local authority remain under a commission and that after that, it should not be possible to resolve to hold an election. So, to agree with this amendment means that we are agreeing with the Attorney-General that this House is going to give itself the responsibility of denying the ~~a~~ people in particular local authorities, the freedom to exercise their democratic rights. This is very dangerous and I do not support it.

THE ATTORNEY-GENERAL (Mr. Muli): I would like to respond to that point. The intention of this amendment is not the way the hon. Mwachofi has put it. We cannot extend the tenure of a commission without first coming to this House. The merit of the extension by a resolution will be ~~determined~~ determined at the time of the resolution and the House will be able to say, "Yes" in which case the Minister can exercise his powers. If the House has given a negative resolution, there is no reason why the Minister cannot exercise his powers by way of an order in which case, there would be no extension of tenure. So, the merit will be determined at the time

when the resolution is represented. I do not accept the general proposition that the House is being given the power to deny rights. Those words are very ~~very~~ important. The House has been given very close responsibility and the intention here is not to deny anybody rights. As a matter of fact, the Minister is now being ~~xx~~ given that extra power so that in the event of there being need in a particular local authority for an extension of tenure for a commission, there will be one, first/^{by} considering that proposal through a resolution. If, in the wisdom of the House, the House decides that there is need to extend the tenure, it ~~it~~ should not be fettered but/^{the House} should be able to say so. If there is no need to extend the tenure, ~~it should not~~ then the House should limit the tenure. So, Mr. Chairman, this is a very useful amendment which does not, in any way, harm the House.

MR. RUBIA: Mr. Chairman, Sir, I am concerned about ~~the clause~~ this Clause. The hon. Attorney-General has endeavoured to explain the amendment, but he has not told us what is wrong with the existing provision. He has ^{not} ~~not~~ told us why we need to change the present law. The change we have in the Act now was quite ~~a~~ deliberate because we know that with this kind of a proviso, the Minister - and I am not talking about the present Minister because I do not think he is that type - may like to control so many local authorities from his desk by appointing commissions. The hon. Attorney-General has explained the essence of the amendment and, I think, it is very clear. I do not think there is any need for him to try and explain it further. However, he has not told us what this law in the Act is, so ~~is~~ that any Minister cannot extend the life ~~is~~ of a commission for a period of more than two or three terms, as it is at the moment.

Mr. Chairman, Sir, I am very worried - - -

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Chairman, Sir, - - -

MR. RUBIA: Mr. Chairman, Sir, I have not finished, and I think the Attorney-General should take this calmly because I am pointing these things to him very calmly myself. I am concerned about the Nairobi City Commission. As a matter of fact, the Attorney-General might say that I am suspicious, but I am a human being like

MR. RUBIA (ctd.):

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Q.4.
anybody else, and a human being must suspect ~~and~~ and right now, I am very suspicious.
We are being asked to pass this amendment - - -

MR. CHAIRMAN: We already have a Bill before the House and, I am sorry,
I cannot allow you to go into other things.

MR. RUBIA: I am just trying to explain Mr. Chairman, Sir. We are being
asked to pass this amendment under the Statute Law (Miscellaneous ~~and~~ Amendments)
Bill. However, if we pass this particular amendment, it will mean that even
if the one referring to the Nairobi City Commission does not go through, that
the Minister will still have the chance of giving the commission a further term,
and I am very ~~am~~ suspicious about this, and that is the fact, as I see it.
Mr. Chairman, it may be that the Attorney-General is moving this amendment with
good intentions, but I do not see why we need to amend the existing Act.

~~It is my hope that the Minister will come back to the House very soon~~

END Q *Q.4.*

JMK

MR. RUBIA (ctd.):

The Attorney-General says that the Minister will come to Parliament every time, since Parliament is the supreme authority, but that is better written and said than actually done. Nobody should underestimate our sense of intelligence because we have seen, even this afternoon, what Parliament can be put through. Things can be put through the throats of Members of Parliament and there is no way you can reverse whatever goes on because the "Ayes" are the majority. We have seen that this afternoon. So, although that is democracy as we understand it, democracy must also be realistic.

Mr. Chairman, what I am saying is that the present Clause is sufficient. A Minister who cannot re-organise his local authorities after, say— For example, the City Commission of Nairobi has had a life of five years. That should be a period enough. Why do you want to deny the people of this city, a town or a ~~vill~~ village that basic right of theirs as democratic people? How can we claim to be democratic if we go on denying people democracy? I feel that I am bound to oppose this amendment because I know what it can do. We have seen it in Nairobi and, if it goes through, it will apply elsewhere. I know the Government has a lot of voting power and, therefore, they will probably push it through. However, I have a duty and responsibility to state my mind and say, in the interest of this country and democracy, we should not push this amendment through by using the voting power.

I oppose this proposed amendment.

MR. SHIKUKU: Mr. Chairman, I would like to comment on the—

MR. CHAIRMAN: Order! First of all, before you do that, I would like to remind hon. Members of a procedural point. Let me request hon. Members who are going to contribute that we are in the Committee Stage. What normally ~~happ~~ happens at this Stage is that hon. Members persuade the Minister ~~is~~ responsible for a particular Bill on one line or another. Otherwise, we might go deep into a lengthy debate and then there will be no solution.

Secondly, we are dealing with the Schedule. For that reason, I will be putting the Question in due course. Yes, Mr. Shikuku.

MR. SHIKUKU: While thanking you for that guidance, we are now dealing with the Schedule and the Attorney-General is only interested in some parts of the Schedule which he wants to amend. We have not had the opportunity ourselves to tell him what we feel about other things ~~in~~ in the Schedule. I hope you will not put the Question, thereby denying us the opportunity and the right to say what we want to say. We are only dealing with the ~~Minister~~ Attorney-General's amendments and he is not amending everything in the Schedule.

MR. CHAIRMAN: Order, hon. Shikuku! You are not right in that I have gone through - and that was actually yesterday - every part of the Schedule and this is the last bit at which we were ~~hit~~ caught in a hitch.

MR. SHIKUKU: Mr. Chairman, Sir, I am sorry if my memory is not serving me right. However, we have been going according to the ~~a~~ amendments by the Attorney-General and ~~x~~ we did not go through them section by section. I know, and I have been here - and I do not miss even a second of this House - and I did not hear us touching on the amendment to the Posts and Telecommunications Act. That is a very big and major amendment which we have not touched.

With all due respect to the Chair, Sir, I now ~~am~~ want to comment on this amendment which has been moved by the Attorney-General. We cannot have our cake and eat it. The point is that if we believe in democracy and in the people electing the people they want to speak for them, we should realise that a commission is a sort of a democratic coup due to an emergency, which is intended to last for a given time to take care of things, after which it should return to the people their right to elect the people they want. If this Parliament is going to be used the way it is suggested in this amendment ^{to} deny the ~~people~~ people that right, then we, in this House, shall stand condemned by the future generation of this nation. If you look at the deleted proviso, which ~~has~~ the Attorney-General has conveniently refused to show us---- He is supposed to show us what is being deleted.

MR. CHAIRMAN: He has. There is Section 252(3).

MR. SHIKUKU: Mr. Chairman, sub-section (1) says "by the Minister by order, by a further period not exceeding one year". The Minister can do that for

MR. SHIKUKU (ctd.):

himself, and this House can push that extension for two years again. Not only that, additionally, the House can push the extension by a further period. Sub-section (2) says "thereafter by the Minister, by order made with authority of a resolution of the National Assembly for an additional period or additional periods". I do not know whether those periods will be 50 or 70. So long as you can push the request through this National Assembly, then you can continue. This Parliament, then, ceases to be what it is ~~xx~~ supposed to be. In other words, the Parliament ceases to be the protector of democracy for the people of this country. But, few ~~xx~~ as we may be, it must be recorded that once upon a time there were people in this House who felt that democracy must not only be talked about but also upheld.

Mr. Chairman, as we have seen this afternoon, we know that all you have to do is to get the majority of this House so as to do anythi~~ng~~ you want. But the fact that you are the majority does not mean that you are always right. I have been a loner here, even in the question of money being taken out of this country. Nobody believed me; the Government denied it, the Minister responsible denied it and even the Attorney-General himself denied it. But today they agree that money has been siphoned out of this country. Even most recently a woman was found with money in her private parts. Now, why was hon. Shikuku not listened to? So, we know that being the majority does not mean that they are always right. We, as democrats who will die fighting for democracy despite what other people may say, are not in ~~fav~~ favour of this kind of amendment. The amendment may ~~be~~ go through just because we have 88 hon. Members in the Front-Bench and 82 hon. Members ~~in~~ in the Back-Bench. The answer is obvious, but let it be ~~x~~ recorded that we are not serious when we talk about democracy if we can pass this amendment. We should not ~~ever~~ underrate the intelligence of the people of this country; they know what we are doing. I ~~ha~~ have only one hope, that we shall go to the people. We ~~are~~ may be the majority in this House, but we are not the majority outside this House.

MR. MWACHOFI: On a point of order, Mr. Chairman.

THE ATTORNEY-GENERAL (Mr. Nuli): I am answering a point of order, Sir.

MR. MWACHOFI: That was not a point of ~~order~~ order.

16.12.87.

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Chairman, I am responding to those two points raised by hon. Rubia ~~xx~~ and hon. Shikuku. I would like to assure hon. Charles Rubia, the hon. Member for Bahati, who has been a mayor in this city----

MR. RUBIA: On a point of order, Mr. Chairman. I am the hon. Member of Parliament for Starehe and not Bahati.

THE ATTORNEY-GENERAL (Mr. Muli): I am sorry, Mr. Chairman. I would like to assure the hon. Member for Starehe, who has been a mayor and an elderman of this city that I was also a councillor in the city at some stage in the past. I know that he must show some concern about the commission which was appointed after he left City Hall, but I want to assure him and hon. Shikuku that I would have been very wrong if I did not come here honestly and openly to say that I feel that there is a fetter, and that there will be need, at some future stage, for the Minister for Local Government to come here with one or two resolutions which the House can either accept or reject.

END..... R. 

THE ATTORNEY-GENERAL (ctd):

Mr. Chairman, Sir, if I came here to say "remove the House from being involved", I would be denying this House its ~~inherent~~ inherent powers. I did come with that. I only came with the only one request that "have power to hear the Minister twice or three times" but the decision is for the House. It would be wrong to go behind the House and do what is harmful than that. It is better to have a denial of that democracy and I am giving an example of the Nairobi City Commission. Rather than denying those people this right without the knowledge of this House, that is why we are coming here with this amendment so that a resolution can be arrived at. I do not think I can say anything beyond that, Sir.

MR. MWACHOFI: On a point of order, Mr. Chairman, Sir. I stand to seek your guidance particularly on this amendment. ~~According to~~ The provisions of Standing Order No. 70, which is on anticipation of discussion, are as ~~follows~~ follows:-

"It shall be out of order to anticipate the discussion of a Bill which has been published as such in the Gazette by discussion upon a substantive Motion or an amendment, or by raising the subject matter of the Bill upon a Motion for the Adjournment of the House."

If you look at the amendment, Sir, which the Attorney-General was trying to convince the Committee to accept - Section 252(3) - it is very clear that the intention of the Attorney-General is to remove that proviso or what he is calling a fetter so that it is possible to come and discuss, then pass the Nairobi City Commission (Extension of Tenure) Bill. For that reason---

THE ATTORNEY-GENERAL (Mr. Muli): On a point of order, Mr. Chairman, Sir.

MR. MWACHOFI: I am still on a point of order, Sir. It is for that reason that I am asking that the Chair rules that that amendment is out of order. The proposed amendment is out of order and it should, therefore, not be discussed. The Attorney-General should withdraw it.

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Chairman, Sir, the hon. Member has put himself so debased even to the extent of under-estimating my intelligence or knowledge of the law o_f construction. If I were to anticipate the deliberation of the extension of tenure of the Nairobi City Commission by this amendment, I would not bring it. I would have just kep it under my sleeves and then when you pass it, I tell the Minister: "Now you have a right to extend the Commission because you have this amendment." I will not do that because I know that the Nairobi City Commission is standing extended with the authority of this House. Therefore, I cannot deny this House the right to extend it or not. I, therefore, do not accept what hon. Mwachofi ~~issay~~ is saying because he does not know what my indigestion is.

(Laughter)

MR. ANGATLA: On a point of order, Mr. Chairman, Sir.

MR. CHAIRMAN: I would now like to put the Question because we have heard enough of this.

MR. SHIKUKU: On a point of order, Mr. Chairman, Sir.

MR. CHAIRMAN: Order, Mr. Shikuku! We have heard enough of this. Hon. Members have raised ~~m~~ points and the Attorney-General has responded and I am satisfied tha_t he has been satisfactory.

MR. SHIKUKU: On a point of order, Mr. Chairman, Sir.

MR. CHAIRMAN: Order! Sit down please.

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

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

(Schedule as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE CHAIRMAN: Hon. Members, we will now come to the part (b) of Order No. 3, which is on the Local Government (Abridgement of Terms of Office) Bill, by leave of the House.

The Local Government (Abridgement of Terms of Office) Bill

(By leave of the House)

(Three hon. Members stood in their respective places)

MR. CHAIRMAN: There are three hon. Members standing and, therefore, the proceedings of this Bill at this stage will be deferred, according to our Standing Orders, until another sitting day.

(The Bill was deferred to another day)

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Chairman, Sir, I beg to move that the Committee doth report to the whole House its considerations for the Statute Law (Miscellaneous Amendments) Bill and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

Mr. Speaker in the Chair

REPORT AND CONSIDERATION AND THIRD READING

The Statute Law (Miscellaneous Amendments) Bill

MR. ārap NG'ENY: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Statute Law (Miscellaneous Amendments) Bill and approved the same with amendment.

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki) Seconded.

(Question proposed)

(Question put and agreed to)

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I beg to move that the Statute Law (Miscellaneous Amendments) Bill be now read the Third Time.

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki) Seconded.

(Question proposed)

MR. ANGATIA: Mr. Speaker, Sir, I thank you for giving me this opportunity. This Bill is becoming a law and I am sure I express the concern of many hon. Members of this House. Whereas in Committee Stage we discussed the amendments moved by the Attorney-General, hon. Members did not have the opportunity to comment on the Schedule from the beginning to the end. It may have been an oversight or due to the hurry which we are in but it has to be noted that we have gone ~~through~~ through and skipped a very important section.

END S

MR. ANGATIA (Ctd.):

If I had the opportunity, I would have raised the matter on page 442 concerning The Kenya Posts and Telecommunications Corporation Act. I have very ~~strong~~ strong feelings that the ~~matter~~ ^{Report} of The Kenya Posts and Telecommunications Corporation, which came to this House under normal procedures, democratic law and everything, ~~whose report~~ ^{which} went to the Public Accounts Committee, ~~which~~ ^{was} discussed, ~~it~~, and then the Report came to this House to be debated in the ~~normal~~ manner, is being brought in as if it is being brought through a back door. I ^{think} lot of words have been used, and through that cover-up, another section, which is almost irrelevant, is being added into the Act. If we have to maintain the dignity of this House, and also our laws, so that the rule of law, that the Ministers have told us about this afternoon, can remain supreme - not the Party - this is a very serious error. It is a serious error to bring in a matter that is of such a major concern to this country in such a manner. Instead of ~~the~~ discussing a whole Report in the normal way, it is being brought through a miscellaneous amendment and is being made a law.

Mr. Speaker, Sir, we have legalized things that we do not know. We do not know how many millions of shillings may have been stolen; there has not been an audit report of the Corporation; we do not know what we are handing over to the Kenya Posts and Telecommunications Corporation, and we just stand here and approve and legalize what we have not looked at. I consider this as a very sad thing.

The second point is that I wanted to ask the Attorney-General to help us on the amendment he made ^{to} ~~on~~ the Local Government Act, section 252 (3). The Attorney-General explained

MR. ANGATIA (ctd.):

very crudely about not fettering the House, or the Minister. But in sub-section (ii) where he removed the word 'further', I am wondering whether the National Assembly's authority, once given the first time, will be taken for granted the second time, the third time and the fourth time, or ^{whether} will it be sought each time an extension of ~~the period~~ of tenure of the ~~the~~ Nairobi City Commission will be necessary. Let me not be misunderstood because the Attorney-General, and the present Minister for ~~the~~ Local Government, means well. But the Attorney-General has seen a loophole which another Minister, or somebody else who does not ^{well} mean could ~~use~~ to fetter the House by using the word 'further', and then the House would have no power over it because there would only be one further extension.

What resolution is the Attorney-General now giving us? Is it the resolution he has given for the first ~~the~~ extension which the Minister can use and that there will be no chance that the Minister will be free to make use of that resolution of the House many times? We were merely ~~the~~ going to tell the Committee to inform the Attorney-General to put in a provision that that resolution of the House will be sought each time an extension of the tenure of the Nairobi City Commission will be required, and not just one resolution, for many extensions. We wanted to do that but, again, we did not have an opportunity to point that out to the ~~the~~ Attorney-General. I am sure he has an explanation which he would have given us, but we did ~~not~~ not get that opportunity at the Committee Stage. This is why many of us reserved our votes when it came to ^{showing} whether we agreed with the Report from the ~~the~~ Committee. The Report from the Committee ~~s~~ did not include all the matter, ^s that we would have liked it ~~s~~ to ^{be} included.

With those few remarks, I beg to reserve my comments.

MR. MWACHOFI: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to also say a few things during this Third Reading.

One thing that all of us are proud of is that we are living in a democratic country, in spite of our democratic country being a one-party system, and things are going on well. There might be other reasons, but the very ^{basic} ~~baie~~ reason for that is the fact that we have recognized that there is a difference between uniformity and unity, and that we are united and ~~that~~ we live under the system of consensus within a diversity of opinion. It is for that reason that one feels a little bit saddened, when we are here to discuss some thing of national importance like a Bill, and then it is shouted by some hon. Members that "oh, we would not like to hear any opinion that is different". We forget that the more differences of opinion we have, as long as in the end we agree, we are in consensus and we can pass whatever we pass, then we would be more united than when we have some opinions suppressed.

Mr. Speaker, Sir, I am saying this because ---

THE MINISTER FOR AGRICULTURE (Mr. Mwangale): If you are giving a different opinion, you either leave it or say nothing.

MR. MWACHOFI: Mr. Speaker, Sir, can you hear an hon. Member before me here say that he does not want a different opinion? He does ~~not~~ not know that, in fact, that is the foundation of stability anywhere in the world. In any place where you can listen to different views, and finally agree, that is the foundation of democracy and that is why ---

THE MINISTER FOR AGRICULTURE (Mr. Mwangale): Can Museveni take that?

MR. MWACHOFI: Mr. Speaker; Sir, the hon. Minister sitting in front of me keeps interrupting me and he has just come in; I do not know what he is up to.

THE MINISTER:FOR AGRICULTURE (Mr. Mwangale): I was just passing through, you continue with you contribution. I will still answer you.

MR. MWACHOFI: Mr. Speaker, he continues to say that he will answer me while sitting the way he is. He is usually very rare in the House.

THE MINISTER FOR PLANNING AND NATIONAL DEVELOPMENT (Mr. Omanga): You concentrate on your speech. Let us not supress different opinions.

MR. MWACHOFI: Mr. Speaker, Sir, I want to say that while we are passing this Bill, on that ~~ix~~ bit on the Kenya Posts and Telecommunications Corporation, I would like to give ~~ix~~ this example. If you have a crippled child and you are responsive, you do not hide that h child because even if you hide it, one day it will become sick, and when it does h die, everybody is going to know w that it is crippled, anyway. By going the way we ahve gone, w and tried to cover up something and allowed the sins which were committed, which have been cited by the other hon. Members, to be swept under the carpet so that nobody knows, so that the whole thing is legal, in spite of the irregularities, one day, somebody will have to stand up and answer for it.

Mr. Speaker; Sir, I do not support.

MR. RUBIA: Thank you Mr. Speaker, Sir. I rise to give comments on the amendments on The Local Government (Abridgement of Terms of Office) Bill and The Statute Law (Miscellaneous Amendments) Bill. I would like to say that this is, in the serious sense of democracy, a very serious day, that we are going to pass this kind of law; the law that is going to obstruct the process of democracy and freedom in our country; the law that is going to allow a Minister for Local Government - not necessarily the present one ^h _≡ in fact, as I said at the Committee Stage, th^e present Minister is ^a very nice

MR. RUBIA (ctd.):

man, and we know that. But I am concerned that this is an open-ended ~~and~~ law we are creating. Kanu, as a Party to which we all belong, is very concerned about people's freedom and democracy, even at the grassroot level. It is very wrong for anybody to pretend that because Parliament will be asked to endorse the extension of the period of tenure of the Nairobi City Commission, as many times as the Minister for Local Government brings a Motion here, that that is democratic; it is not. The meaning of local government is that the authority of that area is by the people of that area and not by proxy.

AN HON. MEMBER: Good point.

MR. RUBIA: Mr. Speaker, Sir, I would like to say this with regard to the City of Nairobi. I am one of the hon. Members of Parliament from the City and I must make this point. We ~~are~~ have lived with the Nairobi City Commission for nearly five years now. Under the present law, the Minister does not have to do anything more than merely extend the life of that Commission, and then come here and use the voting powers that this Government has, to push the extension through.

END T.

MR. RUBIA (CTD.):

Nairobi is very worried right now about the extension of the City Commission's tenure during which time the City Commission is going to run the city. For how long are we going to tolerate the democratic right of the people being eroded in this way?

The hon. Attorney-General made reference to the fact that the former Nairobi City Council was dissolved because it failed here and there. I agree to that, because I was in the Government at that time. However, let me tell you my own experience since the dissolution of that Council. The situation has gone from bad to worse under the present City Commission. The Commission is said to be almost without a penny to pay for services. That is what they tell us in this vicinity. Garbage collection has gone completely ignored to the extent that even the people of Nairobi have come to live with garbage. If you go to any of the Commission's institutions for public services, such as, health centres, schools, play grounds, social halls, and so on, you will find that there is hardly any function worthy mentioning. I would challenge anybody to share a meeting ^{with me} anywhere in Nairobi and tell the people of Nairobi that the City Commission has improved any service.

Mr. Speaker, Sir, I speak with bitterness and feeling because I know that this Bill is going to go through, much as I speak, but I must make this point because I belong to this city and this country. I am going to live with whatever the Government is going to provide. It is the City Commission, I will live with it. However, let me say that this Bill is undemocratic and contrary to the principles of the Kamau Constitution and to what we stand for, as a free and independent nation. Thank you.

MR. BOMETT: Mr. Speaker, Sir, I did not want to speak, but I rise lest one should believe that there is only one voice here, and that that voice belongs to the ^{to} trio. I think that alleging that any ^{hon.} Member has not been given an opportunity to express his views, since this Local Government (Abridgement of Terms of Office) Bill was moved, is alleging too much. I think—

MR. MWACHOFI: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to say that nobody was denied an opportunity to say anything since this Bill came up when, in fact, yesterday there were only two hon. Members on their feet - hon. Shikuku and I - and none of them was allowed to speak? Nobody else was willing to speak at that time. Is the hon. Member not misleading the House?

MR. BOMETT: Mr. Speaker, Sir, if anybody takes the time of the House in any given Bill or topic in this House, I would say that that is ^{the} a trio. I do not want to go further. However, I know that---

AN HON. MEMBER: What is ^{the} a trio? Who are involved in the trio?

MR. BOMETT: Mr. Speaker, Sir, I would like to say that lest there should be an opinion that there are hon. Members here who are more elected than others, this is not the case.

AN HON. MEMBER: Who has said that?

MR. BOMETT: Mr. Speaker, Sir, we are as much elected as any hon. Member in this House.

(Applause)

The reason why laws are made is that people are not straight. The reason why there is an amendment which requires to dissolve any local authority and let it be run by a commission is that certain local authorities have misbehaved and gone over their own powers. Who does not know that the City Commission came about because of the failure of the former Nairobi City Council? There was corruption, tribalism, and so on. Tribalism was rampant in the former Council. This city belongs to the lot of the people of Kenya. It belongs to 42 districts of Kenya. All plots in this city belong to all Kenyans, but they were not being dishd to Kenyans at that time.

(Applause)

So, when we speak, you should not assume that we do not know what has been happening; we only tolerate and accomodate it. We are not fools; we understand things.

MR. RUBIA: On a point of order, Mr. Speaker, Sir. I really hate to interrupt the hon. Member, who is a good friend of mine. He referred to the fact that Nairobi belongs to 42 districts of Kenya. Has anybody ever refuted that? Does Nairobi belong to these 42 districts any more than Kisumu, Mombasa, Nakuru, Kakamega, and so on, belong to them? What is the dispute here?

MR. BOMETT: Mr. Speaker, Sir, that is not a point of order, but a point of argument. When you were talking, nobody put up a point of order.

AN HON. MEMBER: Address the Chair.

MR. BOMETT: Mr. Speaker, Sir, I think that we should tolerate one another. When one is speaking, we should tolerate him and stomach what he says. When Mr. Speaker allows an hon. Member to speak, then he may speak. With flimsy points ~~of~~ of order, we just reduce the dignity of this House.

(Applause)

I think it is only fair to accept that we should give the Minister an opportunity to correct whatever needs correction. Indeed, there is a ^{proviso} rider here that says that ~~before~~ the Minister for Local Government can make this decision once, ^{but for} ~~and~~ that ^{for} the second time a decision is needed, he has to bring the matter to the House so that the decision may be agreed to by the House. That is democracy. If this House approves something and then ~~then~~ a tendency of saying that the matter has been approved of by the Front Bench arises, that would not be true. I am not a Front-bencher. We should not divide ourselves into Front- and Back-benchers. We are all Kanu elected Members and we should, in fact, speak with one voice. It is a fact that some of us must be in the Front Bench and others in the Back Bench. Some of us must be in executive positions in order to run the country, but we still remain elected Members from certain constituencies. There are still hon. Members who were nominated by Kanu, and we cannot run away from that fact. ~~XXXXXX~~

In fact, we should watch matters closely. Kanu is just next door, and its officers are waiting for us. Very soon, we will meet Kanu. So, we should not forget that very important time which is just round the corner.

With these few words, I support.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M' Maitisi): On a point of order, Mr. Speaker, Sir. This being the Third Reading of the Bill, would I be in order to move that the Mover be now called upon to reply?

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

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I just have two points to make here. The first one concerns the question of the Kenya Posts and Telecommunications Corporation. The amendment being sought here is meant to bring in three things. First of all, there is the transfer of the assets, liabilities and obligations of the then Kenya External Telecommunications Corporation (Kenextel) ^{to} and ~~be~~ vest them in the Kenya Posts and Telecommunications Corporation.

END U 

THE ATTORNEY-GENERAL (ctd);

The second step, Mr. Speaker, Sir, is to transfer the rights and the employees of the former Kenya ~~External~~ External Telecommunications Corporation to be ~~the~~ employees of Kenya Posts and ~~Telecommunications~~ Telecommunications. Thirdly, any pension rights that were ~~being~~ accruing for the employees will be vested in the Kenya Posts and Telecommunications. That is all the amendment is about. The same happened with the Kenya Ports Authority in respect of Kenya Cargo and Handling Services. We did the same thing. There is no ~~sinister~~ sinister motive here. We are not hiding anything. Any liability or any right that is left anywhere can be followed by the Corporation itself. Anybody who knows anyone who has stolen some assets of the former ~~Ken~~ Kenextel lying somewhere he should ~~disclose~~ disclose this to the Corporation and the Corporation will follow up the matter as if it were the former Kenextel itself.

The other point was raised by hon. Angatia and that was--

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. Is the Attorney-General in order to tell us "if there was ~~any~~ anything that was stolen here and there---" Is he in order to ~~do~~ do that when he knows that the Controller and Auditor-General's report ~~with~~ in connection with the Kenya Posts and Telecommunications was completed? That report was supposed to be laid on the Table of the House. There were many irregularities involving billions of shillings. The ~~x~~ Attorney-General says "if there is...". There is no question of "if". That report is there. Why has it not been laid on the Table if he is not hiding anything?

THE ATTORNEY-GENERAL(Mr. Muli): Mr. Speaker, Sir, all that I said is that if anybody knows any assets of the former Kenextel lying somewhere or being held by anyone or stolen by anyone he should give this information to the Corporation. The Corporation will be the legal person to follow it up. That is all I w~~as~~ as saying.

THE ATTORNEY-GENERAL (ctd);

Mr. Speaker, Sir, I was saying that that matter does not sink--- The rights of the former Kenextel does not sink with the passing of this Bill. In fact the Bill, when passed, will give the Corporation power to ~~to~~ follow up those ~~things, assets~~ things - assets and obligations - as if it were Kenextel itself.

The other point was raised by hon. Angatia as to whether the ~~order/for dissolution~~ ^{or resolution} of this House will given once, twice or three times. My ~~respectify~~ respectful advice is this: ~~Te~~ Each time the Minister for Local Government would like to extend the life of the City Commission he will have to come back here. I made it very clear that it is better for the City Commission to be denied its liberty, with the ~~xxx~~ knowledge of the House, any time that extension is required.

MR. MICHOMA: On a point of order, Mr. Speaker, Sir. There is a lot of noise in the House. Hon. Members should consult quietly. We cannot hear what the Attorney-General is saying.

THE ATTORNEY-GENERAL(Mr. Muli): Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

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

BILL

The Nairobi City Commission (Extension of Tenure) Bill
(Second Reading)
 (By leave of the House)

MR. RUBIA: Mr. Speaker, Sir, I rise to oppose the leave of the House being granted. Under our Standing Orders I do not need any other speakers.

(Messrs. Mwachofi, Shikuku and Angatia stood up)

MR. SPEAKER: Order! We will defer the ~~Bill~~ part which we have not covered. I think it is only a few minutes ~~taxation~~ before the time I mentioned. I think we can start on Mr. Omido's Motion right now.

END.V...

MOTION FOR THE ADJOURNMENT UNDER
STANDING ORDER No. 20

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. In your ruling, I heard as if you said that the matter cannot continue. So, I think the Minister should now move that the House do ^{now} adjourn in order to enable the hon. Member for Bahati to move his Motion for the Adjournment under Standing Order No. 20.

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Mr. Speaker, Sir. I beg to move that the House do now adjourn.

MR. SPEAKER: Mr. Omido, will you move your Motion.

MR. OMIDO: Thank you very much, Mr. Speaker, Sir. I want to thank you for having allowed me to raise this matter as a matter of national importance.

Mr. Speaker left the Chair

The Temporary Deputy Speaker (Mr. Karauri) took the Chair

Sir, the House is aware that we have had attacks and slander from our neighbouring country, Uganda. The House is aware that it is through Uganda that our young men and women have been recruited to go to Libya in order to train and come back to subvert the stability of this country.

Sir, we, as a country, have done a great deal to assist Uganda. We know that our President spent a lot of time chairing meetings between Uganda political parties. These were meetings ^{were} lasting from morning continuously until the early hours of the following day. This was done not because we hated Uganda, but it was because of love and concern that our President and we, as a country, have for stability in that part of Africa.

Sir, we have done this, and we have even gone further. We have ~~gone and~~ assisted Uganda in transporting her goods from the port of Mombasa, ~~to Uganda~~. What more can one do than that to show that we

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MR. OMIDO (Ctd.):

are good neighbours?

We know that, as a country, we have even spent money when we brought delegations from Uganda to this country. We hosted them here because of our concern and love for unity, and also because of our love for stability. Our President has shown that he is a leader who cares for the welfare of all people of the world. This is why he took trouble to chair ^{their} meetings. This is why he also took the trouble to try and assist Uganda in order that they could be stable.

If during this struggle, the people of Uganda under the leadership of ~~him~~ Museveni find that he is not able to maintain grip on his Government in his country, then he should not use Kenya as a scapegoat. We are saddened that a country that we regard as a neighbour and a good ~~friend~~ friend should allow our citizens to go through them by issuing them with passports to go to Libya to train in subversive activities. It is a situation which no independent country can tolerate. This is why I want to take this opportunity to congratulate our Armed Forces for having taken a ~~firm~~ firm stand and a firm action against the intruders.

I want to say here, Sir, that Museveni and those who think like him in Ugand should be given a blow which they will never forget; a similar blow like the one that Dr. Nyerere gave to dictator Amin! We should not forget that if we become reluctant even for one moment and belittle this issue, we could find people invading our country from Uganda.

END W

MR. OMIDO (Ctd.):

Museveni is using the opportunity to ~~create~~ ^{create} ~~at~~ ^{at} the border. He is using this opportunity so that he can create a chance for the elements he has trained to cross the common border and ~~create~~ ^{create} trouble in our country. ~~He~~ So, Sir, we should be on the alert. It is the duty of every Kenyan, both along the border and far away from the border, to be vigilant in order to ensure that our stability is not ~~interfered~~ ^{interfered} with. I know there are some people in this country who are applauding whatever Museveni is doing, because we still have Kenyans in this country who are still hoping that the day will ~~come~~ ^{come} when they will successfully create trouble and take over the leadership of this Government. It is these elements that we must guard against; it is these elements that we must tell our people to be on constant look out for.

Mr. Temporary Deputy Speaker, Sir, I believe that this National Assembly has a duty to back his Excellency the President in all the measures he has taken to deal with the situation along the border. We stand absolutely behind him and we ~~would~~ would like to assure him that whatever action he is taking, military or ~~otherwise~~ otherwise, has the support, not only of this House, but of all the people of goodwill in this country, who care.

With those few remarks, I beg to move.

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki): Mr. Temporary Deputy Speaker, Sir, in seconding this Motion, I would like to say that in this matter, there is not Front or Back Bench. We are all elected representatives of the 22 million Kenyans, and we speak with one voice, as a Parliament, and say that all that Museveni is trying to do is to divert the attention of his own people by creating an imaginary enemy. Amin tried it and all the ~~dictators~~ ^{dictators} in the world have tried it, ^{too,} but they have never succeeded. I think, as Kenyans, what we want to do, is what the Government has already done, mainly, to remain prepared, so that whenever Museveni tries, in any way, to cross the border of this nation, ^{firm} then action is taken immediately, with good result.

Sir, those ~~people~~ ^{soldiers of} people in the National Resistance Army (NRA) in Uganda are very naive. It is very naive really for any group of guerilla fighters to ^{imagine} ~~image~~ that they can destabilize Kenya. In fact, if ^{the case} ~~it~~ was not so serious, you would feel

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIR (Ctd)

sorry for them. It is so naive that it is unbelievable that any one would imagine that a country as prepared, stable and united as Kenya - where both the police and the armed forces are efficient and where the citizens are prepared to defend their borders - can be ~~be~~ destabilized by a few fellows who have been schooled by Libyans. This is total ignorance and I think they are so naive to do so.

However, that is not an excuse. When they try to cross the ~~border~~ border, we will have to take action. Personally, I believe that is the proper and effective answer to ~~them~~ ^{them}. I am saying this because if before they dare again to cross the border, they will have learned a lesson. If they attempt to cross the border a second time, then let them learn the same lesson. ~~For if they~~ There is no point ~~in trying~~ in trying to set up a little camps at Tororo or anywhere else, because we in Kenya ~~do~~ have no interest in Uganda, and we are not going to initiate any business of crossing the border. We are happy to be developing this country, but on the other hand, we are ready always to ~~defend~~ defend it.

Sir, as we speak here, we know that we have allowed ugandan refugees to cross into Kenya because they are genuine refugees, and we are bound by international conventions. Uganda ~~is~~ cannot pretend to be pursuing refugees because no civilized person pursues refugees, you leave them alone. In fact, it is not ~~that~~ their wish to be away from their country and they would like to be back ~~at~~ home. However, if the Ugandans want to have that excuse, it will not be allowed. A ~~very~~ point of more importance to remind the Ugandans is that Kenya has always had the means to ~~bring~~ bring their system of economic operations to a standstill very quickly. We are capable of doing that very quickly, indeed.

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THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (ctd.):

Nobody has wanted to punish Ugandans because poor people are not guilty. Ugandans are not guilty; they have just been ruled by one dictator after another. Ugandans themselves have not had the chance to choose their leaders as we do in Kenya; we choose the leaders who will govern us. Ugandans have not had the opportunity to do that, and it is for ~~that~~ that reason only that we, Kenyans, must remain with that consciousness that there are seven million Ugandans who have never known peace and who keep on suffering.

Mr. Temporary Deputy Speaker, Sir, if those ruling the poor Ugandans want to use their present opportunity to go into adventure, we must tell them that adventure is not for this century; it used to be for the last century. If Ugandans want to do anything useful, they should look into their own internal situation.

Finally, let me say what I have always said, that the greatest defence that Kenya has is Kenyans. Libyans, or Libyans through Ugandans or anybody else, cannot destabilise us if we remain strong and united under one leader. They cannot do that if we operated together and refused to be misused. So, let us look at our own internal affairs as we also look at the external affairs. Internal vigilance is as important as external vigilance. We should not have any persons who, by any guise, are operating in liaison with those foreigners who would like to destabilise us. I am sure that under the leadership of our President, we shall always succeed. Uganda and Libya know that and it does not matter what they try to do. We thank our own Police Force and Armed Forces.

Thank you, Mr. Temporary Deputy Speaker, Sir.

(Question proposed)

MR. BARNGETUNY: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nizungumze juu ya Hoja hii. Kwanza, nataka kutoa shukrani kubwa sana kwa mhe. Mbunge ambaye aliiwasilisha Hoja hii hapa Bungeni.

Kama Wahe. Wabunge, tunapaswa kuyafikiria mambo ya Uganda kwa sababu huu umekuwa mchezo kwa muda mrefu. Mtukufu Rais amefanya kazi nyingi sana ya kujaribu kuwapatanisha watu wa Uganda. Baada ya kazi Mtukufu Rais aliyofanya

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MR. BARNCEFULY (ctd.):

kuwapatanisha Waganda, absente yao imekuwa ni mateke. Pia, tumewasaidia Waganda kwa chakula kwa siku nyingi. Nataka kuwaambia watu wanaoishi katika mpaka wa Kenya na Uganda wawe macho sana kwa vile wao ndio wanaweza kuwa marafiki na Waganda, jambo ambalo linaweza kuleta taabu kubwa. Ni lazima tuwe macho sana kwa sababu Waganda wengine ~~na~~ wengi wanaoishi hapa nchini ni majasusi ambao wanachunguza mambo katika Jamhuri yetu. Nataka tuwafukuze hawa Waganda bila kuwabembeleza. Kuna msemu unao-- sema kwamba ukivalia nguo ambayo ina chawa huwezi kutulia; utajikunakuna hadi asubuhi. Kwa hivyo, yafaa tuwafagie wale Waganda walio ~~z~~ katika Kenya. Hata ikiwa kuna watu wengine wa Kenya ambao wanafanya biashara na Waganda na wakatae kutuonyesha hao Waganda, yafaa pia wafagiliwe pamoja bila huruma.

Kutokana na ujuzi niliopata katika jeshi, ninajua kwamba kuna watu wengine ambao ~~z~~ wanawaunga mkono Waganda.

END..... Y.

MR. BARNGETUNY (ctd):

Bw. Naibu Spika wa Muda, inaonekana kwamba nyuma ya Serikali ya Uganda kuna watu kutoka Libya ambao wanaona chuki kwa vile Kenya inakaa kwa umoja. Ningependa kusema kwamba ingefaa watu wote wawe macho ~~na~~ wala si jeshi na polisi peke yake. Ingefaa Viongozi wote, Wabunge, madiwani na wengine kama Kanu na youth-wingers wawe macho. Hata majeshi ambao wamestaafu wanaweza kufundishwa ili nao pia wawe macho. Sisi hapa Kenya tumekuwa na mtindo wa kumkaribisha kila mgeni anayekuja hapa kwa sababu tunafikiria kwamba watu kama hao ni wazuri. Ni lazima wageni wote waangaliwe kamili ili tujue ni hani anayekuja hapa. Ingefaa wale watu wanaowaficha wageni makwao, wafukuzwe na wageni hao wanapopatikana.

Tunapoteza watu wetu, hata akiwa mmoja, inakuwa hasara kubwa. Kumlea mtoto mpaka awe mtu mzima wa kujitegemea si kazi ndogo. Kwa hivyo, ingefaa wananchi wote wawe macho.

Kwa hayo machache ninaunga mkono.

MR. OTWANI: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. I am the Member for Parliament for an area that is now experiencing a lot of shooting. I would like to inform the House, and this nation ^{that} both Museveni and his enemies, as we view them, are out to use us in some way or another. Both Museveni and his enemies - the ones he calls rebels - would certainly wish to see us ~~disrupt~~ disrupt our peace and development. I have experienced ^{that} none of them - Museveni and his rebels - will appreciate whatever sacrifices we make to help them come back to stability if there is ever such a hope in Uganda.

We must do all we can to leave these people sort out their own differences. This is because we stand to lose heavily by any move that is not in our interest as we are obviously going to gain nothing. I would like to say that those of us who have been at the border and have observed what goes on, know that initially Museveni and his men had set aside almost 100 kilometres of ground along the Kenya/Uganda border between Tororo and Moding.

MR. OTWANI (ctd):

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along the Malaba River. We thought the aim was to have an empty zone within which they could monitor the so-called rebels. We thought they would deal with them within that empty zone. It is ~~now~~ empty up to now; there is not even an ~~z~~ animal nor a chicken there. We do not understand why he should claim that these fellows are operating from Kenya. They are not there. All we have in Kenya are very innocent children, old women and men. We do not have any active young men in Kenya to invade Museveni. If they were there, he was supposed to contain them in that empty zone.

END Z

MR. OTWANI (CTD.):

He has told us that he has actually contained them. So, the excuse of pursuing rebels is lame; this is mere provocation with the aim of getting us involved. Once we get involved in this affair, Museveni may honourably get out of Uganda. I suppose that it would very honourable for him to be kicked out by Kenya. In that event, the rebels in Uganda will be very happy because we will have helped them to win whatever they have been struggling for all this time.

So, Mr. Temporary Deputy Speaker, Sir, I would wish that whatever happens, we uphold our Nyayo Philosophy and go by the principles of our foreign policy. We should completely avoid sacrificing our peace, people and resources. I would propose that if any invaders continue coming in, we beat them up at the border. We should not go beyond the necessary stage. Our regular police and Administration police are already enough to beat the invaders up. I think we should continue to hit them there and avoid going to solve their problem in the interior. Honestly, we cannot afford the latter.

Finally, I think we still have to do a little job in rounding up Ugandan spies who come in all forms - traders, and so on. I think we also need to round up a few more Libyan agents within Kenya.

With that, Mr. Temporary Deputy Speaker, Sir, I would like to support.

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr. Biwott): Thank you, Mr. Temporary Deputy Speaker, Sir. I think this Motion has come at the right time. We need to demonstrate that Kenya is one and that, by resolve, it is a nation that cannot be threatened, provoked or played with. The fact that Parliament has taken up this issue today gives a clear signal to foreigners that Kenya is not the place they think it is. This is a secure country where people value life and security. The people of Kenya will go to any length to defend the security of the country and uphold its ends by all means.

What has happened at the border is shameful to those who thought that Kenya was what they thought. However, I believe what an hon. Member mentioned earlier here. Maybe Ugandans are completely out of control in their own country,

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (CTD.):

and are now seeking our involvement. They think that ~~it~~ by provoking us, they will be able to get sympathisers to come and solve their problems for them. If that is the case, it is ^a ~~is~~ ^{one} ~~mistaken~~ because we are not here to be used in any of their misfortunes.

Mr. Temporary Deputy Speaker, Sir, I was listening to the British Broadcasting ~~Corporation~~ ^{Corporation} last night, and I was surprised to find that even the Corporation is inclined to thinking that Kenya was, in any way, at fault. The commentator in Kampala said that the Kenyan police - we are dealing with a police case - went across the border to loot. How can anything be so absurd that Kenyans could go across the border to loot? If anything, it was the other way round.

I agree with the hon. Vice-President and Minister for Home Affairs, the Leader of Government Business in this House, that this issue is diversational. Ugandans are diverting their own problems and trying to draw Kenya into the issue.

I think Ugandans should be ashamed because our President, our own people and resources were involved in such great detail ⁱⁿ ~~and~~ time-consuming activities for their sake. They should be ~~gr~~ grateful for that. Even Museveni, who was nowhere ^{near} ~~at~~ that time, should be grateful that our President, through the love of peace and the people and through the goodness and welfare of our own people, was able to bring the warring Ugandans together. What have they done now? They have abused that gesture and abandoned the agreement they made here, and they are now provoking Kenya. I think we should condemn them and really make it known that what they have done is nothing more than a show of lack of gratitude.

END AA

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr. Biwott)(Ctd.):

We value life, and this is why we have been patient. We have a President who is torelant and he is patient We have a nation which knows ~~kn~~ how to forgive the past and lives in the future. But we have a nation that is courageous; that is not afraid of taking any action and a nation that is firm when its interests are threatened - when it is its own stability and its sovereignty ^{are} threatened. Let is be known very clearly that Kenyans as a whole and Kenya as a nation is firm and that none of these provocative actions should be directed at us.

With those few remarks, I beg to support.

MR. MWACHOFI: Thank you very much, Mr. Temporary Deputy Speaker, for giving me this opportunity to support this very important Motion that has been moved by hon. Omido; a ~~m~~ Motion that I believe that every Member of Parliament supports because it is supported by every Kenyan.

There is no way there can be ^{interference} ~~interference~~ with our national integrity. There is no way there can be interference with ^{our} security and then we just keep quiet like that. I want to congratulate the members of the ~~an~~ Armed Forces, particularly the Police, for the kind of work they have been doing--- I have heard an hon. Member comment that I am supporting for the first time; I do not know what is ~~wha~~ wrong with some people.

AN. HON. MEMBER: No. Forget about such people.

MR. MWACHOFI: What I am saying, Mr. Temporary Deputy Sir, is that there is no way those who are in Uganda, purporting to be leaders of that country, can expect ~~er~~ or can believe that they have the capacity to distabilize ~~that~~ this country. What we said ~~in~~ ~~a~~ earlier in a different Motion is that we live in a situation of democracy and I said that the pillar of that

MR. MWACHOFI (Ctd.):

democracy is the fact that we accommodate diverse opinions and finally, we come into a consensus. That is why I want to agree with those who have spoken earlier that ^{we} need to maintain that unity; that we need to be strong at home. At a time like now when we are preparing ourselves for other very important national duties like the elections that will come soon, nothing should be allowed to interfere with our ~~own~~ own unity and whatever we are doing. I believe that what has happened at the border - some people might say it is an accident, but it is true that all wars begin like that. What I am saying is that ~~the~~ chances are that we might have had three or four National Resistance Army (NRA) soldiers wanting to go across the ~~the~~ border to do something at their own interest - I am just imagining, and that when they were challenged to stop, they refused to stop ^{and} so they were shot at. So, they run back and ~~they~~ called for more ^{people} and as a result ^{trouble starts} ~~they called for more people~~. That is how wars begin. If that was the position - I am not saying it was. I do not have any information at all ^{but} but I am saying that if that was the position, then the Ugandan authorities should be in a position to control their own men. On the other hand, if it ^{is} ~~was~~ intended and if the decisions are being made by the leaders in Uganda, then it is the high time they made it ~~be~~ very clear and declared that they want to fight and they should explain for ~~the~~ what reason they want to do that.

I want to support hon. Barngetuny when he says that all those who have been in all kinds of forces before should be prepared to be recalled in case of trouble. I know we might not need that but some of us in this House are still young enough to go out and defend this county.

With those few remarks, I beg to support.

END BB...

S.K.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. N'maitisi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Since I can see that there are a lot of hon. Members who want to support this Motion, would it be in order to propose that the House extends its sitting time up to 7.30 p.m.?

MR. SHIKUKU: On a point of order, Mr. Temporary Deputy Speaker, Sir. Normally, under Standing Order No. 20 we are supposed to have an hour. Since we started half an hour ago, we will have to have a full hour.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Order! The Speaker had ~~five~~ ^{should} allocated this Motion 30 minutes. But if it is the wish of the House that we ^{should} extend the time up to seven o'clock, then the House ~~will~~ say so.

(Question, that time for debate be extended upto seven o'clock, put ^{and} agreed to)

THE MINISTER FOR LABOUR (Mr. Okondo): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this debate. I must ~~not~~ congratulate the hon. Member for Bahati for bringing this Motion, because it ~~is~~ concerns a matter of national importance, which is also a very apt subject.

Mr. Temporary Deputy Speaker, Sir, as we talk in this House, there are many people who are suffering the pains of the wounds of the bullets that went through their system; there are people who have been moved from their houses and homes; they are not living in their places at all; ^{and} they are congested in other areas. As we are talking here, these things of misery are taking place on the Uganda border. Nothing is peaceful at that side, and all is not well on the western front.

It is for this reason that I would like to join my colleagues, first in condemning what Mr. Museveni and National Resistance Army (N.R.A.) are doing on the border; we condemn it unreservedly; we do that. But further than that, I would like to give a warning to Mr. Museveni that he is playing with fire, but ~~ask~~ if he does not realise what he is playing with. At present, we are telling him, "please, do not hurt the people; please do not do that". But he ^{continues} ~~is continuing~~ to do so. A time may ^{*} come when Museveni may feel the pinch of what is happening in this country.

Mr. Temporary Deputy Speaker, Sir, as we are with you here, some of my ^{been} constituents have ^{and now} abducted and taken to Uganda, Through no fault of their own, the N.R.A. forces ^{inside} enter ~~into~~ Kenya/10 kilometres ^{does not} to abduct people ~~then~~ around the shores of Lake Victoria. This has to stop. If it ~~is not~~ stop, then Museveni ~~is~~ ^{pronounce} ~~Museveni~~ will soon be looking for accommodation, and I will give it to him.

THE MINISTER FOR LABOUR (CTD):

I declare now that I will accommodate him at the Busia Teachers Hotel at my expense. He may have to run away, just like the others have done; and he may do so in a hurry. Now, I am telling him in advance that he is welcome. In Kenya he will be treated as a refugee. But at present, he is insisting that refugees are being trained to attack his country. We are not doing that.

Mr. Temporary Deputy Speaker, Sir, I call upon the United Nations Organisation (U.N.O.) to say ~~say~~ that we are looking after the refugees, but they are not being trained as possible attackers of Uganda. Will the U.N.O., please come up and say this, because they are looking after the ~~refugee~~ refugees?

Mr. Temporary Deputy Speaker, Sir, at present we are observing the Organisation of African Unity (O.A.U.) rules that we respect borders. If it was not for that rule, ~~perhaps~~ perhaps, the Uganda border would be different today. I have had my people suffer and die; I am not going to tolerate that for a very long time. Perhaps, it is high time that the O.A.U. sent a mission to mediate at this border; to show that it is Museveni who has prepared his side of the border for a war. Why is it that when foreign reporters want to ^{go to} Busia from Kampala, Museveni stops them? He says that they cannot go beyond Kampala. He gives a Press statement in Kampala, and does not allow them to come to the border at Busia. Why does he do this? It is because he ^{is} preparing for war on his side, and he is trying to drag us into that war. He cannot do so. But if he ever happens to do so, then I am sure that Museveni will be our guest in Kenya, whether he likes it or not.

Now, this may happen to him, and I am giving him a warning in this House. If he does not listen now, we cannot tolerate the suffering that we people on the border are going through everyday; we cannot sleep; we are shot at and ~~harass~~ harassed by these ridiculous people. He does not know who in his N.R.A. forces are his allies and who are rebels; ~~he does not know~~. So, in order to pretend that he has got a strong force, he ^{sends} his rubble to the border and tells them "shoot eastwards; you will be shooting into Kenya ^{whenever} ~~wherever~~ you shoot eastwards". Some of them even did not know they were in Kenya when they were in Busia Town. They thought that they were still in Uganda. That is how liberal our people at the border are. From now on, our border people must make sure that nobody crosses, unless he has got a visa

CC.3. 16.12.87

THE MINISTER FOR LABOUR (CTD):

Mr. Temporary Deputy Speaker, Sir, we would also like to know why the Uganda High Commissioner is holding conferences every night at in his house at Mwitu Estate. Every night about 20 or 40 motor-vehicles go to his house in Mwitu Estate.

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

END CC

THE MINISTER FOR FOREIGN AFFAIRS (Dr. Onyonka):

Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very ~~important~~ important Motion.

Sir, the truth is this; we are dealing with the government ~~that~~ that seems not to appreciate the rules of the game. For instance, it appears as if the Ugandan government does not know what national boundaries mean. I am not surprised to hear that they have been operating in an open space in the bush; ^{they seem to} thinking that Kenya is part of Uganda. Kenya is not part of Uganda. ~~It~~ Kenya is a sovereign and ~~the~~ Independent state with defined boundaries. The Uganda government seems to have decided that by ~~deft~~ ^{barrel of the} deceit and the gun will make things work for them.

Sir, we have experienced a typical case in international relations of what we call provocation. It appears that the Ugandan government is trying to export their domestic problems to us, but Kenya is not interested in importing those domestic problems of theirs. It is quite clear that they have adopted the classic sort of approach; when a country is faced with internal problems it ~~tries~~ to seek an external enemy to divert ^{attention} from the domestic situation.

(applause)

Frankly, Kenya has not done anything to provoke the sort of situation that has developed in the border. Here is a bunch of people - the National Resistance Army soldiers - ^{roaming} ~~just~~ going around the area as if Busia District was part of Uganda. As far as we are concerned, we have defined boundaries, and, as a matter of policy, we have made it quite clear that we ~~are~~ are going to defend those boundaries at any cost, because we think we are dealing with people who do not have any respect or regard for

THE MINISTER FOR FOREIGN AFFAIRS (CTD.):

other ^{Countries'} ~~countries'~~ boundaries. ^{have} Further more, if they ~~an~~ ideology or a policy, we are sorry, we are not the ~~gun~~ guinea pigs on ~~the~~ which to experiment those ideologies and policies.

~~_____~~ Mr. Temporary Deputy Speaker, Sir, ^{the problem} I suspect ~~that~~ there ^{is that it is} is ~~a~~ ^{who} ~~problem with~~ the Libyan commanders, ~~they~~ do not seem to know where the boundaries are because they do not know the geography of East Africa. So, they seem to think that Busia is part of Uganda.

Mr. Temporary Deputy Speaker, Sir, we have learnt a lot of interesting information from the Press Conference that ~~the~~ ^{Ugandan} ~~the~~ President held, and it is quite clear that the statement contains nothing but petty lies. The same lies we have had to listen to so many times of Ugandans being harassed, ~~x~~ ~~being~~ prevented from transporting their goods, and many other accusations. If we ^{were to} ~~would~~ narrate what is happening to Uganda internally, I am sure the whole world would weep. But the truth of the matter is that we do not wish ^{to} ~~to~~ party to the genocide that is being committed in that country, and ~~the~~ it is also true that the only Ugandans that we have here are genuine cases of refugees who have sought ~~ask~~ asylum in camps ~~wherexxxxx~~ simply because they are running ~~w~~ away from the terrible situations ^{feel} prevailing across the border. We ~~that~~ it is almost an ~~insux~~ insult to be told that Kenyan soldiers have gone to loot in Uganda. They cannot loot empty buildings or empty shops. They cannot loot empty gardens, classrooms or even hospitals. This appears to be an act of desperation; they are tryi~~ng~~ to seek ~~and~~ justification for interfering with our internal affairs.

Sir, there is a great deal that can be said about the prevailing situation because, it is ~~a~~ quite clear, ~~that~~ Uganda is seeking an excuse to confront Kenya.

(END....DD)

THE MINISTER FOR FOREIGN AFFAIRS (ctd);

Mr. Temporary Deputy Speaker, Sir, the whole world knows that this country has sacrificed a lot in helping Uganda. Look at the chain of leaders who have gone through Nairobi into the Republic of Uganda and out of the Republic of Uganda, the following ~~month~~ week, month or year. All of them ~~xxx~~ have passed through Nairobi. But we have been very patient and considerate. We have persevered and sacrificed. Nevertheless, what do we get in return? We are kicked on our mouth simply because we have been reasonable men; ~~xxxx~~ considerate and prepared to assist other people purely on the basis ~~us~~ of humanity. We are not interested in interfering in the internal affairs of Uganda. We know that the situation is immensely complicated. But why then should they want to import more problems if the situation is so difficult? ~~Mr~~ Mr. Museveni himself knows this. If you look at the list of things he was talking about in his Press conference, I would say that the people of this country would stand up and say "No, No, to Museveni." Let him ~~fix~~ fight it out in Uganda but ~~a~~ not on Kenyan ~~£~~ territory.

MR. MUTISO: Thank you very ~~xxx~~ much, Mr. Temporary Deputy Speaker, Sir, Let ~~me~~ me also join my colleagues who have spoken on this very important Motion. There is an English saying which says "People living in glass houses should not ~~to~~ throw stones." Mr. Yoweri Museveni knows ~~that~~ that Kenya has done a lot in terms of assisting Uganda. In fact Kenya has been feeding Ugandans. Uganda is a landlocked country and all its imports and exports must pass through Kenya. Because of our generosity we have served t hat country. This is a country whose ~~xxxx~~ economy is in shambles; it is in a total mess. ~~Kxx~~ How can a country in that condition, if its leaders are in their right senses, dare to provoke a country like Kenya, which is so peaceful and which is in a stronger position to repel any military aggression against it?

As the Minister for Foreign Affairs has just said, Mr. Temporary Deputy Speaker, Sir, the Ugandan Government is trying to turn the attention of its people from the ~~the~~ internal problems facing the country to something else. They are looking for an excuse to invade Kenya so that by so doing they can win some external support. But that is impossible.

Mr. Temporary Deputy Speaker, Sir, since the fall of Kabaka Mutesa the II ~~the~~ that country has never seen peace. ~~That~~ That country has never concentrated on development activities of whatever nature. It is a day-dream for them to imagine that they can ^{dare} challenge Kenya. But I would like to say, as many other ~~speakers~~ speakers have said, that we should not take these things lightly. An enemy is an enemy no matter how small he appears. You should never belittle your ~~own~~ enemy. Let us be united. Let our armed forces be alert and be prepared for any eventuality because we do not know who might have engineered this ~~thing~~ thing. We do not know who has encouraged Museveni to provoke Kenya. We know that ~~the~~ Uganda is not in a ~~position~~ position to fight a war even for one month.

END.EE...

MR. MUTISO (Contd.):

Sir, to start a war, it is not a joke. Even if they are being backed by Gaddafi, but they have to have their men, food and everything. They have to have materials. But we know that they lack these things. However, let us show them that we in Kenya love unity of our neighbours. We also love peace and we want that understanding. But whenever our internal peace is threatened or challenged, then we are prepared to defend it by taking repulsive steps and actions to show them that we are not people to play with.

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

MR. SINDANO: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili nami niungane na wenzangu Wabunge kumlaumu Museveni kwa yale mambo anayofanya.

Nikiwa mwakilishi ambaye mawakilisho yangu iko katika mpakani wa Kenya na Uganda, sisi Wakenya tumefurahia amani ambayo iko katika nchi yetu ya Kenya, na maendeleo yote ambayo yanafanyika katika nchi yetu tukufu ya Kenya chini ya uongozi wa Mtukufu Rais Daniel arap Moi. Hii ndiyo sababu nchi nyingine zinakuwa na wivu ^{Ku} sisi kwa kuyaona yale maendeleo ambayo tumefanya. Hii ndiyo sababu wanajaribu kuichokoza nchi yetu ya Kenya.

Bw. Naibu Spika wa Muda, sisi ambao tunaishi katika mpaka, tumeyaona mambo mengi. Tumeyaona mambo yakitokea tangu mwezi wa Oktoba mwaka huu. Watu wa Museveni wamevuka mpaka na kuchukua ng'ombe wa watu wa Pokot Magharibi. Kumbe wanajitayarisha kuivamia Kenya! Ng'ombe ambao walikuwa wakichukua pengine ni wa kulisha askari wao wa jeshi ili waishambulie Kenya. Tena, hata tarehe 5 mwezi wa Novemba walifanya hivyo hivyo. Kwa hivyo, sisi tunashikana bega kwa bega na Serikali kwa uamuzi wowote ambao utatolewa na Serikali. Sisi ~~wanayewe~~ ^{tutawamia} watu wa Pokot tukiambiwa tuendeleo mbele, ~~tutawamia~~ Museveni mpaka Kampala!

(shangilio)

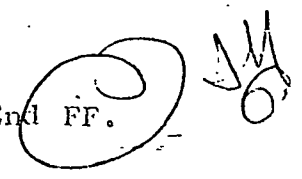
MR. SINDANO (Contd.):

Bw. Naibu Spika wa Muda, tunaielewa kwamba Serikali ya Museveni haina usimamizi mzuri katika wilaya ya Karamojong' katika sehemu yake ambayo inapakana na sisi Pokot na Turkana. Wilaya hii iko peke yake, inajitawala na Museveni hawezi kukanyaga huko na miguu. Sasa ikiwa ameshindwa kuwaongoza watu wake ili aweze kuingia huko, sasa ndiyo anaona eti Kenya ndiyo rahisi sana kuja kuichezea, jambo hili haliwezekani kabisa.

Pia, sisi tunaunga mkono sana na kuwapongeza askari wetu wa polisi na askari tawala kwa kazi nzuri ambayo wamefanya kuwasukuma ^{Waganda} hawa nyuma zaidi. Hii ni kuonyesha kwamba yeye anawatuma watu ~~wa~~ ambao hawana nguvu hata kidogo. Ikiwa askari wetu wa utawala peke yake na polisi wanaweza kuwasukuma nyuma, je, jeshi letu likiingia huko mambo yatakuwa namna gani? Yafaa sisi Pokot na Turkana tupewe nafasi tusonge mbele hata kabla ya jeshi letu kusonga mbele.

Bw. Naibu Spika wa Muda, nachukua nafasi hii kuwaomba wananchi wote ambao wanaishi mipakani kwamba washirikiane na Serikali na kutoa ripoti mara moja wakiwaona watu ambao vitendo vyao ama matembezi yao si halali ili tusaaidiane na Serikali yetu tukufu. Tunajua kwamba pengine si Waganda wote wabaya. Ni mtu mmoja tu ambaye pengine anasukumwa na rafiki yake Gaddafi kuichokoza nchi ya Kenya hata bila yeye mwenyewe kujua anafanya nini. Yeye anatumika tu kama chombo cha Gaddafi! Kwa hivyo, sisi wananchi wa Kenya tuko tayari. Tunashikana pamoja na kuilinda nchi yetu ya Kenya. Kwa hivyo, sisi tunaiunga mkono hatua yoyote ambayo Serikali itachukua.

Kwa hayo machache, Bw. Naibu Spika wa Muda, naunga mkono.

End FF. 

THE ASSISTANT MINISTER FOR LANDS AND SETTLEMENT (Mr. Muturia): Ahsante sana

Bw. Naibu Spika wa Muda kwa kunipatia nafasi hii niseme machache juu ya Hoja ya maana sana. Ninamshukuru mhe. Mbunge ambayo ~~siki~~ amoleta Hoja hii. Ni kweli kwamba Museveni ametukosea. Yeye ameona utulivu wa Mtukufu Rais wetu na kwa hivyo, amemkosea sana. Si rahisi kujua tofauti baina ya Gaddafi na Museveni. Tumekosea kujua ni nani mwenyewazimu kuliko mwingine. Nasema hivyo kwa sababu huyu Gaddafi anamsukuma rafiki yake mpaka anamleta hapa Kenya. Mimi naon kwamba kuna dawa moja tu ya kumpatia huyu Museveni na dawa yenyewe ~~imenda~~ ni hii. Huenda siku itafika ambapo Kenya itamfanya Museveni kama vile B Gaddafi alivyo-fanywa na Reagan. Nasema hivyo kwa sababu wakati Gaddafi aliendelea kuwasumbua watu ~~wa~~ katika dunia kwa kuzitaka nyara ndege za mataifa mengine: na kulipua maafisi ya watu ~~wasi~~ wengine, Bw. Reagan alitumia kitu kidogo tu na kumlenga Gaddafi kabisa. Ali tupa bomu mpaka kitandani ~~wa~~ chake. Kutoka siku hiyo, Gaddafi hasemi chochote. Yeye alionywa na kuambiwa kama ataitaka nyara ndege nyingine hatua itachukuliwa na kupigwa tena. Kutoka siku hiyo Gaddafi alinyamaza.

Mimi ninajua kwamba siku moja itafika ambapo uvumilivu wetu utafika mwisho na Serikali yetu tukufu itachukuwa hatua. Nasema hivyo kwa sababu hatuwezi kukubali ~~kuwa~~ kuwa tukishambuliwa kule mpakani na Museveni. Mtu huyu hana heshima hata kidogo kwa sababu ~~hata~~ Kenya imemfanyia kila kitu. Nchi yake inapata chakula kutoka Kenya na pia wanapata njia ya kusafirisha bidhaa zao kutoka Mombasa mpaka kule Uganda. Hata wana tunapozungumza, bidhaa ya Uganda, zingali zinasafirishwa mpaka kule kupitia Kenya. Hivyo ni kusema bidhaa zinapita kwenda Uganda na askari wa Museveni wanapitana na hizo bidhaa na kuingia Kenya kutushambulia. Hawa ni wenda wazimu kabisa! Siku itakuja ambapo mpaka wetu utafungwa na njia ya kusafirisha bidhaa hizo itafungwa pia kwa sababu huyu mtu anatumbaribu akili lakini siku moja atakuja kujuta. Mpatie ~~ya~~ mbwa yule kamba mrefu ajifunge nayo. Nafikiri wakati ~~ya~~ umefika wa kuwapatia hawa watu adabu ~~kidogo~~ kidogo kwa sababu wanafikiri kwamba sisi ni watu wavivu.

Bw. Naibu Spika wa Muda, hata hawa watu wa National Youth Service wenyewe wakipatiwa nafasi, wataweza kumeleta Museveni hapa Kenya akiwa hai. Kwa hivyo, ni lazima Museveni auache huu mchezo wake. Tunataka amani katika Kenya na hata Mtukufu Rais wetu anapenda ~~ama~~ amani na amewasaidia hawa watu sana lakini hawajui ukarimu huu wanapatiwa na Kenya kwa sababu tunapenda amani.

CG.2.-----16.12.87.

THE ~~THE~~ ASSISTANT MINISTER FOR LANDS AND SETTLEMENT (Mr. Muturia)(ctd.):

Kama Kenya ingeufunga mpaka baina yake na Uganda kwa siku moja tu, watu wa Uganda wataanza kulia. Lakini mimi najua kwamba wanataka mpaka ufungwe ili watuzingizie kwamba tumeufunga mpaka na kwenda kuwa ~~ndugu~~ ndugu zao kama wale wa British Broadcasting Corporation na kutuharibia jina. Jambo hili likiendelea ~~hivyo~~ jinsi hii, ni ingefaa tupatiwe nafasi ya kwenda kule mpakani na kuona ni kitu gani tunachoweza kufanya.

Kwa hayo machache, ~~na~~ naunga Hoja hii mkono

ADJOURNMENT

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Hon. Members, it is now time for the interruption of business and the House is therefore adjourned until ~~at~~ tomorrow Thursday the 17th of December at 2.30 p.m.

The House rose at Seven o'clock

END .G

R E P U B L I C O F K E N Y A
T H E N A T I O N A L
A S S E M B L Y

OFFICIAL REPORT

Thursday, 17th December 1987

ORAL ANSWERS TO QUESTIONS

Questions Nos. 784, 802, 812, 813, 817 and 809.....(Col.....)

QUESTIONS BY PRIVATE NOTICE

Arrest of Mr. Slaus Wambua Mwangala by Police (Mr. Muia)

Dismissal of Mr. Joseph Muema by Nairobi City Commission (Mr. Omido)

Abandoning Site by Jabenga Contractors (Mr. Karauri) - Deferred

Payment of Dues to Mr. Abdi Tasho Mahad by Robert Shaw MF 6 Ltd
(Mr. Ddaiddo) - Deferred

Lack of Rabies Vaccine and Medicine in Garissa (Mr. Hassan)

Compensation for Death of Lorna Arwa Adhola Killed by a Police
Patrol Car (Mrs. Asiyo)

MINISTERIAL STATEMENTS

Payment of Farmers for Crops Purchased this year

Derogatory Remarkks made by Uganda's High Commissioner to Kenya
against Kenya's Head of State

POINTS OF ORDER

Proof that an hon. Member attended the Lancaster House
Conference on Kenya's Independence

BILLS

Second Reading

The Nairobi City Commission (Extension of Tenure) -(The
Minister for Local Government) - Question Proposed -
Agreed to

In Committee, Repor and Third Reading

The Local Government (Abridgement of Terms of Office) Bill
Agreed to in Committee - Reported without amendments -
Read the Third Time and Passed

H A N S A R D

Thursday, 17th December, 1987

The House met at thirty minutes past Two o'clock./Mr. Speaker in the Chair/

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.784

MR. SPEAKER: Dr. Omamo not here? Next Question.

Question No.802

MR. WAGURA asked the Minister for Lands and Settlement:-

- h.c* (a) how many Settlement Schemes and Co-operative
l.c Society farms in Nyandarua District have been issued with title deeds; and
- (b) when ~~are~~ the others ^{are} going to have their title deeds.

THE ASSISTANT MINISTER FOR LANDS AND SETTLEMENT (Mr. Muturia
Mr. Speaker, Sir, I beg to reply.

(a) Thirty six settlement ~~sx~~ schemes consisting of 13,525 titles have already been registered, and 7,736 ^{title deeds} have already been issued to the land owners. So far, only one co-operative society farm has been registered and the title ~~x~~ deeds are being processed.

(b) Survey work is in progress in the remaining settlement schemes and the co-operatives societies farms and, as soon as it is completed, the land owners will get their title deeds.

MR. WAGURA: Mr. Speaker, Sir, while thanking the Assistant Minister ~~ref~~ for his reply, I think the land owners have waited for quite a long time, and ~~the~~ he is saying that the title deeds are being prepared, when will they ~~going~~ be ready?

MR. MUTURIA: Mr. Speaker, Sir, there are very many settlement schemes and co-operative society farms in Nyandarua District, and we are working on them. For, ~~an~~ example, we have Kipiriri Division which is registered and has five settlement schemes, ~~namely~~ namely, Malewa, Kipiriri, Wanjohi, Mumui and Turasa. In Kinangop Division there are about 18 settlement schemes. In Ndaragwa Division there are about 10 of them. In Ol Kalao Division they are over ~~10~~ 10, and in Oljororok Division they are about five. All these farms are big and, survey work being not very easy and the survey personnel being not enough because there are also other areas in the country which have co-operative society farms and settlement schemes which also need to be surveyed, we are doing our best. So, I would like to tell my hon. friend that we are busy working in Nyandarua District and, as soon as we complete surveying the remaining land, title deeds will be issued.

MR. WAGURA: On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading the House. Some of those settlement schemes were started 20 years ago. The production of milk in ~~the~~ Nyandarua District would have increased if the farmers had been issued with the title deeds. Could the Assistant Minister assure this House that all those settlement schemes which were started ~~in~~ more than 20 years ago will get their title deeds immediately?

MR. MUTURIA: As soon as ~~possible~~ as the survey work is complete, they will get their title deeds; we are already working on them.

Question No. 812

MR. SPEAKER: Dr. Chibule not here? Next Question.

Question No. 813

MR. MUNYAO, on behalf of Mr. Kiliku, asked the Minister for Health:-

- (a) how many patients have been transferred for treatment to Mombasa Hospital, Pandya Memorial Clinic and the H.H. Aga Khar Hospital from Coast General Hospital between 1st January, 1987 and 11th November, 1987;
- (b) what ~~are~~ the reasons for these transfers ^{are};
- (c) ~~do~~ ^{whether} the Government surgeons charge the patients for the treatment after the transfer; and
- (d) if the reply to part (c) is yes, ~~does~~ ^{whether} the Government reimburses the patients for the treatment.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo):

Mr. Speaker, Sir, I beg to reply.

(a) Government hospitals do not transfer patients to private hospitals. However, during the period in question, a total of 18 patients moved from the ~~East~~ Coast General Hospital to the three private hospitals on their own accord, these were, thirteen patients moved to Pandya Memorial Clinic three patients moved to Mombasa Hospital two patients to H.H. Aga Khan Hospital.

(b) Patients transfer to private hospitals due to the persistent congestion at the Coast General Hospital.

(c) Yes, the patients are charged. This is in cases where the Government surgeons have a licence to engage in part time private practice and when they are privately consulted by the patients after transferring to private hospitals.

(d) The Government has no ~~is~~ obligation to reimburse charges in respect of treatment given to patients who leave Government hospitals on their own accord and have consulted the surgeons or doctors privately.

MR. DDAIDDO: Mr. Speaker, Sir, ^{when} the Assistant Minister ^{says} ~~said~~ that the patients ^{have} ~~are~~ ~~trans~~ ~~moving~~ from the Government hospitals on their own accord, does he know that these doctors working at the Coast General Hospital are the ones who ~~advise~~ advise the patients to transfer to the private hospitals since the Government hospital does not have enough medicines and good facilities? When the patient goes to the private hospitals he is highly charged, and ^a ~~as~~ ~~result~~ he is unable to ~~pay~~ pay. Does he know this is what happens?

(END....A)

J. K. K. K.

MR. arap CHEBOIWO: Mr. Speaker, Sir, the Government has already issued a statement to the effect that if a Government doctor wants to do his or her own private practice, they should leave Government service. Doctors should not use public hours doing their private work. In fact, it is a mistake to advise a patient to go to a private hospital if he is already admitted in a Government hospital. So, I am fully aware of ~~hz~~ what the hon. Member is saying.

MR. MUNYAO: Mr. Speaker, Sir, when the Assistant Minister gave the original reply, he mentioned that the reasons for transfer of patients from Mombasa General Hospital to private hospitals is due to ^{congestion} ~~congestion~~. What we know is that Pandya Memorial Hospital and these other private hospitals mentioned here are smaller than the Coast General Hospital. What is the Ministry doing to ensure that the difficulties which necessitate the transfer of patients to the private hospitals are rectified and that ~~we~~ services are properly rendered in Government hospitals?

MR. arap CHEBOIWO: Mr. Speaker, Sir, what the Ministry is doing to make sure that patients are not transferred to private hospitals is to reduce the congestion by making sure that there are enough doctors and drugs in Government hospitals.

Question No. 817

MR. SHIKUKU asked the Minister for Education:-

- (a) how many untrained teachers are currently in Karusia Primary School of P.O. Box 71, Sotik; and
- (b) for how long they have been serving in the said school.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Kisiero): Mr. Speaker, Sir, I beg to reply.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. Could the hon. Assistant Minister tell the House why he has not supplied me with a ~~x~~ written reply to this Question?

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Kisiero): Mr. Speaker, Sir, I suspect that ~~a~~ there might have been some breakdown in communication between my Ministry and Parliament Buildings. I do apologise for that.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Kisiero)(ctd.):

There are four untrained teachers currently teaching at Karusia Primary School, which is located in Kericho District. Mr. Paul Langat, TSC No. 069716 has been serving at Karusia Primary School since 1975 to date, Mr. Peter Langat, TSC No. 06927, has been in the same school since 1974 to date, Mr. David Yapsoi, TSC No. 92986, has been at the school from 1975 to date and Mr. David Keter, TSC No. 069963 has been in the school since 1982 to date.

MR. SHIKUKU: Mr. Speaker, Sir, arising from that reply, is the Assistant Minister satisfied that these people, having served for all this time, should not be considered to be sent in for training?

MR. KISIERO: Mr. Speaker, Sir, these people's cases will be considered when they apply for teacher training positions or when they apply to be admitted for in-service training. We will consider them then.

MR. LUKINDO: Mr. Speaker, Sir, will the Assistant Minister tell this House what criterion is used by his Ministry to send such teachers to teacher training colleges?

MR. KISIERO: Mr. Speaker, Sir, every year we recruit those who may be serving as untrained teachers or those who have come direct from school to go in for teacher training courses. They are trained as either P1s, P2s or P3s, depending on their qualifications. Another channel for them is that they are considered for in-service training. That is to say that they would be going for piece-meal courses while, at the same time, continuing to teach.

MR. SHIKUKU: Arising from that reply, Sir, is the Assistant Minister aware that I would not have known of these teachers' plight unless they had tried all the available means? That is why they ended up requesting ~~the hon. Member~~ the hon. Member for Butere to raise this matter in the House. Is he aware that these teachers have been applying for training but they have not been able to succeed because there have been a lot of tricks? Would the Assistant Minister assure ~~this~~ this House that he will take it upon himself to ensure that these wananchi, who are doing a very ~~good~~ good job, will be taken to training colleges because they cannot ~~get through~~ get through on their own?

17.12.87.

MR. KISIERO: Mr. Speaker, Sir, the problem has been that we have more untrained teachers who would like to go for training than the ^{places} spaces available. So, every year, each district is given a certain quota for teacher training purposes. This is very competitive, such that some untrained teachers are taken this year and others are pended for the following year. We hope that the situation will improve when we start the new teacher training colleges which will be established in the near future.

MR. NOORU: On a point of order, Mr. Speaker, Sir. According to the two replies given by the Assistant Minister, there is a contradiction because, in the first place, he implied that these teachers were not interested in ~~going~~ going for training because they had not applied for the same. In the second place, he said that the available chances were limited. What is the true position now? Obviously, if justice was to be done, these teachers who started working as untrained as far back as 1974 would have been trained by now. Could the Assistant be specific enough and tell the House whether it is the teachers who are not interested in training or it is his Ministry that does not have a chance for them?

MR. KISIERO: Mr. Speaker, Sir, the position is that untrained teachers who wish to be trained have to apply for training every year. In other words, even if they had applied before and failed, they would have to apply during the succeeding years until they are lucky to be taken.

Question No. 809

MR. SPEAKER: Hon. Kisuya not here? Let us go back to hon. (Dr) Omamo's Question.

Question No. 784

MR. MWACHOFI, on behalf of Dr. Omamo, asked the Minister of State, Office of the President:-

- (a) whether he is aware that fish nets are being stolen on Lake Victoria and ferried across to the neighbouring countries; and
- (b) what immediate action he is taking to stop these thieves.

17.12.87.

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Maiyani): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware

(b) Security officers from Usenge Police Post, Ndori and Asembo police patrol bases, have been deployed on regular patrols to curb all crimes along the lake.

MR. MWACHOFI: Mr. Speaker, Sir, the two answers by the hon. Assistant Minister seem to be contradictory because there is no way he can say that he is not aware of those crimes and, at the same time, say that he has police officers patrolling those areas. Could he stand up and give a more elaborate answer?

MR. MAIYANI: Mr. Speaker, Sir, the two answers I have given are not contradictory. If I may explain the whole situation, I would state that in 1985, eight cases were reported, in which 208 fish nets were allegedly stolen. In six out of the eight cases reported, some arrests were made and 67 nets recovered. Some 14 people were accordingly charged, two of whom were convicted and sentenced to imprisonment ranging from six months to two years. In 1986, eight cases were reported, in which 110 nets were allegedly stolen. Arrests were made in all the eight cases and, accordingly, 10 ~~per~~ people were charged. Eight of the accused were convicted and sentenced to ~~in~~ terms of imprisonment ranging from six months to seven years. A total of 80 nets were recovered.

END..... B.

MR. MAIYANI (Ctd.):

As at 26th November, 1987, four cases have been reported in which 102 nets were alleged to have been stolen. 12 people have been arrested in connection with all the four cases and they have been charged accordingly. Their cases are still pending before court. Out of all the nets reported stolen, 70 have been recovered.

All those ~~are~~ arrested in connection with the theft are ~~all~~ Kenyans; none is a foreigner. It is believed that even those nets that have been stolen and have not been recovered so far are still being used within the Kenyan waters. The police and the Fisheries Department have been facing problems in identifying stolen nets due to the poor identification marks made on the nets by the owners.

However, patrols are being intensified to ensure that such thefts and other crimes are curbed along the lakeshore^s and within the lake. As it has been indicated in this answer, no foreigners are involved in these thefts; they are local people.

MR. SPEAKER: Let us go x back to Dr. Chibule's Question.

MR. NOORU: Mr. Speaker, Sir, before I ask this Question, on behalf of Dr. Chibule, I ~~beg to~~ apologise for coming in late.

Question No.812

MR. NOORU, on behalf of Dr. Chibule, asked the Minister for Finance:-

- (a) whether he is aware that Mr. James Kuria Mwangi, Treasury File No.34349, Lands Office File No.023577/300, who retired on 2nd January, 1986, has not been paid his terminal benefits and pension; and
- (b) whether he could pay the complainant his benefits together with interest immediately.

MR. SPEAKER: No one to respond from the Ministry of Finance?

HON. MEMBERS: Mr. Thuo is there!

THE ASSISTANT MINISTER FOR FINANCE (Mr. Thuo): Mr. Speaker, Sir, I apologise for the delay; we were having some other consultations with my colleagues.

I now beg to reply.

(a) I am aware that Mr. J.K. Mwangi retired from Civil Service on 2nd January, 1986 and that he has now been paid his retirement benefits vide Cheque No.034897, dated 7th December, 1987.

(b) However, Mr. Mwangi cannot be paid interest on his benefits because the Pensions Act (Cap.189) does not make provision for such payment.

MR. NOORU: Mr. Speaker, Sir, according to the records, Mr. Mwangi retired in January, 1986 and according to the answer given by the Assistant Minister, the cheque was paid in December, 1987. If you look at ^{the} issue, that is exactly 12 good months. What are the causes of these delays in paying the officers their gratuities, and what is the Ministry doing to limit these delays of retirement benefits?

MR. THUO: Mr. Speaker, Sir, I agree that there has been quite long period between the time that he retired and the time he was paid. This has been brought about by the completion of various documents which otherwise had to be completed so that ~~the claimant could then receive his pension benefits~~ the pension claim is then paid without anything going wrong with the records of the Pensions Department.

MR. SPEAKER: Let us go back to Mr. Kisuya's Question.

MR. KISUYA: Mr. Speaker, Sir, before I ask my Question, I apologise for comming in late.

Question No.809

MR. KISUYA asked the Attorney-General:--

- (a) whether he is aware that Mr. David Njogu, a Nairobi Advocate, P.O. Box 75613, Nairobi, was paid Sh.49,400/= by Mereka Musyoka Advocates on behalf of Kenya National Assurance on 9th October, 1984 for compensation to Miss Grace Kisuya, a claimant who was involved in an accident along Kitale-Webuye road involving vehicle No. KSX 614 on 8th August, 1983; and
- (b) whether he could assist this lady obtain the compensation from this advocate.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo):
Mr. Speaker, Sir, on behalf of the Attorney-General, I beg to reply.

(a) I am aware that Messrs David Njogu and Company Advocates were paid Sh.49,400/= by Messrs. Mereka Musyoka Advocates on behalf of Miss Grace Kisuya, a claimant, on December, 1984.

(b) I understand from Messrs David Njogu and Company Advocates that they wrote to the claimant, Miss Grace Kisuya and others on 23rd January, 1983 to go for their payment. The other six people involved in the same claim responded, and have since been paid their claim, but Miss Grace Kisuya has not responded as of date despite the various reminders sent to her. I would advise Miss Grace Kisuya, through the Questioner to write to the advocates concerned or go there personally and she shall be paid her claim.

MR. ABUYA-ABUYA: On a point of order, Mr. Speaker, Sir. I do not see the reason why hon. ^{arap} Cheboiwo is answering this Question when the Attorney-General is here. ~~Maybe~~, if the Attorney-General has lost his voice, it is understandable.

MR. ABUYA-ABUYA (Ctd.):

but if he is here, we would expect that he answers the Question.

MR. SPEAKER: Not necessarily. Yes, Mr. Kisuya.

MR. KISUYA: Mr. Speaker, Sir, it is now almost five years since the accident occurred. Why has it taken so long for the claimant to be paid? There has been ^{no} ~~a~~ letter from the advocates to the claimant and if the Assistant Minister has such a letter, let him lay it ~~z~~ on the Table of the House.

MR. arap CHEBOIWO: Mr. Speaker, Sir, the ^{answer} ~~reason~~ to that is simple. I have said that there were many people involved in that accident. When letters were written to the claimants, the others responded and they have come to collect their payment, but this lady was given her letter and she has not responded through these advocates. I am advising the lady to write a letter to these advocates and ~~so she comes~~ to collect her payment. There are copies of their letters which show ^{that} that she was given the letters. All ^{that} this office is waiting for is for this lady to write a letter to her advocates or come personally to collect her payment.

MR. KISUYA: Mr. Speaker, Sir, what I wanted from the Assistant Minister is that if he has got any ~~xxxxx~~ letter, ^{he} can ~~he~~ lay it on the Table so that I can also use it later on.

MR. arap CHEBOIWO: Mr. Speaker, Sir, these letters are there. If the file is ~~be~~ brought to the House, the letters will be found in that file.

QUESTIONS BY PRIVATE NOTICE

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

MR MUIA (Ctd.):

(a) Is he aware that Mr. Slaus Wambua Mvongela was arrested and taken to Kola Police Patrol Base, Machakos District in early November, 1987?

(b) Why was he arrested and when is he going to appear in a Court of Law?

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT

(Mr. Kubai): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) Mr. Slaus Wambua was arrested for ^{assaulting} ~~assaulting~~ Mr. Kiani Ndege with an arrow on the stomach. While in the police cells, Mr. Wambua committed suicide before he was charged for the ~~offence~~ offence of ^{assault} ~~assault~~ - causing actual bodily harm.

MR. MUIA: Mr. Speaker, Sir, could the Assistant Minister tell the House when and where Mr. Mvongela committed suicide?

END C.....

J.K.

MR. KUBAI: Mr. Speaker, Sir, during the night of 23rd and 24th November, 1987, at Kola, in Machakos District, Mr. Slausse Wambua Mwangela shot Mr. Kiani Ndege on the stomach with an arrow during a domestic quarrel. Mr. Kiani Ndege suffered serious injuries. The matter was reported to Kola Police Patrol Base, who arrested Mr. Wambua Mwangela on 24th November, 1987, and placed him in a police cell to be charged with assault and causing actual bodily harm contrary to section 251 of the Penal Code. While alone in the cell Mr. Wambua Mwangela committed suicide during the night of 24th November, 1987, by strangling himself with a piece of cloth which had been left behind by other prisoners. The body was taken to Machakos District Hospital mortuary where it is still lying pending a post-mortem examination. The father of the deceased requested that the post-mortem examination should be done in the presence of a doctor representing family interests. Once he is ready the post-mortem examination will be done. Meanwhile a police inquest File No.12/87^{has been opened}. When the investigations are completed the file will be placed before a magistrate for his ruling.

MR. MUNYAO: On a point of order, Mr. Speaker, Sir. While the Assistant Minister was replying to this Question he mentioned, twice, that Mr. Wambua Mwangela committed suicide in a police cell. Is he in order to mislead the House by saying that the deceased committed suicide in a police cell in Kola Police Patrol Base, when there are no police cells in that Base?

MR. KUBAI: Mr. Speaker, Sir, this is the information I have. If the hon. Member has any other information, he should wait until the police inquest commences and then he can give all the information he has.

MR. MUIA: Mr. Speaker, Sir, the reason why I asked this Question is that the ~~information~~ information about the death of the deceased, the late Mr. Wambua Mwangela--- I asked this Question because ~~the~~ that information was not released until this week. Can the Assistant Minister tell the House why the parents of the late Wambua Mwangela have been going to--- They went to the Kola Police Patrol Base, Kilome Police Station and finally to Machakos Police Division and they were told that the police did not have any information about the whereabouts of this man.

MR. KUBAI: Mr. Speaker, Sir, I have given all the information I had and I have no more to add.

MR. SPEAKER: Mr. Omido's Question.

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

(a) Is the Minister aware that Mr. Joseph Muema No. C 00-60059 was summarily dismissed by the Nairobi City Commission on 7th May, 1981 vide Town Clerk's letter EO/CT/3373 dated 7th May, 1981?

(b) Is he further aware that this dismissal was withdrawn by the same Town Clerk on 26th August, 1981, that said that Mr. Muema should be reinstated?

(c) Why has he not been re-instated?

THE ASSISTANT MINISTER FOR LOCAL GOVERNMENT

(Mr. Marita): Mr. Speaker, Sir, I beg to reply.

(a) I am aware.

(b) I am also aware that Mr. Joseph Muema's dismissal was withdrawn and he was re-instated vide the Town Clerk's letter dated 26th August, 1981.

(c) Mr. Muema however, had his services terminated once again on 13th May, 1987, vide the Town Clerk's letter dated 13th May, 1987, because of being negligent in the performance of his duties as a watchman when a theft took place at Onu Crescent Clinic on the night of 28th May, 1986.

MR. OMIDO: Mr. Speaker, Sir, is the Assistant Minister not aware that the theft which he has referred to was thoroughly investigated and it was discovered that on that material ~~day~~ night Mr. Muema was off-duty? He was exonerated from that ~~that~~ theft and the order for his re-instatement was given to the City Commission. That re-instated was minuted in a City Commission Minute.


MR. MARITA: Mr. Speaker, Sir, if the House gives me more time to ~~ex~~ bring more details---

AN HON. MEMBER: We are ~~adjoining~~ adjourning today.

MR. MARITA: Mr. Speaker, Sir, Mr. Muema had his services terminated on 7th May, 1981, when the following events took place. The first one is that KShs.760.15 was stolen from Makadara Primary School where Mr. Muema was a watchman. Also things like stapler machines and stamp pads, hand brooms and cissors were stolen. His case was discussed by the City Commission and he was ~~we~~ warned and asked to be very careful when performing his duties so that school property is not stolen.

Also, Mr. Speaker, Sir, Mr. Muema's services were terminated on 13th May, 1987, after Onu Clinic, where he was supposed to be on duty on the 28th May, 1986, was broken into and items worth KShs.749/- were stolen. Investigations carried out by the Nairobi City Commission showed that he had left the clinic unattended during the time of theft. So, the question of this ~~hon~~ gentleman being off-duty, as the hon. Member suggests, does not arise. He ~~did~~ failed to report on duty and property was stolen from the clinic.

MR. OMIDO: Mr. Speaker, Sir, Mr. Muema had put in about 25 years of service with the Nairobi City Commission. He has a very clean record. The theft which the Assistant Minister has referred to was thoroughly investigated and Mr. Muema was exonerated from it. So, ~~in~~ in view of Mr. Muema's 25 years of service is the Assistant Minister prepared to go and ~~reconsider~~ reconsider the matter with a view to retiring Mr. Muema in public interest, since the theft was not brought about ~~by~~ by Mr. Muema himself? Can the Assistant Minister re-consider this matter so that Mr. Muema can just be retired? This is because he had just reached his ~~at~~ retirement age.

END.D... 

MR. MARITA: Mr. Speaker, Sir, one can work for a long time and be working very well. But, although he had worked for a long time, it came ^{to} (a time when he was not careful in his duty; that is why properties were stolen. If it was another matter, then his case would have been considered. But he ^{neglected} neglected his duties.

MR. KARAURI: Mr. Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice.

(a) Is the Minister aware that Jabenga Contractors disappeared from a construction site in Meru Town in October, 1987 without paying his workers Sh.31,080/- and without paying Mr. Jusuf Macheke an amount of Sh.9,200/- arising from transportation charges?

(b) Will the Minister assist the people involved to get their dues so that they may have a happy X-Mas?

THE MINISTER FOR LABOUR (Mr. Okondo): Mr. Speaker, Sir, ~~the answer to this Question as well as that to the next one~~ to this Question as well as that to the next one, that I have received are so unsatisfactory that I did not consider them good enough to be ~~br~~ brought to the House. I have ordered that more satisfactory answers be given to me for the next day.

MR. KARAURI: On a point of order, Mr. Speaker, Sir. The Minister is aware that the House might adjourn today. Now, when he got wrong answers, what efforts did he make to get the right answers so that he could answer the Questions today before we adjourn?

THE MINISTER FOR LABOUR (Mr. Okondo): Mr. Speaker, Sir, when the answer is obviously unsatisfactory, I think it would be unfair ^{for} on the hon. Member for me to come and give him an answer that I am not happy with, and which I feel is not correct. We can answer the Question the next day that the House sits; or if the hon. Member wants to pursue it during the recess, we can have a look at it.

MR. DDAIDDO: Mr. Speaker, Sir, I beg to ask the Minister for Labour the following ~~by~~ Question by Private Notice.

(a) Is the Minister aware that Abdi Tacho Mahad was employed as a watchman by Robert Shaw MF 6 Ltd. from 1st May, 1987 to 31st July, 1987?

MR. DDAIDDO (CTD):

(b) If so, why has he not been paid his rightful dues?

(c) Could the Minister order that Mr. Mahad be paid without further delay?

THE MINISTER FOR LABOUR (Mr. Okondo): Mr. Speaker, Sir, I said that both this Question and the previous one are in the same situation.

MR. DDAIDDO: On a point of order, Mr. Speaker, Sir. Are you ^{satisfied} with what the Minister for Labour is ~~doing~~ trying to do? To him, every Question put to him is ~~similar~~ in a similar situation to the other one. Is he not trying to suppress the workers just deliberately? The workers have suffered, and they need some payment to be made to them. The Minister keeps on talking of tomorrow, while he knows for sure that after this sitting, we might not come back here; the workers are being suppressed through him. He has this attitude because he ^{is} also a person who has many businesses. So, he does not want to answer these Questions because he also has businesses where workers are suppressed.

THE MINISTER FOR LABOUR (Mr. Okondo): Mr. Speaker, Sir, I ^{am} really the number one worker in this House. Everything that I have done ~~for~~ from January up to now has demonstrated my interest in workers. In fact, this House has commended me on various occasions for doing various things to assist the workers. This is why, when I find that an answer is not satisfactory; has a lot of loopholes; has a lot of things that do not look true, I have to check; there is no point in bringing an answer, which is not right.

MR. HASSAN: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that there is no vaccine nor medicine to treat rabies in Garissa District?

(b) Since there have been recent cases of people who have been bitten by stray dogs, could he, as a matter of urgency, send the relevant drugs to the district?

(c) What immediate preventive measures is the Minister taking to arrest the situation?

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Chepoiwo): Mr. Speaker, Sir, I beg to reply.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo)(Ctd):

(a) I am not aware.

(b) Enough vaccine to treat over 90 people was dispatched to Garissa Provincial General Hospital on 3rd December, 1987.

(c) My Ministry has already sent vaccine to health facilities within Garissa area, and the ~~Var~~ Veterinary Department is dealing effectively with the stray dogs.

MR. HASSAN: Mr. Speaker, Sir, I did not get it clearly. Did the Assistant Minister give us the reply that there are enough vaccines in the hospitals, and not in the ~~var~~ veterinary services? I am asking about Garissa District Hospital.

MR. arap CHEBOIWO: Mr. Speaker, Sir, I thought I had answered that question.

MR. HASSAN: Mr. Speaker, Sir, ~~I~~ ^I did ~~not~~ ^{not} hear the ~~z~~ Assistant Minister say that there are enough vaccines in ~~of~~ Garissa District ~~k~~ Hospital? If he did say that, would he kindly repeat, ~~hez~~ because I did not hear it?

MR. arap CHEBOIWO: Mr. Speaker, Sir, with your permission, I can repeat that part: Enough vaccine to treat over 90 people was dispatched to Garissa Provincial General Hospital on 3rd December - or this month - 1987. In (c) I said: My Ministry has already sent vaccine to the health facilities - that means health centres, ~~dist~~ district hospitals and others - within Garissa area, and the ~~Var~~ Veterinary Department in that are is dealing effectively with stray dogs. ^{am} I ^{am} sure that now he has heard.

MR HASSAN: Mr. Speaker, Sir, arising from that reply, why did the Ministry - this anti-rabies vaccine being as important as it is - allow Garissa District Hospital to go without anti-rabies vaccine, that treats bites by stray dogs and other wild pets, for nine months? This vaccine was not available from sometime March this year until the time - this month - when he is saying that they dispatched something to the hospital.

MR. arap CHEBOIWO: Mr. Speaker, Sir, it is not true to say that this vaccine was not available for nine months, or that we have sent it because of this Question. The Provincial Medical Officer (P.M.O), North Eastern, has confirmed that for the four years ^{he} has been in Garissa, no single case of rabies has been treated there; this includes the nine months the hon. Member is talking about. People are bitten ^{by} oxes, and even dogs. But it should be noted that one does not always get rabies when he or she is bitten by these animals. Sometime back, somebody was bitten by an animal he did not identify. He was treated at Dadaad Dispensary

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo)(Ctd):

two months after the incident, and then referred to Garissa Provincial General Hospital, where he was ~~not~~ found ^{not} to have rabies. So, the P.M.O. in that area has confirmed to us that there is ~~not~~ rabies in that area. However, for prevention purposes, in case it comes from these stray dogs, we have given him enough vaccine and medicines.

MRS ASIYO: Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice.

(a) Is the Attorney-General aware that Mrs. Lorna Arwa Adhola was knocked down and fatally injured by a car which was being chased by a police patrol vehicle on 29th July, 1986 at Pangani?

(b) Was the driver charged and what was the court's ruling?

(c) Would the Attorney-General order the compensation of the family of the deceased who left behind a four month old baby boy?

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo): Mr. Speaker, Sir, on behalf of the Attorney-^{General,} I beg to reply.

(a) I am aware that on 29th July, 1986 at 7.45 a.m. along First Avenue at Eastleigh, and ~~near~~ ^{not} Pangani, Mrs Lorna Arwa Adhola was knocked and killed instantly by a Bedford lorry, registration No. KNC 235, which was being driven ^{by} one Charles Waweru an employee of Kualum Limited, P.O. Box 12545, Nairobi. However, it is not true that the lorry was being chased by a police patrol car, as that lorry was on its normal business drive, heading towards the Industrial Area.

(b) The lorry driver has not been charged in court. However, investigations were carried out, and the police accident file has been placed before a magistrate, who has ordered that ~~public~~ a public inquest be held. The hearing of the inquest has been set for 28th March, 1988.

(c) In view of the answer to part (b), part (c) of the Question does not now arise as my comments might prejudice the ^{core} out of the inquest.

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A/esa

MRS. ASIYO: Mr. Speaker, Sir, can the Assistant Minister tell the House whether it is normal for police accident files to take about two years before they are placed for public inquest like in this particular case, or is it as a result of this Question having been put in this House?

MR. arap CHEBOIWO: Mr. Speaker, Sir, it depends on the nature of the case. Even a case can take two or three years, depending on the nature of investigations being carried out. If the investigations are not complete, they will continue for some longer time. It is not due to this Question being put here.

MRS. ASIYO: Mr. Speaker, Sir, is the Assistant Minister aware that when the husband of Lorna went to Pangani Police Station to ask for the police abstract, he was not given the abstract. But he was told by a policeman at Pangani Police Station that unless he accepted a lawyer whom they had recommended for him, that case would not go on. It took me time to telephone the Officer in Charge of Pangani Police Station before Lorna's husband could be given the police abstract. Is he aware of that?

MR. arap CHEBOIWO: Mr. Speaker, Sir, I am not aware of that. But since the inquest file has been opened and the date has been set for 28th March, next year, all this will be heard. The husband of the deceased will have to make a statement, or give whatever he wants.

MR. SPEAKER: Next Order.

MINISTERIAL STATEMENT

THE MINISTER FOR SUPPLIES AND MARKETING (Mr. Kitele): Mr. Speaker, Sir, yesterday I promised to give a short statement in the House today, and I beg to do that.

Mr. Speaker, Sir, I wish to make a short statement regarding payment to farmers for crops that we have purchased this year. It has been pointed out that there are certain areas where we have

THE MINISTER FOR SUPPLIES AND MARKETING (Contd.):

already received some maize and the farmers are said not to have been paid. In Aldai, we have received maize worth slightly over KSh.3 million. A cheque for KSh.4 million was sent yesterday. It was delivered to our office by our Managing Director clearing the KSh.3 million.

We have also collected maize worth KSh.328,569/- in Baringo District, and a cheque of KSh.5 million was sent to the District last week and payment is in process. We have done that because we expect to buy more maize than what they have already harvested, and that is why we have sent more money to the area so that it is available all the time and maize can be paid on delivery.

In Eldoret, we collected maize worth KSh.24,116,000/-. A cheque for KSh.7 million was despatched last week and the balance will be despatched this week. So, a cheque for the balance has already been despatched.

In Kisii, we collected maize worth KSh.3,818,642/- and a cheque for KSh.4 million has already been despatched to cover these expenses, and we hope payment can commence next week or this week. Due to bad weather we are experiencing, my Ministry ^{together} with the Administration, is reviewing the situation with a view to finding those areas in need of urgent assistance.

Mr. Speaker, Sir, as I ~~have already~~ reported to the House two weeks or so ago, we appointed three selling centres in Kitui, and additional centres will soon be added to meet the needs of the people. If there is any other place where maize is required, we will look after those places.

Mr. Speaker, Sir, from time to time, I have been asked to clarify the price of a 90 kilo bag of maize. Generally in the country, the ex-depot price of a 90 kilo bag of maize is KSh.284.65. The wholesale and retail prices are set up by the Price Controller, and they are normally published for various areas. A bag of maize in Mandera is

THE MINISTER FOR SUPPLIES AND MARKETING (Contd.):

different from a bag of maize in Kitale, or for that matter, Nairobi.

Mr. Speaker, Sir, the other thing I wanted to say is that from today, there ~~is~~ ^{will be} plenty of rice, and in every depot of ours there is ~~maize~~ ^{rice}. I understand people queue for rice at the office of the District Commissioner. I have cancelled that today. One can go to any of our depot - National Cereals and Produce Board - and buy rice. One will not be required to go and collect a chit of paper from a District Commissioner from today. Thank you.

(applause)

MINISTERIAL STATEMENT

THE ASSISTANT MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY

(Dr. Karanja): Mr. Speaker, Sir, as you know we had a Motion for the Adjournment under Standing Order No.20 yesterday, and I have with me here a text of a Press Conference issued by the High Commissioner for Uganda in Kenya. I would like to read just a section of it, and I quote:

"Whilst these actions by the Kenya troops have been going on, the Kenyan leadership has been issuing a series of orchestrated false and provocative statements against Uganda in preparation for the current acts of aggression of these statements, the following are typical:-

On Jamhuri Day, H.E. the President of Kenya falsely accused Uganda of interfering in Kenya's internal affairs and also alleged that the 200 or so Kenyan children were taken to Libya through Uganda where they were given passports. He further implied that the Ugandan authorities are implicated in the theft of cattle from Kenya. H.E. the President of Kenya concluded by calling on every Kenyan to regard himself as a soldier ready to fight the "enemy". Is Uganda among these "enemies"?"

Mr. Speaker, Sir, I think it is imperative for this House to say that His Excellency the President has not lied. He has not issued false statements about Uganda, and what he has reaffirmed is that we, as Kenyans, have no interest in what is happening in Uganda. What we want is to maintain our integrity and freedom.

(applause)


THE ASSISTANT MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY

(Dr. Karanja)(Contd.):

Mr. Speaker, Sir, I would like to ask whether, in the light of the kind of accusations against the Head of State, the High Commission should not be declared persona non grata?

Thank you.

(applause)

End F. 

THE ASSISTANT MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (Dr. Karanja) Ctd:

Mr. Speaker, Sir, I think I should lay this document on the Table because there also references to other Ministers of this Government.

(Dr. Karanja laid the document on the Table)

MR. ANGATIA: I rise on a point of order, Mr. Speaker, Sir to draw attention to a point of order that I raised yesterday where I called upon the Minister for Education, hon. Oloo-Aringo, who is, of course my very good friend and whom I respect quite a lot, to ~~make~~ correct certain very malicious statements he made against hon. Shikuku yesterday. Hon. Oloo-Aringo did not do so. I would like to ask him to do so because ^{what he said} ~~it~~ is very clearly stated in today's Daily Nation. I do not wish to ^{read} ~~read~~ what is written there because I am sure all hon. Members have read it. I would like to remind him of his own statement which is contained in yesterday's HANSARD and then prove to him that, in fact, hon. Shikuku was a major participant in the Lancaster House ^{Independence} negotiations. I have the relevant documents here and I would just like to ask the Minister who is self respecting, respects the truth and who respects properly researched matters; especially being the Minister for Education and who is quite highly educated, that he will see to it that the records are set correctly.

According to yesterday's HANSARD, the Minister said in part as follows:-

"There is no particular speciality in which the hon. Member for Butere is going to try to intimidate me. There are various claims ~~whereas the hon.~~ that the hon. Member for Butere was supposedly at Lancaster House but he was, in fact, in the back room somewhere."

I think the Minister will be self-respecting enough to say that hon. Shikuku was not in the back room somewhere but was participating in the discussions properly. I would like to show him the documents which I have here. The first one is a cutting from the Daily Nation of 26th September, 1963. It

is titled "Leaders see Mr. Sundys". I will quote in part as follows:-

"After Mr. Kenyatta and his party left, Mr. Ngala arrived with his two chief advisers, Mr. Masinde Muliro and Mr. Martin Shikuku, to see Mr. Sundys".

(Applause)

Another cutting from the Daily Nation of 27th September, 1963, is titled "London talks get off to good start." It says here, Mr. Speaker, Sir,-----

MR. SPEAKER: Order! Your point of order is taking far too long. You have already made your point and we cannot spend the whole day on one issue. In any case, Mr. Shikuku himself could have raised what he thought was against him or something like that. I do not know why you chose to be his spokesman.

MR. ANGATIA: Mr. Speaker, Sir, I raised a point of order yesterday directed to hon. Oloo-Aringo yesterday and that is why I am doing what I am doing. What I have read so far has not yet proved that he participated in the Lancaster/^{House Independence} talks. I am now going to prove that hon. Shikuku participated in the Lancaster/^{House Independence} talks and that he was not in the back room. I have so far not proved that hon. Shikuku participated in the talks. Let me, Sir, prove that he actually participated in the ~~talks~~ talks. What I am going to read is not very long. I have photographs showing the people who participated and one of them is Mr. Martin Shikuku.

HON. MEMBERS: Lay those documents on the Table.

MR. SPEAKER: Hon. Angatia can you lay those documents on the Table?

MR. ANGATIA: Mr. Speaker, Sir, I have not finished making my point and I think it is proper I do so. Here are the photographs of ^{the late} Ronald Ngala, the late Seroney and the third one is for hon. Martin Shikuku.

(Applause)

The writing on the back of this photograph is:

"Kenya Independence Conference opens in London. Mr. Duncan Sundys, Secretary of State for the Colonies, formerly opened the Kenya Independence Conference at Lancaster House in London."

This picture shows Mr. L. Aram Wallwood speaking for the State Commission at the Conference. In the photograph from left to right are hon. Ngala---

HON. MEMBERS: So what?

MR. ANGATIA: Mr. Speaker, Sir, you will have to tell me whether there is something wrong with the House and whether I am not supposed to raise a point of order. I need your protection.

MR. SPEAKER: No. You are taking too long on an issue which is well known. There are more people than you seem to know who participated in that Conference and they are not going round declaring that they were there.

MR. ANGATIA: Mr. Speaker, Sir, it means that you have accepted that I have made my point and I want hon. Oloo-Aringo to withdraw the fact that hon. Shikuku was in the back-yard.

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Thank you, Mr. Speaker, Sir. I have listened very ~~carefully~~ attentively and with a lot of respect to my very good friend, hon. Angatia, but there is nothing he has said so far which makes me change my statement.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Order! Mr. Shikuku.

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki):
On a point of order, Mr. Speaker, Sir. As regards that very important issue which was raised by the hon. Member for Mathare, Dr. Karanja, - I thank him for having got the transcript of that statement quickly - I would like to assure the House and the country that we, as Kenyans, know that our President never tell lies or stories. He has always told Kenyans the truth

(Applause)

and the world. He has always told all powers including the super powers the truth as he sees it and as we see it. There is no time he is going to tell anything but the truth regarding Uganda or any other neighbours.

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (ctd):

Consequently, for a High Commissioner who is enjoying the hospitality of this nation to do what this gentleman is doing, the Government of Kenya will take firm, appropriate and ^{very} immediate action, Mr. Speaker, Sir.

(Applause)

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. I rise under Standing Order No. 76 which I would like to quote as follows:

"A member shall be responsible for the accuracy of any facts which he alleges to be true and may be required to substantiate any such facts or to withdraw his allegation (with suitable apology if Mr. Speaker so requires).

I rise under this Standing Order which has not been amended because the hon. Member for Alego who is also the Minister for Education and my friend, said categorically that I was not in Lancaster House and that I was in the back room somewhere in Lancaster House. It has been proved that I was there, participated in the talks and that I saw Duncan Sundys the Secretary of ~~of~~ ^{for} Colonies at that time.

THE ASSISTANT MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY

(Dr. Karanja): The late.

MR. SHIKUKU: Yes, the late Duncan Sundys. There are photographs to ~~g~~ prove so. Sir, is it not only fair that the hon. Member who misled this House - he cannot just says "I stand by what I said yesterday" - to prove that I did not participate in the talks? Now that it has been proved that I participated by way of the newspaper cutting and the photograph, he should withdraw those remarks. Now Standing Order No. 76 must be ~~xxx~~ applied which requires the hon. Minister to withdraw and apologise to me. This is because he has proved to be a very irresponsible Minister. Can he withdraw and apologise because he told the House untruth.

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Mr. Speaker, Sir, with all due respect, the mere fact that a photograph appears in a newspaper, does not prove that one is inside and participating at a conference. I wonder

THE MINISTER FOR EDUCATION (ctd):

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what sort of logic that is. This is because the mere fact that a photograph appears, does not itself prove that you actually participated in the conference. I stand by what I said yesterday.

HON. MEMBERS : Shame on you!

End 4

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. Can I be allowed to make a statement? If I am proved ^{wrong} shall I also be in order to refuse to withdraw? This is because it has been proved that the hon. Member was wrong. There are photographs to prove that. Some hon. Members like hon. Muliro and hon. Matano who also attended the Lancaster House Conference with me can bear me witness. However, although it has been proved that I was there and I participated, the hon. Member wants the ordinary mwananchi to believe that I was not there. If the hon. Member thinks that he can get away with it, let him not underrate the intelligence of the people of this country. In fact, I am not hon. Dr. Omamo whom he thinks he can finish! No way!

(Applause)

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): On a point of order, Mr. Speaker, Sir. Sir, I beg your indulgence to make only one extra statement as regards this case. If the hon. Member was serious in proving that he was there, he could have brought the letter appointing him as a member of the delegation, but not to produce a newspaper photograph.

HON. MEMBERS: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: No. Let us go on now.

MR. KIVUITU: On a point of order, Mr. Speaker, Sir. Would hon. Angatia lay the papers he was referring to on the Table now?

MR. ANGATIA: On a point of order, Mr. Speaker, Sir. The reason why I have not laid them on the Table is because—

HON. MEMBERS: No! No! Lay the documents on the Table first!

(Mr. Angatia laid the documents on the Table)

THE ATTORNEY-GENERAL (Mr. Muli): On a point of order, Mr. Speaker, Sir. We have gone on too far as to whether one went to Lancaster House Conference or not. There are so many people who were their advisers and so on.

HON. MEMBERS: No! You were not there!

THE ATTORNEY-GENERAL (Mr. Muli): I was also there. Are we going to waste the time of the House discussing this?

HON. MEMBERS: Sit down!

(There was noise in the Chamber)

MR. SPEAKER: Order! All right, let us move on now.

HON. MEMBERS: On a point of order, Mr. Speaker, Sir.

BILL

Second Reading

The Nairobi City Commission (Extension of Tenure) Bill

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): Mr. Speaker, Sir—

MR. MWACHOFI: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Order! You had all the time to raise what you want to raise now. We have to move on now. No more points of order.

MR. KIOME: On a point of order, Mr. Speaker, Sir. I stand on a point of order with regard to Order No. 5 which has just been read. Sir, I was only stating that since Order No. 5 and Order No. 6 (b) are related and realising that Order No. 6 (b) is not an Appropriations Bill or a Consolidated Fund Bill, it can only be dealt with the leave of the House. So, could the words 'By leave of the House' be inserted immediately after Order No. 6 (b)?

HON. MEMBERS: Yes! It is.

MR. SPEAKER: All right let us go on now.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. I am now referring to Standing Order No. 99. It reads as follows and I quote:—

"Save with the leave of the House not more than one stage of a Bill may be taken at any one sitting:

Provided that the provisions of this Standing Order shall not apply to or in respect of any Appropriation Bill or Consolidated Fund Bill".

MR. SPEAKER: Order! Let me straighten it. We are now on Order No. 5 and Order No. 6 has not come yet. Therefore, you cannot say what you are saying while we are on Order No. 5. So you will have to wait until Order No. 5 is finished.

Mr. Mudavadi, you can continue.

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): Mr. Speaker, Sir, I beg to move that The Nairobi City Commission (Extension of Tenure) Bill be now read for the second time.

Sir, the hon. Members will recall that ⁱⁿ March ~~E~~ last year, I came to this House to seek permission of the House for the a extension of the life of the Nairobi City Commission for one year. This permission was accordingly granted, and this period of one year, will, therefore, expire on ~~the~~ 31/3/88. It explained to the House the reasons for the extension as we saw them as the Government at that time. However, the situation about the future administration of the Commission has changed since then. Accordingly, I am now requesting another extension ^{of} ~~of~~ two years.

The reasons for this request for the ~~exp~~ extension are as follows:-

Sir, the Government has embarked ~~in this Bill~~ ^{on} -----

MR. ANGATIA: On a point of order, Mr. Speaker, Sir. We can hardly ^{hear} ~~hear~~ the Minister moving the Bill. There is a lot of noise in the Chamber ~~and~~ especially in the Front Bench.

HON. MEMBERS: They are not used to ~~the~~ being here.

MR. SPEAKER: Hon. Members, you can consult each other quietly, ^{otherwise,} Mr. Mudavadi, you may continue.

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): The Government has embarked on very comprehensive programmes to improve the management of this City before handing over the responsibilities to an elected council. When the Commission took over, rates due to the City Council were not being collected and, therefore, a lot of money was owing to the council. As a matter of fact, the amount due to the Commission in lieu of rates stood at KShs. 0.5 billion. As the residents of the Nairobi had raised objections to the former City Council of Nairobi ^{on} ~~for~~ the new rates, the residents could not pay the money to the Commission. ~~Thus~~ Therefore, the defaulters waited until ~~the~~ an evaluation court was appointed to hear all the cases of objection.

H.4.....17.12.87

THE MINISTER FOR LOCAL GOVERNMENT (Ctd.):

As the residents had raised the objections, the former City Council of Nairobi could not collect these rates. During the life of the Commission, we ^{have} set up an evaluation Court which has started collecting these ~~xxx~~ rates ⁱⁿ order that the Commission may become financially viable.

END H.....

THE MINISTER FOR LOCAL GOVERNMENT (contd.):

The Government cannot, therefore, interrupt this exercise until it is over.

Mr. Speaker, Sir, I have already informed the public and this House that in order to make kiosks operate under hygienic conditions, I ordered for two types of model kiosks to be produced and handed over to me for implementation. These two types of kiosks; one was suitable for the city centre and the other one was suitable for the Eastlands and the Industrial Areas. These two types of kiosks, will make this City look clean and decent. It is the duty of the Government to see to it that these types of kiosks are used by wananchi.

Some of our donor countries and organisations, for instance, the World Bank, the African Development Bank, and others who are already here in Kenya, have been checking on the development projects which have been funded by them. In their comments, when I met them, they said that the Nairobi City Commission has done better than the former Nairobi City Council (N.C.C.). They, however, said that there is still more room for improvement on financial matters.

We have heavy loans guaranteed by the Government, including for Chania Phase III for the supply of water in this City. Due to the ever increasing demand for water in the City, we reckon that unless Chania Phase III is implemented now, in 1995 or before that the City of Nairobi will run short of water. We have, therefore, gone ahead to buy land in Thika for building a large dam. This has cost us shs.53 million. This project has been ~~guar~~ guaranteed by the Government and it is going to cost shs.2.7 billion. Since it is the responsibility of the Kenya Government we must implement the project.

In this town, we have had problems with The Kenya Bus Services Limited. Indeed, everytime they have come to ask us to

THE MINISTER FOR LOCAL GOVERNMENT (contd.):~~31~~

It is in this regard that His Excellency the President decided to provide Nyayo transport. The National Youth Services is doing a good job to ease transportation problems in Nairobi. I have given instructions to The Nairobi City Commission to get more buses to reinforce the buses now operated by The National Youth Service. These buses have been provided by two donor countries. The commitment is actually in the Government hands. The Government must, therefore, make sure that even the spare parts that are bought are not sold by the staff of the Commission as it did happen in a garage in the Industrial Area, belonging to the City Council where spare parts were bought, and then sold in River Road. It is the duty of the Government to avoid this sort of thing.

Mr. Speaker, Sir, we have the problem of garbage collection in the City. Government has already made arrangements for vehicles to be provided. Government to governments arrangements or agreements have been made for vehicles to come to Nairobi to collect garbage so that we can do more than we are doing today. This extension is, therefore, not discriminating anybody or barring the Nairobi City Council from being reconstituted. It is because the question of principle that the Government has embarked on this programme. We want, as a Government, to see all these problems that I have raised here, solved so that our people in Nairobi can have better transportation and live in better hygienic conditions.

If the Commission is financially viable then all the complaints I heard of from one hon. Member yesterday, that the dispensaries and the halls are not looked after will not arise again. With an improved system of collecting the revenue of the City Commission, we should also be able to improve the services of this City. I think it was mentioned yesterday that Nairobi

THE MINISTER FOR LOCAL GOVERNMENT (contd.):

is a concern of everybody, not necessarily to those members who live in the City. Whatever happens in Nakuru or Mombasa can either damage or improve the image of the Government of Kenya. This being the capital City of this country, we should pay more attention to the affairs of Nairobi than any other part.

Mr. Speaker, Sir, I have many more other points to bring up to justify my request for the extension of the ~~dissolved~~ Commission's life for two further years. When Parliament is dissolved next year, and we hold Parliamentary, Presidential, and Local Authorities elections, the life of Parliament will not be ~~two~~ of two years, it will be of five years. I think the hon. Members ought to give me a chance again to see whether I can make more improvements by providing better services to this City.

Mr. Speaker, Sir, with those few remarks, I beg to move.

End I.....

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I beg to second and continue ^{explaining} the Constitutional and legal machinery ~~explained~~ of this Bill, as I am required to do, and also to assure hon. Martin Shikuku that I stand here by the Constitution which I am supposed to advise on every ~~day~~ day. Therefore, this is ~~x~~ a continuation of what we were doing yesterday in reading section 252 (3) of the Local Government Act.

L.U.C.

What there is, at the moment, is that the Minister has the power to revoke - so to speak - any local authority, and, thereby, constitute what is known as a commission. If he does so, the commission is required, by law, to continue for two years, but the Minister is given one more "bite of the cherry," to extend ^{the tenure of} that commission for a further one year. In respect of Nairobi, that has been done, and the Minister has had his second "bite of the cherry." Therefore, he cannot "bite" the third time. In order for him to be able - if it is necessary - to extend ^{tenure of the} the commission for a further period beyond the three years, this House has ~~got~~ a right to intervene and listen to the ~~x~~ case for such an extension. The reason for this is that ~~a commission or~~ a council is the body that is normally operated and run by elected persons, and they have ~~got~~ a right to direct what should be done within their respective jurisdiction. It is only in the unusual circumstances that that liberty should be denied. That is why ~~there~~ there is ~~a stricture or~~ restriction that the Minister cannot have a free hand, all the time, to extend ^{the tenure of} a commission.

It is like some hon. Member put it rightly yesterday, and I bow to him, when he ~~x~~ said that it is more or less like a coup - that was hon. Charles Rubia.

MR. RUBIA: Say it again.

THE ATTORNEY-GENERAL (Mr. Muli): It is actually more

THE ATTORNEY-GENERAL (ctd.):

or less taking ~~in~~ what you might call a ~~an~~ Constitutional right away from ~~the~~ the council. Therefore, that Constitutional right must not be ~~a~~ denied indefinitely, unless there is a good reason and a good cause why that liberty to the council should be denied. Therefore, that is why the Minister is given that one chance of extending the ^{tenure of a} commission by only one year. If that one year expires, ~~it~~ he cannot extend the life of the commission at his own volition; he must come to this House - which is a representative House - in order to satisfy it that that commission must really continue. There should be a good case for the continuation. In this respect, he did so, and this House did give a resolution in 1985 that the Nairobi City Commission should extend for a further period of three years.

Mr. Speaker, Sir, I tried to argue yesterday to show the House that the Minister has exhausted his power to extend the life of the Nairobi City Commission any more. I tried to argue on the construction and interpretation of the section, to show that ~~it~~ I think the House should not have fetters. That is why I moved that amendment yesterday, and I must assure the House that that amendment is not meant to extend the ^{tenure of the} commission of Nairobi at all. I respect the House, and I think the House, having given the commission that extension by resolution, it cannot be done by ~~any~~ any other person by except by this House. Again, I cannot advise the Minister to come by ~~the~~ way of a resolution, because there was that fetter; the House could only do it once. In future, the House may do it twice or thrice, but, at the present moment, the House can only pass one resolution. I think ~~it~~ I convinced the House when the amendment went through yesterday, that that was the correct

THE ATTORNEY-GENERAL (ctd.):

position.

In order to be able to invoke the House for a further extension of the Nairobi City Commission, and in order to give the House a chance to be convinced that there is need for it, I am afraid I had to come, not by way of a resolution, but by way of a substantive Bill which will, if approved, be an Act of Parliament, to extend that period.

The Minister has given the reason for moving the Second Reading. My purpose here was only to put the legal position, as it is, as to why I had to come by way of a Bill, as opposed to a resolution. I have said that a resolution could not come because in my interpretation, which I think is very correct, the House could only do it once. But in future, if the amendment which we passed yesterday becomes a law, the Minister can come back once or twice, under a resolution, but now he cannot do that. That is why I have come by way of a Bill. It is a short Bill, but then it gives the Minister power, by this Act of Parliament, by notice, to ~~be~~ extend the period for a further two years. The reasons have been given and, no doubt, the House will consider them, because I think they are very convincing and very persuasive, indeed, that this House will give this Bill a chance and give the Commission further life - a tenure of two years - to see whether it can re-organize itself before it is returned to elected members who will run the council, just like any other council.

Mr. Speaker, Sir, I beg to second.

(Question proposed)

END J

MR. OMLDO: Mr. Speaker, Sir, I stand to support the Bill. Any good Government is based on the good foundation of its local authorities. Our democratic principles and rights have been based on the efficiency of our Local Government. I want to take this opportunity to thank the Minister for Local Government for the manner in which he has steered local authorities in this country.

The affairs of the people of Nairobi have been run by the City Commission for a number of years. I am on record both in and outside this House in respect of the fact that when everybody was condemning the former City Council of Nairobi, I stood up here and defended it very vigorously. I defended the Council because I thought its officers would do a good job, but, to the disappointment of the residents of Nairobi, things ran in the opposite direction. Since the Minister for Local Government has come to this House today to ask that the life of the City Commission be extended, it is only those who created the present position who should be blamed. The people of this city expected services. They expected that the former Nairobi City Council would run their affairs properly as mature people elected by the people to run these affairs for the welfare of the people. However, to the disappointment of the people of Nairobi, things did not run that way. It was because of this that the Minister had to dissolve the former Council and appoint the City Commission to run the affairs of the people of Nairobi.

The Minister has said that the Government is bringing in money to improve the welfare of the people of Nairobi. It is clear that the welfare of the people of Nairobi must be maintained because it matters a lot. Hon. Members of this House and everybody else know^s that millions of shillings were squandered by the former Nairobi City Council. If that is what happened, then it is only the former City Councillors whom the people of Nairobi should blame. From that experience, I believe that when the time comes, the people of Nairobi will get a chance to elect people they know will run their affairs better. They will elect people that they have studied, and these should run their affairs better than the former Nairobi City Council did, and better than the City Commission does.

MR. OMIDO (CTD.):

Mr. Speaker, Sir, let us not block this Bill, simply because we want to block it. I know that it is the kind of service that the people of Nairobi expect that matters. If these people are going to have their transport improved, garbage collected and more schools established, credit goes to the City Commission and the Government as a whole. Who does not know that even the plots allocated for the construction of schools and recreational purposes were grabbed and dished out among various people? The people concerned have been crying for these services. The children in Eastlands have no playgrounds, social halls and other recreational facilities. Why is this so? It is because nobody ^{planned, thought} ~~planned, thought~~ of or even cared whether these children had enough of these facilities. What they only cared for was that they have plots to dish out among themselves.

I support this Bill whole-heartedly because I know that the extension of the life of the City Commission will provide better services to the people of Nairobi and the welfare of both those who are living here now and those who will come later.

Mr. Speaker, Sir, I beg to support.

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr. Biwott): Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Nairobi City Commission (Extension of Tenure) Bill. I think that if hon. Members look at this Bill, in its pure form and take it for what it stands for without reading into it any other motives, we will not have much to debate on. The issue before us is very simple. It has been necessitated by the problems which Nairobi is in today. Nairobi is under the City Commission. Of late, this Commission has set itself to doing hard work, supported by Government Ministries and parastatal bodies. One of these parastatal bodies is in my Ministry, that is, the Kenya Power and Lighting Company Ltd.

We would like the Kenya Power and Lighting Company Ltd. to assist the City Commission to light up all the streets we have and all the other areas where security is needed. In this way, we will be able to hand over a viable

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (CTD.):

unit to the City Commission, after which---

MR. GACHANJA: On a point of order, Mr. Speaker, Sir. I would hate to interrupt the hon. Minister, but is he trying to tell this House that his Ministry can only assist the City of Nairobi with electricity when it is run by the City Commission, and not by a Nairobi City Council?

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr. Biwott): In fact, Mr. Speaker, Sir, that is what it amounts to in the sense that we have already set out in motion under the City Commission. If we were to go into elections of councillors now, we would have to wait for them to be over and everything else to be reconciled. Thus, we would disturb a situation which has already been started and is in progress.

I look at this Bill purely with the interest of the residents of Nairobi at heart. I am a resident of Nairobi, and I would like to see that services in the city are raised up ^{to} the standard that used to exist. At the time of Alderman Charles Rubia, who was---

MR. RUBIA: On a point of order, Mr. Speaker, Sir. The hon. Minister is making a big mistake. I am an hon. Member of this House, and no longer an alderman. I think he is making this mistake in a contemptuous attitude. However, let me say on this point of order, that the hon. Minister knows that I am not an alderman any more. He is also aware that he is misleading this House in that electricity is provided in our streets by the City Commission, and not his Ministry.

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr. Biwott): Mr. Speaker, Sir, I think I am perfectly in order. All I said was that things used to happen in a certain way when we had the former Nairobi City Council and hon. Rubia was an alderman. I do not see where I have gone wrong.

I have not said that my Ministry provides electricity in the city direct; I have only said that my Ministry is now engaged in assisting the City Commission in rehabilitating the supply of electricity to the required standard. I do not see how the House is being misled in that respect. I am being practical

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (CTD.):

because I am a realist. I am also being honest because I want services to be provided.

MR. RUBLA: On a point of order, Mr. Speaker, Sir. Because this is the National Assembly, it is important that records are put right. The provision of electricity for street lighting is, as far as I know, made by the City Commission. However, the hon. Minister said that his Ministry is now doing it. I would like him to clear the air and say whether his Ministry has amended the relevant rules.

END K

A handwritten signature in black ink, appearing to be 'Quint', is written over the 'END K' text. The signature is enclosed within a hand-drawn oval.

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr. Biwott):
represented in

Mr. Speaker, Sir, we are /a committee which was set up recently to assist the City ~~people~~ of Nairobi to restore ^{us} the services. The Ministry of Transport and Communications is also represented in this committee and I am talking about this because I am ~~involved~~ involved, as far as the Kenya Power and Lighting Company is concerned.

MR. GACHANJA: On a point of order, Mr. Speaker, Sir, - - -

MR. SPEAKER: No! I do not think ~~that~~ things are being done ⁱⁿ the proper way. There is a change and certain things will follow in which somebody ~~would~~ says this or that, and I do not think that is the order of doing things.

MR. GACHANJA: My point of order, Mr. Speaker, Sir, is that I would like to tell the hon. Minister that we would like his Ministry to take over the responsibility of the supply of electricity, and not to just assist, because the City Commission cannot do it.

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr. Biwott): Mr. Speaker, Sir, we are doing ~~that~~ that purely for the good of the eventual City Council. I am saying this because the Nairobi City Commission does provide electricity, as the hon. Rubia said. However, ^{it has} ~~they~~ have not been able to do so effectively. There ~~x~~ are a lot of street lights that have gone out of action and we would like to rehabilitate them and set up a viable Nairobi Electricity Board, which is solely set up for Nairobi electricity supply. For this to succeed, we have to be involved because Nairobi is a very important City; it is the capital of this nation and it is also a gateway to Africa and it is, in fact, the ^{pearl} ~~power~~ of Africa and we must see it in that respect.

The reason why I have raised ^{not} this issue, Mr. Speaker, Sir, is to illustrate the problem at hand. However, the hon. Minister for Local Government is not bringing this Bill for the sake of it or for any ~~other~~ other motive which is not for the good of the Nairobi residents, or ^{not} for the good of the nation as a whole. It is clearly written here, Sir, that the term of the current City Commission will expire on the 31st March, 1988. We know that the work which is in the hands of the Commission at the moment cannot be completed by that time. Therefore, rather than disrupting this work in the middle and push back Nairobi into what it used to be before, it is desirable that we extend that length of time for another period of two years and after that period, we shall be in a position to say whether the whole thing ~~is~~ ^{would} should be ~~handled~~ ⁱⁿ

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (ctd.):

over to the Nairobi people to run it in the way they feel they should run it, or not

We all aim for Nairobi having an elected City Council but, there are certain practical problems that exist today and the programmes at hand must be completed now, ~~and~~ therefore, we have to extend the tenure of the present City Commission, so that work can be done to prepare a viable Nairobi City Council for the elected members to come in future. We have only made a further proviso that, in future, such Ministerial requests should be brought to this House for any extension of tenure of office, so that the House can determine whether it should ^{be} extended or not. That, in fact, does not take away the powers of this House. So, I do not really see why a straightforward problem which is necessary to be dealt with, should create a further problem, as far as the hon. Members of this House are concerned. I am quite sure that those who are experienced with the affairs of Nairobi, ^{and worked} and those who have lived ~~in Nairobi~~ ^{in Nairobi} ~~and worked~~ ^{and worked} in housing, ~~and worked~~ ^{and worked} would like to see it becoming number one city, as far as cleanliness, ~~and worked~~ ^{and worked} the supply of water, ~~the~~ roads and the safety ~~of the city~~ ^{of the city} are concerned. ^{These} ~~These~~ should, in fact, be the people to support the extension of tenure. We should look at this Bill purely on that basis. However, if we look at it and start imagining other ~~things~~ ^{with} motives, which do not exist in the Bill, we shall end up ~~into~~ ^{into} extraneous problems which we will not be able to solve, and this will delay of a ~~straightforward~~ ^{straightforward} Bill.

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

MR. KIVUITU: Thank you very much, Mr. Speaker, Sir. This is a very brief Bill and I ~~will~~ must be very brief in my contribution to it. It is a very sad situation that we have not had ~~the time~~ and elected city council in Nairobi for ~~me~~ quite some time. It is only fair that the people of Nairobi are represented by elected councillors. We ^{living} here in Nairobi, speak with a ^{very} ~~lot~~ ^{lot} of heavy heart.

AN HON. MEMBER: Are you not supporting the Bill?

MR. KIVUITU: Mr. Speaker, Sir, I am supporting the Bill, all right, but, I am speaking with a very heavy heart and saying that it is unfortunate that we should be in a situation ^{like} ~~in~~ ⁱⁿ which we are ^{today} where we are forced by circumstances to have a commission which cannot claim to be representing anybody in Nairobi; a commission which cannot claim to know Nairobi. As elected Members of Parliament

representing Nairobi, we now handle everything, including councillors' ~~jobs~~ responsibilities. We handle everything and this is a very heavy responsibility.

I think when we talk of representation, we also say that there should not be ~~representation~~ taxation without representation. So, I would like to urge the Minister for Local Government not to keep on coming to this House and asking for the extension of the Commission. Since the Nairobi City Commission was set up, it is now about four years and ~~they~~ ^{it} should by now have sorted ^{out} the problems which were there. In any case, one of things which ~~keep~~ ^{have} is very worrying is that big reports are written about Nairobi. We had a task force report, we also had an International Labour Organization Report and the World Bank Report and so on. However, these documents are never given to us to be ~~given~~ able to understand ~~the~~ matters concerning the City Council.

L.C.
 Mr. Speaker, Sir, I do not support the former Nairobi City Councillors as a Nairobi resident but/I feel that we are being deprived of a very important body. If they are saying that these councillors are not ^{ready} ~~ready~~ to handover the running of the ~~the~~ services in the City to the City Council, then what can we do? We would like to see an orderly handing over. I am ~~not~~ supporting this Bill on the basis of what the Minister said ~~that~~ but some of the things that have been said here cannot persuade me to support it. Some of the things that have been said here, like, "We are going to do this right now", are not quite fair. It is a little bit dishonest. Let ~~the~~ the Minister just stand up and say, "We are not ready to hand over because we have not done our job properly". He should say so and we shall agree for the extension of tenure. I think this is a situation which I think the Minister for Local Government ~~should~~ should look at carefully and listen to the view^s of the Nairobi people. They should work hard so that they do not keep on coming here to tell us that they want an extension of ^{tenure.} ~~time.~~

Mr. Speaker, Sir, when it comes to the appointment of commissioners, the Minister should ~~appoint~~ appoint commissioners who know about Nairobi matters and who are interested in the affairs of Nairobi. We do not want to get farmers from the bush coming here to tell us how to run the affairs of Nairobi. We would like to see people who know more about Nairobi affairs running the City Council of Nairobi. We would like ^{to} see the period of the commission to be as short as possible.

AN HON. MEMBER: But this is a city of farmers!

MR. KIVUITU: Mr. Speaker, Sir, I am being told that this is also the farmers' city, but we do not have cows here. We need to have people who understand the

MR. KIVUITU (Ctd.):

problems of Nairobi. We also cannot claim - - -

MR. BARNGETUNY: On a point of order, Mr. Speaker, Sir, - - -

MR. KIVUITU: I know the hon. Member does not have a point of order.

Does he know the meaning of a point of order, in the first place?

kwamba

MR. BARNGETUNY: Ni haki kwa mhe. Mbunge kusema/wakulima wanatoka kule kichakani na kwamba hawastahili kuchaguliwa kama madiwani hapa Nairobi. Anataka kusema kwamba watu wanaotoka Nairobi ndio wanajua zaidi kuhusu Mji wa Nairobi? Mtu anayetoka hapa Nairobi na yule anayetoka kule mashambani wako katika hali moja. Kwa hivyo si haki kwa mhe. Mbunge kusema kwamba wanaotoka hapa Nairobi ndio wanapaswa kuchaguliwa kama madiwani hapa Nairobi.

MR. KIVUITU: Anyway, that is not a point of order. I know the hon. Member does not know the different between a point of order and an argument.

Mr. Speaker, Sir, the point which I am making is very simple. Farmers have got their own councils in their own areas and we do not take people from Nairobi to stand for elections in those areas as councillors. We have our own problems here, and we know what they are.

MR. BARNGETUNY: Umezaliwa hapa Nairobi?

MR. KIVUITU: I must say that the commissioners have done a ~~very~~ good job, but I do not think that they have done a very good job. We have a lot of potholes on our roads in the city and a lot of people now are getting water bills after six months. You are told to pay a ~~Ri~~ bill of ~~£~~ Shs.6,000/- after six months. They do not read your meter until after six months and tell you to pay Shs.6,000/- and they do not ~~wax~~ want you to pay it in instalments but all at once. This is very unfair. Mr. Speaker, Sir, we should have ~~these~~ these things coming - - -

Handwritten signature: *David L. ...*

THE ASSISTANT MINISTER FOR COMMERCE (Mr. Lalampaa):

On a point of order, Mr. Speaker, Sir. Is the hon. Member for Parklands in order to insinuate that the ~~farm~~ farmers from the bush cannot lead the people of Nairobi, when we know very well that the former councillors of ~~the~~ Nairobi City were residents of the City and they left it in a total mess. Is he in order to continue misleading the House?

MR. KIVUITI: ^{With those few remarks, Sir, I beg to} I support the Bill so that the minds of some hon. Members can settle.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. Looking at ~~the~~ today's ~~an~~ Order, Paper, ^{and I know} and I hope that I have got the right one. I do not ^{know} whether there is another one, and if there is I will be told ^{it says:-}

NOTICE

1. ADJOURNMENT OF THE HOUSE TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

Mr. Speaker will to-day call upon the Leader of Government Business to move the Motion for the Adjournment of the House to a day other than the next normal Sitting Day not later than 4.30 p.m.

If my eyes can see properly, the time now is 4.31 p.m.

(applause)

MR. SPEAKER: Mr. Lugonzo.

(Mr. Lugonzo ~~skm~~ stood up)

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. I think now the Speaker should ask the Leader of Government Business to move the ~~adjourn~~ Motion for the Adjournment of this House because it is now past 4.30 p.m., which is stated in ~~this~~ the Order Paper. Would we have the Leader of Government Business to move this Motion for the Adjournment of the House?

(applause)

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS

(Mr. Kibaki); On a point of order, Mr. Speaker, Sir. Whereas it is perfectly in order for the hon. Member for Butere to ~~enjoy~~ enjoy himself, and he is entitled to do so because the merry-making christmas is coming, ~~this~~ this is a very serious Business, and we are a serious minded Government. Whatever obstructions are planned or are in store, we intend to complete the Business on the Order Paper before we leave. It does not matter when we complete it, but we must complete it before we go.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. This Order Paper is prepared so that we go by anything that is stipulated on it, but if there is an additional Order Paper, I should be told. If we are going by this Order Paper, then we are going ~~xx~~ against the Orders of this House. The Order Paper states that at 4.30 p.m., the Speaker should call upon the Leader of Government Business to move the Motion for the Adjournment of the House.

As regards the remarks made by the Vice-President and Minister for ~~n~~ Home Affairs, is he in order ~~to~~ to say that I am enjoying myself when I am trying to call the House to the Orders of the Day? If there is anybody who ~~is~~ is enjoying himself, and ~~is~~ irresponsibly so, then it is the Vice-President himself.

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS

(Mr. Kibaki): On a point of order, Mr. Speaker. We ~~under~~ understand these matters. The Order Paper sets out the Order of the Business but ~~s~~ as you know, you can skip one Order and go on to the next one. When the Order Paper was being set, it was anticipated that we will have finished the business at 4.30 pm., but now that we have not finished, we cannot start on the Motion for the Adjournment. But, as I said, whatever happens, we will finish the business in the Order Paper before we go anywhere even if we shall have to ~~xy~~ sing Christmas carols in this House.

MR. SHIKUKU: On a point of ~~rd~~ order, Mr. Speaker, Sir. The Vice-President and Minister for Home Affairs has to be orderly, ~~therefore,~~ ~~he~~ should move another Motion to amend this Order Paper, so that we can exempt ourselves from ~~thi~~ this Order Paper and go to the next order which is 'now /we sit x until Jesus comes back'.

(END.....M)

Shikuku - Rd.

MR. SPEAKER: Order! Order, hon. Members!

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. Arising from what is now happening in the House, we can adjourn the House for 15 minutes so that we may come back with another Order Paper and continue from there.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M'Maitisi): On a point of order, Mr. Speaker, Sir. Considering what is transpiring in the House, could we not be in order to ask for the leave of the House to extend time and then we continue with the debate before the House?

HON. MEMBERS: No! No!

THE ATTORNEY-GENERAL (Mr. Muli): On a point of order, Mr. Speaker, Sir. Standing Order No. 3(1) sets out the manner in which the business of the House shall appear on the Order Paper. Section (2) of the same Standing Order reads, and I quote:-

"(2) Business shall be disposed of in the sequence in which it stands upon the Order Paper or in such other sequence as Mr. Speaker may for the convenience of the House direct".

Sir, we have the sequence of business on the Order Paper for today, which has not been exhausted. Therefore, even if we argued in favour of what hon. Shikuku is saying, the Speaker has a right to direct that the business be disposed of as the convenience of the House may warrant. So, we are following the order of business as such, and that is how it is laid down in Standing Order No. 3(1).

AN HON. MEMBER: You are misleading the House!

THE ATTORNEY-GENERAL (Mr. Muli): No, I am not.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. The Attorney-General is intentionally misleading the House. I have in my possession the Standing Order in question, which gives Mr. Speaker the powers to skip a particular business on the Order Paper and go to the next one. The question ^{at} issue is that we have now come to the end of business and, the time being 4.30 p.m., Mr. Speaker is supposed to call upon a Minister to move that this House do now adjourn.

MR. SPEAKER: Order, hon. Shikuku. I think it is reasonable today that we continue with Order No. 5. Alternatively, we can push the Committee of the Whole House further down on the Order Paper and continue from there.

17.12.87.

HON. MEMBERS: How? How?

THE MINISTER FOR LABOUR (Mr. Okondo): On a point of order, Mr. Speaker, Sir. The question that the hon. Member for Butere is raising does not really arise because the Orders of the Day are set out in the Order Paper, starting from Order No. 1 to Order No. 6. After that, we have only a notice which is not part of the Orders of the Day. So, the argument being advanced by hon. Shikuku does not apply.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. I would be surprised if the hon. Minister could give us any advice at all; he is not aware of what he is talking about. The point of order I am raising also includes the notice appearing in the Order Paper. Even the last time when we adjourned sine die, the notice was also in the Order Paper. If we go by the Minister's reasoning, then we would not have adjourned sine die the last time because the notice was not on top of the Order Paper. Let us be constitutional, since we claim to be a democratic country.

MR. SPEAKER: Order, hon. Shikuku. Standing Order No. 33 states, and I quote:-

"33. The Government shall have the right to have Government business placed on the Order Paper in such sequence as the Government may desire".

The Government desires so.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. I agree with you that the Government has the right to place its business on the Order Paper in such sequence as it may desire, but the Government has, today, decided to place its business on the Order Paper as it appears. The Government desires that at 4.30 p.m. we should go on to the Motion ~~Adjournment~~ for the Adjournment.

MR. SPEAKER: Order, hon. Shikuku. I said that "Government may direct", and I have been directed.

HON. MEMBERS: By who? Are you the Government?

MR. KANINDO: ~~Mr. Speaker, Sir.~~ On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: No, no. Not on that matter again. Carry on, hon. Lugonzo.

MR. KANINDO: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: No. Let us hear hon. Lugonzo first.

17.12.87.

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS (Mr. Lugonzo): Mr. Speaker, Sir, I will be very brief in supporting this Bill. While supporting this Motion, I want to reaffirm that we are very democratic in this country.

MR. SHIKUKU: We are not!

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS (Mr. Lugonzo): Sir, we have local councils which are running very well and nobody is interfering with them.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: May I just point out that we cannot bear too many interruptions on points of order.

MR. SHIKUKU: I am sorry, Sir, but this is very important. I have sworn to support the Constitution of this country and the rules of this House. I am surprised that even when I suggested that we adjourn for 15 minutes and come back to more or less start another sitting, so that we keep in the law, that was not taken. We should have done that so that we look as people who are orderly. There is no point of continuing debating this Bill after 4.30 p.m., when the Order Paper which is going to be filed in the archives of this House states that at 4.30 we should start debating the Motion for the Adjournment. I wish to register that I am not party to this bending of rules, yet we claim that we are law-abiding or ~~believe that~~ that we believe in the rule of law.

MR. SPEAKER: Well, we are within the law.


THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS (Mr. Lugonzo): Thank you very much, Mr. Speaker, Sir. As I was saying, we are very democratic under the guidance of His Excellency the President. Those councils which are running perfectly are not being interfered with. The Nairobi City Commission was appointed because the affairs of this city were not being properly run. The commission was given the responsibility to rectify what was rather in a mess, and we have seen evidence of good work being done by the ~~Nairobi~~ Nairobi City Commission. We feel that the work being done by the Commission is not yet completed. When that task is completed, then the City ~~Council~~ Council will be elected in the normal way.

17.12.87.

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS (Mr. Lugonzo)(ctd.):

Mr. Speaker, Sir, before the present Nairobi City Commission was appointed, there was, in a place I used to live, a lot of garbage whose smell could not be tolerated. Presently there is some fair control of garbage, although the Commission has not completed its task. However, we have been promised by the Minister for Local Government that more garbage collecting vehicles are going to come.

END..... N



THE ASSISTANT MINISTER FOR INDUSTRY (Mr. Lugonzo) (Ctd.):

The City Commission is trying to rectify the situation which was beyond control. If the Commission is going ahead under the Minister to bring more vehicles for garbage collection, we should give it more time so that the ~~work that~~ responsibility that they were given is completed. Even as far as water is concerned, areas around Nairobi are receiving water more regularly than ever before. The grounds of most of the estates are now kept clean; something that was almost impossible during the time the City Council was working. We even now have some flowers being planted by the Commission. Before the Commission took over, the roads of Nairobi were in a complete mess and since the Commission took over, we have some ~~the~~ very good roads now. Even the ~~H~~ ^{Haile Selassie} Haile Selassie Avenue, you can drive on---

MR. GACHANJA: On a point of order, Mr. Speaker, Sir. My point of order is that the hon. Assistant Minister is misleading this House because the roads were better before the Commission came into existence. ^{Does} ~~Can~~ he know that?

THE ASSISTANT MINISTER FOR INDUSTRY (Mr. Lugonzo): Mr. Speaker, Sir, I have used an example of Haile Selassie Avenue; I do not think the hon. Member is right by saying that that road was in the situation it is now when the City Council was there. There is a definite ~~m~~ improvement as far as roads are concerned. When the guests who came during the All Africa Games came here, they were impressed by the good work that the Commission has done so far. They even said that ^{Nairobi} ~~was~~ was very beautiful, if not the most beautiful city that they had ever seen. ~~It~~ will be done.

There is one is one thing we are hoping ~~that~~ when the next City Council will one day be elected and we hope that this will only come when the Commission ~~will~~ has completed rectifying the situation that this city was in, which they are trying to do &

THE ASSISTANT MINISTER FOR INDUSTRY (Mr. Lugonzo) (Ctd.):
 that ^{and} if they are short of staff, they should be ^{given more} added staff so
 that collection of rates and other things can be accelerated
 so that our city can have enough funds to maintain good ~~fax~~
 facilities. When the time comes - may it be after two, four or
 six years - for the Council to be elected, we are hoping that
 that that council will be a representative of the people who
 live in Nairobi. We hope that all people who come from different
 parts of the country and live in Nairobi will be represented on
 that council so that it is not a sort of monopoly of one group
 of people.

We also hope that the kind of mess that there was about
 plots - where plots were being dished like hot cakes to members
 of the council only, ~~that kind of mess~~ will ^{no longer} not be there and
 people of all parts of the country will have a fair share of
 the plots or whatever will be given out in this City. For that
 reason, I believe that the Commission is doing a good job and
 it is still to complete it. It has not completed the responsibility
 it was given and it should be given more time. When it completes
 the job of rectifying what was ~~gr~~ going wrong in this City - and
 only at that time - then the Council will be called upon in the
 normal way and people will present themselves and be elected.
 We hope that when they get elected, they will maintain the good
 standards that are being set right now, ^{by the city commission}

With those few remarks, I beg to support.

THE MINISTER FOR INDUSTRY (Dr. Ouko): Mr. Speaker, Sir,
 the issues before Parliament on this Bill are important ^{and} but they
 are straightforward. I think it is important to put the issues in
 their proper perspective.

The hon. Attorney-General in his Memorandum of Objects ^{and Reasons}

THE MINISTER FOR INDUSTRY (Ctd.):

has stated very clearly that the issue is not one of depriving Nairobi people the right to elect; that is not the issue. There was a council of elected members in Nairobi. For some reason, this council was dissolved. The dissolution of that council was done in accordance with an Act of Parliament which empowers the Minister to dissolve the Council under certain circumstances. That dissolution stands to this day. The hon. Attorney-General says here that the Government has a reorganization programme but that in view of the time limit by which the Commission time expires, it is not possible at the moment to reconstitute the Council before that time limit comes - which is 31st March, 1988. For that reason, the Bill seeks the authority of this House to extend the life of the Commission by another two years so as to permit the good work being done to continue and also to permit the Government reorganization programme to be completed. This is the point before the House. There is no question at all of denying anybody any rights. The hon. Members in this Parliament represent the entire population of Kenya. The fact that the Minister for Local Government has come to this House is recognition that it is only this House that ^{can} perform this role. That itself is an expression of the democratic principle that the Minister has come to the legitimate institution to get permission to extend the life of this Commission. The Commission has tried its best and it is continuing. It is important for us to endorse this good work by accepting the request by the Minister to extend that life of the Commission and to permit the Government's reorganization programme to take root.

With those few remarks, I beg to support.

THE ASSISTANT MINISTER FOR INFORMATION AND BROADCASTING

(Mr. Khasakhala): Mr. Speaker, Sir, I would ~~it~~ also like to support the Bill before the House on one principle. The principle is that the Minister has followed the constitutions of this country by bringing this Bill before the House. He did not dictate the extension; he did not go outside the House to ask for the extension; he has asked the House to extend the life of the Commission. It is this very House which authorized the Minister to appoint the City Commission. Having come back to us to give him authority, I am sure we should give him the authority to extend the life of the Commission because this is our right. He did not ask another person outside this House for the extension but he has asked the same House which gave him the authority of the former extension.

Anyone going against the Constitution would be an enemy of this country. So long as we stick to the Constitution of this country which ~~is~~ has made us live peacefully; which has made us have a peaceful Parliament, we should stick to the constitution of this country. This extension is constitutional and I therefore, support it fully.

With those few remarks, I beg to support.

END 0.....

J.K.

THE ASSISTANT MINISTER FOR EDUCATION(Mr. M'Maitzi): On a point of order, Mr. Speaker, Sir. Since this Bill has been exhaustively debated, ~~Excell~~ will I be in order to move that the Mover be now called upon to reply?

MR. RUBIA: On a point of order, Mr. Speaker, Sir. I had caught the Speaker's eye before hon. M'Maitzi rose on that point of order. May I contribute on this Bill?

MR. SPEAKER: What you are doing^{is} something coming after a change. That is the problem. What you will be saying will be different from the sequence in which the Bill---

MR. RUBIA: Mr. Speaker, Sir, I just wish to speak my mind on this Bill. What I will say may not be relevant to the Bill at this juncture. All that I want is a chance to speak on this Bill. ~~After~~ After all I am one of the hon. Members of Parliament who come from Nairobi. We are discussing the Nairobi City Commission. I would like to plead with the Chair---

MR. SPEAKER: Carry on.

MR. RUBIA: Thank you, Mr. Speaker, Sir.

MR. OMIDO: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Let us deal with one thing at a time.

MR. RUBIA: Thank you, Mr. Speaker, Sir. I sincerely thank you for allowing me to make a contribution to this Bill. First of all I would like to say, at the outset, that I am opposed to this Bill with every ounce of my feelings and blood because of the following reasons. First of all it is against the general ~~majority~~ belief and principles of a democratic society. It is against the feelings of the population of Nairobi which is almost 2 million people now. I think it would be unwise for any Government Ministry to disregard the feelings of nearly 2 million people. The people of Nairobi have had the City Commission for nearly five years now.

MR. RUBIA (ctd);

Mr. Speaker, Sir, when the Minister was moving the Bill he made several remarks. He said that reason for requesting for an extension of tenure of the Nairobi City Commission is to allow the Ministry of Local Government and the City Commission to improve the administration of the City of Nairobi. He said that the City Commission's administration is undergoing improvements. But that is a very flimsy reason. This is because councillors are not going to be officers of the Nairobi City Council. Councillors are not going to be ~~officer~~ administrators of the City Council. The improvement of administration, whether in Government, company or any parastatal, is a continuous process. This morning we read in the newspapers about the intervention of the Minister for Local Government in a decision which was made by Thika Municipal Council regarding the Town Clerk of Thika. It is a continuous process. Therefore to give the reason that the Nairobi City Commission should be allowed to carry on in order to re-organize the administration of the City is just too much. That is really beside the point. There must be another reason.

Mr. Speaker, Sir, the hon. Minister also talked about the collection of rates. He said that rents and rates were not being collected by the defunct City Council and that there ~~was~~ was something like KShs.500 million outstanding in rents and rates. He went farther to say that the rents and rates were not collectable because the rate payers had appealed against the rates. So, my question - if we happen to be logical - is this: The fact that the collection of rents and rates could not be done because there was an appeal--- Is that the reason why we should have a Commission to run the affairs of this City?

How is it that the City Commission is able to collect rates if there is still an appeal against the rates? How is it that the City Commission has been able to collect - as I understand and there was a time I asked the Minister to tell us --- The collection of rents and rates is being done without due process of the law. The rate payers objected; a rate valuation roll ~~was~~ was compiled and valuation forms were prepared. As far as I know, and I would like the Minister to confirm or deny this, the valuation court has never given any awards. The Minister says that because of these appeals by rate payers about ~~half~~ KShs.500 million is uncollected. That is not a good reason. Whether you have a City Commission or a City Council, the rate payers have a right to appeal if they think the rates are too high. That process must be observed.

Mr. Speaker, Sir, the Minister also did say that the ~~Minister~~ Ministry of Local Government--- In fact he refers to himself as the sole ~~adminis~~ administrator of the City of Nairobi. He said that he is getting some drawings of kiosks. ~~It is very~~ He is doing a very commendable job. We have appealed to him, as rate payers' *and* ~~representatives and~~ ~~and~~ hawkers' representatives that something should be done in order to do away with harassment of hawkers. In this connection I would like to congratulate the Minister because he has been very understanding. But what has that ~~do~~ to do with the City Commission? ~~£~~ Even if you have a City Council you can still have the right to look at the drawings and the kiosks and so on. The Minister has got a lot of powers. He can dissolve any ~~municipal~~ municipal council any time. It does not require ~~anybody~~ any Commission to pass any drawings of kiosks. The Minister should look for a better reason than that.

Mr. Speaker, Sir, the Minister went on to say that Nairobi belongs to all of us. One or two hon. Members expressed similar sentiments and I would like to say this:

Nairobi is unique being the seat of Government. We are, therefore, concerned about the standard of cleanliness and services ^{rendered} ~~rendered~~ in this ~~city~~ ~~city~~ City. The standards of various services given to our people in the City must be very high. This also applies to smaller local authorities. The fact that Nairobi is the capital city does not mean that the Minister for Local ~~Government~~ Government, as a Minister, is the only one qualified to determine the standards of ~~a~~ cleanliness and various services in this City. I think that is an attitude which rather hinges on sectionalism.
~~XXXXXXXXXXXX~~

Hon. Lugonzo said that ~~the~~ the councillors should come from all areas of the country. There is nobody who disputes that. But under a democratic system you will have to campaign and convince the voters that you are suitable to get their votes. That is not something that we can legislate for in an independent and free country like Kenya, where freedom was fought for and won with bloodshed. People should not under-estimate the intelligence of Nairobi people. If the Government thinks about the allocation of plots on provincial basis it can do that through a legislation. The Minister has the power to nominate up to one-third of the councillors. He can nominate the kind of people ^{he} ~~if~~ thinks should be included in the City Council. The Government can do some allocations. I do not want to give them ideas. They can come ~~with their own ideas~~ for those ~~ideas~~ ideas if they want them. But there are ways of achieving that without reducing the status of Kenyans who live in this City. They have a ~~right~~ right to elect people to represent them. It is a persecution. It is a complete disaster to have ~~another~~ another term for the City Commission. I have nothing against those individuals. Some of them are men and wom~~e~~n of substance and high integrity. I am not agains any of them.

MR. RUBIA (CTD):

But the system is unacceptable; that is all I am saying, and that is what Nairobi ^{people} say, ^{lc.} And ~~XX~~ I am pleading with the Government to understand. Even if the Government uses its power to push this Bill through, which I think they will do; looking at ~~the~~ ^{Frontbench} it is fully packed and they will obviously use that power; I can see that this will happen. If they use that power, I have no doubt that it will go through. But ~~what~~ I will say that let them ^{do} it knowing that 1.7 million Kenyans in this city ^{uc.} do not want a commission. You can do that; but you must do that knowing that you will be going against the wishes of 1.7 million people.

Mr. Speaker, Sir, it is possible to have an elected council; and it is possible for the Minister for Local Government to do all the things he has said by controlling and guiding these people. It is very easy to control and guide a local authority. All you have to do is to be a man of principle, and obey the rules yourself as their administrator. People have talked of plots and jobs being dished out to friends and so on. Who said that that is not happening now under the Nairobi City Commission? Who said that those are the only people who can ^{never} do that? I do not want to bring - in any case there is no time - facts and ~~gi~~ figures to prove that that is going on even now. So, let us ^{not} ~~go~~ ^{go} into that area. This is because human weakness is always there, whether you are an elected councillor, Member of Parliament, a nominated Member; ~~ex~~ whatever you are, human nature is still the ~~same~~ same. So, we have got to be judged as individuals in whatever we do.

MR. SHIKUKU: On a point of information, Mr. Speaker, Sir.

AN HON. MEMBER: You said on a point of order, Mr. Speaker, Sir.

MR. SHIKUKU: I said ~~on~~ on a point of information, Mr. Speaker, Sir, and he has agreed.

I thank the hon. Member. What he is saying is true; that even the allocation of plots is still going on; and not through the committee that is supposed to do so. If people want evidence, it is always available from the Member of Parliament for Dutere.

AN HON. MEMBER: What is your point of information?

MR. SHIKUKU: What I said is that I thanked the hon. Member for giving me the opportunity. ~~XXXXXX~~ And I want to inform him that it is true that the

MR. SHIKUKU (CTD):

allocation of plots, which was being done in a funny way during the time of the former elected council in Nairobi, is still going on in the councils. If the hon. Member wants information and substantiation, it is always available in black and white from the Member of Parliament for Butere.

MR. RUBIA: Thank you hon. Shikuku; may God bless you.

Mr. Speaker, Sir, the hon. Minister talked about----

MR. KANIDO: On a point of order, Mr. Speaker, Sir. It would not be right to accuse the Nairobi City Commission of going on with what was going on ^{when} the councillors were there. Would the hon. Member substantiate his allegation?

MR. RUBIA: Mr. Speaker, Sir, I wish to continue. The hon. Minister mentioned about public transportation in the city. I agree with the hon. Minister; we are all very concerned. May ^I take this opportunity to ^{thank the Kenya} Government - and our President in particular - for the interest they have taken in providing buses. We are very grateful, indeed. This is a very important service in any urban area. So, Nairobi is very grateful. Even though, the position is still very precarious and dangerous. So, I would like to ask the Minister to look beyond Government coffers. As we understand it, the Government does not have a lot of money. But it is possible to harness investors and provide sufficient buses for the population of this city, which is growing at the rate of between 10 and 15 per cent per year. This is from normal growth and immigration.

END

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again

MR. RUBIA (Contd.):

So, I think the Government, on its own, will never be able to contain the situation. The hon. Minister should try to organise financiers or people who would like to do business. He can even try to organise matatus into some companies and give them some financial assistance to operate buses in the City. We need many more buses, and I would like to appeal to the Minister that this is really a service which is really in need.

Mr. Speaker, Sir, he mentioned ~~about~~ water. First of all, let me say that water is a very necessary commodity, and one does not have to be told that. In fact, the water or the medical people keep on telling us that, I think, 60 per cent of a human being is water. So, water is very important.

Mr. Speaker, Sir, the provision of water seems to be coming all the time a few years behind schedule, and I would like to ask the Minister to do the following:- First, every time there is any development in an area, simultaneously, they should start working with organisations like the World Bank so that when estates come up there will be sufficient water for that area. As it is now, developments are coming up rather haphazardly in a Municipality. You will have an estate coming up ^{near} like the Nairobi Dam Estate. The question is: What about the provision for water, road system, transportation system, schools, health centres and so on? All these things should be considered simultaneously.

I would like to say with regard to water that the Nairobi City Commission cannot claim any credit at all. In fact, I would say that when we had the City Council the water situation was much, much better than today. I am not blaming the Commissioners because it is not entirely their fault. I said earlier that the system is not welcome by the Nairobi people. But also the ratepayers, Government in particular, and this should interest the Minister for Finance especially,

MR. RUBIA (Contd.):

the Ministry of Finance should co-operate with the Ministry of Local Government and pay the Nairobi City Commission hundreds of millions of shillings that they owe them. We had a Nairobi D.D.C. meeting not so long ago and we were told by the City authorities that the Central Government, Ministries, parastatals and so on, owe the Nairobi City Commission something in the order of KSh.200 million-plus! Now, if the Government of free and independent Kenya owe the Nairobi City Commission KSh.200 million-plus as rate and rates in arrears, how do we expect the Nairobi City Commission to perform properly? I think it is wrong to be in that position that the Commissioners find themselves. I think the Government, through the Ministry of Local Government, the Treasury must also co-operate in this, the Ministry of Planning and National Development and so on. You cannot go on appointing Commissioners merely to use them as your cover for some of these things because, I think, that is what they are being used for, in that respect. They have no courage or conviction to face the Government Ministry and say, "Pay for that water otherwise we will turn off the tap!" They are scared of doing that because they are nominated. That is why we must have elected councillors ⁱⁿ a council that is truly representative of the people.

As I said earlier, Mr. Speaker, Sir, it is the system that I dislike, not the people; do not get me wrong. The Minister for Local Government should tell us when he comes to reply when the Government will pay the City residents their money, KSh.200 million-plus, which the Government owes! All the Minister for Finance has to do is to consider increasing a bit ^{of} taxation on the beautiful Mercedes Benz they all drive in these days, and we get our KSh.200 million-plus easily.

Mr. Speaker, Sir, there is also the question of schools in the City, and in the case of schools, the taxpayers, the ratepayers, the parents and so on have dug so deep into their pockets. They have

MR. RUBIA (Contd.):

provided classrooms and all kinds of amenities. But we all know - those of us who have been in public life long enough - that it is very easy to provide physical facilities. What is difficult is to maintain them.

Mr. Speaker, Sir, can the Minister tell us honestly and sincerely whether the Nairobi City Commission - the one he is praising - is able to maintain schools? Can he tell us in figures how much the Nairobi City Commission intends to spend in the next 12 months, or during the present financial year, in maintaining the buildings which have been put up by the parents and councils?

Mr. Speaker, Sir, one hon. Member mentioned about Haile Selassie Avenue said ~~Road~~ and that it is beautiful; it is good. Yes, it is good now. It is not a wonder that it is good. We know it. I think they got a little money from the Fourth All Africa Games to do a little bit of facelift-ing; just to wash the face because ~~wagenis~~ ^{visitors} were coming. What a terrible situation that you have to wash your face just because a visitor is coming! Oh, my goodness! Let us have visitors again! Maybe another road will be given a facelift. I think we should be inviting a lot of important visitors because every time we have them, something happens, and we seem to benefit.

When the Nairobi City Council existed just before in 1983 when it was dissolved, I would like to assure the hon. Member who raised this point that Haile Selassie Avenue was even better than it is today. I would like to invite the hon. Member, hon. Lugonzo, to visit estates. He does not have to go very far. Let him come to my area, Kariokor Estate, just near here.

MR. MWACHOFI: On a point of information, Mr. Speaker, Sir. I am grateful to the hon. Member for allowing me to give him information. I just wanted to inform him that, one, I am a resident of Kariokor, and also hon. Lugonzo is a resident of Kariokor Estate too. He knows very well that what the City Commission has tried to do recently is

MR. MWACHOFI (Contd.):

to paint the houses from outside and leave the inside as dirty as possible. He knows that very well. So, hon. Rubia does not need to go on hammering the point!


MR. RUBIA: Thank you. Mr. Speaker, Sir, you see how nice it is to have a constituent in the National Assembly! I thank the hon. Member for ~~reminding~~ ^{reminding} me that. But I was inviting hon. Lugonzo to visit Kariokor Estate, but now he lives there. So, I do not have to invite him there. However, he can go to Starehe Government Quarters, not very far from where he lives, and see the kind of garbage that is there. And how can one honestly, intellectually, stand up here and praise the City Commission for collection of garbage? I really cannot understand. This one defeats me; it really defeats me. Why can we not be honest enough and say, "Well, these are hard times. Everything is not as good as we would like it to be". But plead with the House to agree to the extension of the Commission rather than stand up and praise something which is not praisable.

Mr. Speaker, Sir, the garbage collection is a disaster in all areas of the City. For instance, just in front of my own office here near Fedha Towers, or near 680-Hotel, if hon. Members will go to the 680-Hotel after the rise of the House, as you enter the main lobby, you will be able to feel the stench of the garbage. How can we really sincerely praise them? Why can we not give other reasons for the extension rather than praising the Commission? We know they have difficulties; yes. But why praise them for things they are not doing? Why are we praising them? They cannot do certain things. I have spoken about them in other areas. I have made a case for them in my D.D.C. meetings, and my colleagues from Nairobi will bear with me. I have also done it ^{here} today. Unless you give them money, unless you allow them to do taxation, unless we give them the tax we get from the hotels and so on, we are asking them to do the impossible.

MR. RUBIA (Contd.):

But now I am beginning to have another idea, Mr. Speaker, Sir.
for Local Government
The Minister/wants us to continue with the Commission because he can
tell them to shut up, and they will sincerely shut up.

(applause)

Edu R. 

MR. RUBIA (ctd):

I think that is the reason, Mr. Speaker, Sir. We do not want them to shut up. We have already asked the provincial commissioner to make an appointment for us to see the hon. Minister for Local Government, Mr. Mudavadi. We have also asked the provincial commissioner to make sure that the Minister for Finance, Prof. Saitoti, will also be available in person during that meeting. This is because it is important---

THE MINISTER FOR FINANCE (Prof. Saitoti): On a point of order, Mr. Speaker, Sir. I would like to put it on record that I have never received a letter seeking an appointment for me to see the Minister for Local Government. That is all.

MR. RUBIA: Mr. Speaker, Sir, that is a point of information and I can, perhaps, take it to be a ~~com~~ complaint and I will forward it to the provincial commissioner. I am not saying that he has been given an appointment.

(Applause)

What I am saying is that we have asked for an appointment and the provincial commissioner who is one of the civil servants anyhow, will, perhaps, use this system to reach you. I hope it will be sooner than later but we hope that he will reach you.

Finally - because I know other hon. Members would like to speak on this Bill - I would like to say that the Nairobi City Commission is undesired by the Nairobi rate payers. This is because the system is absolutely not in keeping with ~~modern~~ modern Africa. We have been talking of democracy and we cannot go on having commissioners. If the old councillors failed, who says that the population of Nairobi which is 1.5 million people cannot provide 30 to 40 people who can run this City better than the previous officers bearers?

If those of us in this House - including those in the Government - asked the public to give their judgement on our performance, let me tell you, they would have ~~threw~~ thrown a good number out a long time ago.

(Applause)

So, do not pass judgement which is based on flimsy grounds that Nairobi population cannot you, as a city dweller, with capable councillors. You may, if you like, elevate the ~~quantity~~ qualities of who will qualify to be a councillor in Nairobi. We should not be told that out of 1.5 million people, we cannot get a better council. I completely refuse to accept that because it is not the case.

With those few remarks, I hope that the Government will consider that. - Certainly, as far Starehe Constituency is concerned, we shall keep on pressurizing and ~~appeal~~ ^{appealing} to the Government to re-consider this issue even when it passes through this Parliament.

I beg to oppose.

MR. KIOME: Thank you, Mr. Speaker, Sir, for giving me the opportunity to say just a few words on this Bill because there is ~~a~~ no time for one to say a lot of things. I would like to say that there is no amount of legislation which can help the City of Nairobi. It does not matter whether we pass 10, 20 or 50 Bills but the City of Nairobi cannot be saved ^{by} legislation, a commission nor a council. What is required ^{is} a lot of imagination from everybody - the residents, leaders and all ^{and} sundry - to salvage Nairobi because it is a City that is ~~was~~ soon dying of its own. Cars will be sinking and will disappear to the bottom of the earth very soon. Mr. Speaker, Sir, you are going to drown very soon under garbage and your house will get buried. You remember that that was the case in 1983 before the Nairobi City Council was desolved. It has gotten worse---

THE ASSISTANT MINISTER FOR WORKS, HOUSING AND PHYSICAL PLANNING

(Mr. Musyoka): On a point of order, Mr. Speaker, Sir. Is it really in order for my hon. learned friend to come to a prophet of doom that he is now? He is saying that ~~a~~ your car, Sir, and everybody's will sink and that your own ^{house} ~~car~~ will sink, Sir?

MR. KIOME: Mr. Speaker, Sir, I have not prophesied and I do not know why my hon. learned friend should get mixed up. I was only contributing

MR. MUMIAO: Is he learned?

MR. KIOME: He is definitely learned. Every Ministry - including even the Ministry of Foreign Affairs - should put in a little bit of effort so that Nairobi can be saved once and for all. The Ministry of Energy and Regional Development and the Ministry of Environment and Natural Resources should play a part in the provision of electricity. The Ministry of Health which usually complains of health hazards, has failed to prosecute the Chairman of the Nairobi City Commission. Under the provisions of the Public Health Act, if a persons duty is to remove rubbish and other waste matters from any place, if he does not do it, he is supposed to be prosecuted. The Chairman of the Nairobi City Commission has not been prosecuted for all the uncollected garbage that is around this City.

We have sufficient legislation to run the City of Nairobi. These people should be prosecuted. The General Manager of the Cleansing Department of the Nairobi City Commission should be in court by today. He has never been taken to court because the Minister, perhaps, protects him. For these ~~these~~ reasons, we should not be here supporting one or the other but the residents of Nairobi. The residents of Nairobi want a clean City; a decent place to live in, good roads, good transport system and they want electricity so that they are not killed by robbers in dark corners. Neither the councillors nor the commissioners have been able to provide these services.

The solution does not lie in any of these two; it lies somewhere. It lies in the ~~imagination of our Government~~ imagination of our Government, the citizens of Nairobi and in the Minister for Local Government. It was not necessary for him to bring this Bill because it is not going to serve any purpose. It is only going to give him power which we shall give him to extend the tenure of the Nairobi City Commission for the next 1,000 years even after his death. Shall we have solved anything? We shall not have solve the problems. We should see whether there will be money for increasing

MR. KIOME (ctd):

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the number of vehicles that do the cleansing. They are now 15 whereas they used to be 80 five years ago. Can we be told where that money will come from? Does the Commission have that money? Whereas we support a good Government and good administration in the City of Nairobi no matter from what direction so far as it is ^{not} that ~~which~~ ~~maximize~~ which beats people - because we know it - it should be proper administration which is well managed. The Commission, as I understand, does not have a cent or if it has, then it is not sufficient.

The Minister for Finance has been complaining that he does not have enough money to run our system. He complained that, in fact, he has not received a letter from the Commission inviting him for a meeting and turned it down. We congratulate him for that. It means that he has ears to listen to problems of the residents of Nairobi.

END S

MR. KIONGE (ctd.):

We hope the Ministry of Environment and Natural Resources will come up with a solution to this problem.

L.C.
Mr. Speaker, Sir, those people from all over the world who visited this city 10 or 20 years ago were very proud of ~~the city~~ ^{it}. They used to see flowers and trees everywhere. All of a sudden, the flowers died ----

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. I would like to draw your attention to the Standing Orders of this House, as I believe in them, and so does the House. I would like to refer to Standing Order No. 17 which is on page 7 of the Standing Orders booklet. It is under the heading Sittings and Adjournment of the House. It states:-

(1) Unless for the convenience of the House Mr. Speaker otherwise directs, the House shall meet at 9 a.m. on Wednesday morning and 2.30 p.m. on Tuesday, Wednesday and Thursday afternoons, but more than one sitting may be directed during the same day.

(2) Unless for the convenience of the House Mr. Speaker or the chairman (as the case may be) directs earlier or later interruption of business, at 6.30 p.m. or (if it is an Allotted Day) at 7 p.m. ---

So, Mr. Speaker, the Standing Orders stipulate that on Tuesdays, Wednesdays and Thursdays - and I think today is Thursday - we are supposed to adjourn the House at 6.30 p.m. Since it is now 5.30 ^{p.m.} and the Vice-President and Minister for Home Affairs, who is also the Leader of Government Business, said that we will go on, could we, at this juncture, have your ruling ~~telling us up to what~~ ^{on the length of} time we will sit?

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS
(Mr. Kibaki): On a point of order, Mr. Speaker, Sir. I did not talk about how long we shall go on. I only said that we

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (ctd.):

shall go on sitting; we shall go on having other sittings. We shall go on sitting on Tuesday, Wednesday or even up to Christmas day, until we finish the business on the Order Paper. I never disputed ~~on~~ what ^{time} ~~time~~ we should adjourn today, because it was not the issue. The issue was whether, or not, the House was going to adjourn sine die. So, that particular problem would not arise. We will adjourn at our usual time.

MR. SPEAKER: Go on, Mr. Kiome.

MR. KIOME: We are now getting into a situation where some hon. Members are talking for the residents of Nairobi - most of us are residents of Nairobi - and residents of Nairobi come from every constituency. There is a large number of them who come from Isiolo. So that we may know what they want, would we have a suggestion box---

(noise)

MR. SPEAKER: Order!

Could we have a suggestion box so that ~~the~~ opinions of the residents are sought from all over the city, so that we know whether they want a commission or an elected council?

With those few remarks, I beg to support.

MR. KIPKORIR: On a point of order, Mr. Speaker, Sir. I think the Mover should be called upon to reply.

MR. SPEAKER: No, we ^{should} ~~would~~ allow more hon. Members to contribute. *There is still ample time.*

THE ASSISTANT MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (Dr. Karanja): Thank you, Mr. Speaker, for giving me this opportunity to support this Bill. We all know, and we assert here that democracy is a very important tenet in our Republic, and ^{that} there is no greater place ~~to~~ for exercising this democratic right than at the grassroot level, that is a the

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THE ASSISTANT MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY

(Dr. Karanja)(ctd.):

local government level throughout the country.

Mr. Speaker, when we talk about the City Council of Nairobi that was, we ~~we~~ speak with a heavy heart because it was abolished because of being riddled with corruption. It is a pity that we ~~we~~ have, now, to extend the life of this City

commission. We would have preferred to have a democratically elected council because people should, in fact, have the right to be represented by their own representatives. But since the Government has not finished the reform^s it wants for the City Commission, in order to allow the city to be represented by its own people, we have to ~~we~~ accept this compromise.

This compromise between nomination and democracy is a compromise that should really produce better and more qualified commissioners, who have the interest of Nairobi at heart. The present commission leaves a lot to be desired, and we hope that when the Minister has an opportunity to appoint new commissioners, he will appoint commissioners who are competent, fair and who have the interest of Nairobi at heart, rather ~~we~~ than ~~a~~ people who come from miles away, and have a very little in the Commission's council's affairs.

Mr. Speaker, Nairobi is growing as a big city and its population is rapidly increasing. We need people who will be able to foresee, through ~~the~~ planned expansion of the city's services. At the moment, the city's services have actually broken down, and some, of course, are non-existent. We need people who will not just be interested in collecting their travelling allowances, but people who are competent enough to know what will be happening in 1999 in this city. These should be ~~a~~ people who will be interested, like our ~~present~~

THE ASSISTANT MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY
(Dr. Karanja)(ctd.):

President has been in providing Nyayo buses; the people who will know what kind of schools our children will need in the year 1990.

Run on
Mr. Speaker, Sir, our roads are riddled with potholes and our health clinics do not have anything to show, except the buildings. We need to have people who have an interest of the people at heart.

L.V.C.
Mr. Speaker, we have spoken in our district development committee, to try and find out how the city commission can be financed. We would like ~~to~~ the Minister to give an audience ~~to~~ with the hon. Members of Parliament for Nairobi, so that we can, in fact, tell him what is happening because the ~~is~~ situation is so serious. We will have a situation which cannot be controllable, unless we take measures just now. It is my appeal to the hon. Minister to let us meet ~~with~~ him, and if possible, he can invite his colleague, hon. Saitoti. It would be an additional advantage because we can ~~to~~ discuss how to finance the city commission, whether through additional taxes or through a kind of poll tax, which will be able to give us the opportunity to develop Nairobi.

L.V.C.
Although we have Harambee meetings in Nairobi, particularly for schools, the schools are so dilapidated and in need of repairs that we need a very concerted and major input in finances for the city commission.

With those few remarks, I beg to support.

END T. 

MR. arap KOSKE: Ahsante sana, Bw. Spika, kwa kunipa nafasi hii ili nami niyaseme machache huku nikiuunga Mswada huu mkono. Ingefaa muda wa madiwani uongezwe kwa sababu madhumuni ya kufanya hivi ni kuyarahisishwa na kuyapunguza matatizo yanayokabili uchaguzi. Kwa vile tunautazamia uchaguzi hapo mwaka ujao, naamini kabisa kwamba ni jambo la busara kujaribu kwa njia yoyote inayowezekana kupunguza gharama pamoja na muda unaohitajika kufanya uchaguzi. Baadhi ya njia zinazofaa kufuatwa hapa ni kuwa na aina zote mbili za uchaguzi wakati mmoja.

Hali nikienzi kuunga Mswada huu mkono, ningependa kusema kwamba nguvu za utaratibu na maongozi ya Serikali huwa ni watu wa kiwango cha grassroot. Viongozi wanaohusika sana na wananchi katika kiwango hiki ni madiwani. Wengi wa watu wetu bado wanahitaji kupewa mawaidha katika mambo mengi, kama vile miradi ya maendeleo, na kadhalika. Kwa hivyo, madiwani wanastahili kuwa wenye uwezo na mawaidha mengi ili waweze kuwahudumia wananchi.

Mengi yamesemwa hapa mara kadha kuhusu marupurupu ya madiwani. Hata hivyo, ningependa kuihimiza Serikali ione kwamba marupurupu haya yameongezwa, siyo tu kuwawezesha madiwani kufanya kazi zao kikamilifu, bali kuwavutia wananchi walio na ujuzi mwingi kupigania udiwani na wakipata kuchaguliwa wafanye kazi hizi vizuri na kwa ustadi zaidi kuliko madiwani wa wakati uliopita walivyofanya.

Vile vile, ningehimiza Serikali kuona kwamba zile lokesheni mpya zilizoundwa majuzi zimewakilishwa na madiwani. Kila mojawapo ya lokesheni hizi zinafaa kuwa na diwani wake. Katika mawakilisho yangu ya Kericho Mashariki, nina madiwani ambao wanawakilisha hesabu tofauti tofauti za watu. Sioni ^{Kama} ~~kufaa~~ inafaa diwani mmoja kuwawakilisha watu 60 wakati diwani mwingine anapowawakilisha watu 500 au 600. Nafikiri ni juu ya Waziri anayehusika kuona kwamba uwakilishi wa madiwani umesawazishwa. Kama ^{hawezi} ~~hawezi~~ kusawazishwa kabisa, ingefaa hesabu za wenye kuwakilishwa zisiwe na tofauti kubwa hivyo. Mahali ambapo diwani mmoja anawakilisha sehemu kubwa, ingefaa sehemu hiyo igawanywe ili pawe na zaidi ya diwani mmoja.

Tunapoendelea kukaribia harakati za uchaguzi, ningependa kuihimiza

MR. arap KOSKE (CTD.):

Serikali kuona kwamba tumekuwa na vituo vya kupigia kura vya kutosha, ili watu wetu wote waweze kushiriki ^{hivyo} katika k uchaguzi. Tuliona hapo mbeleni kwamba watu wengine walikuwa na shida katika kupiga kura kwa sababu vituo vingine vya kupigia kura vilikuwa mbali sana. Kuna kituo kingine kule Kericho Mashariki ambacho ilikuwa vigumu kukifikia ^{bila} njia gari. Wakati wa kupiga kura, watu hawakubaliwi kubebwa na magari ya watu wengine. Kwa hivyo, huwa ni vigumu kwa watu wengi kuvifikia vituo vingine. Kwa hivyo, ingefaa Serikali ione kwamba vituo hivi vimetayarishwa kwa njia ya kumwezesha kila mtu kuvifikia na kupiga kura bila shida kubwa.

Kwa vile tutakuwa tukipiga mistari kwa mara ya kwanza katika uchaguzi wetu, ningependa kuihimiza Serikali ione kwamba nafasi ya kutosha imetumiwa kuwafundisha wananchi na kuwaeleza kinaganaga vile watakavyofanya katika uchaguzi huo, kwani kuna maswali mengi wakati huu. Watu hawajui kama watapiga mistari na kuwachagua madiwani kwanza, halafu wawachague Wabunge. Kwa hivyo, ingefaa Serikali ione kwamba imewaeleza wananchi jambo hili vizuri mapema ili matatizo ya uchaguzi yapunguzwe.

Kwa sababu Mswada huu unaihusu Tume ya Jiji la Nairobi, ningependa kuihimiza Tume hii ione kwamba jiji hili lina usafi x unaofaa. Nairobi ndio mji mkuu wa nchi hii.

Mr. Speaker left the Chair

The Temporary Deputy Speaker (Mr. Karauri) took the Chair

Kwa hivyo, tungependa kuona kwamba jiji lenyewe lina usafi unaohitajiwa. Hatutaki kupata aibu kutoka kwa wasafiri wengi wanazuru Nairobi. Kwa sababu jiji hili ni kama uso wa nchi hii, sikubali kwamba linafaa kuachwa lijae uchafu mwingi, eti kwa sababu hakuna pesa za kutosha za kufagia uchafu huu. Pesa zinakwenda wapi kiasi kwamba hata za kudumisha usafi zinakosekana?

Mifereji ya kupitia maji machafu inafaa kuangaliwa kila mara ili ione kane kwamba hakuna maji machafu yanayotiririka barabarani. Matundu ya mifereji hii yanafaa kuwa yakifunguliwa mara kwa mara ili maji machafu yasije yakaanza kutiririka barabarani.

MR. arap KOSKE (CTD.):

U.C.
Tunawona mbu wengi kando kando ya mahoteli mengi jijini. Ni kwa nini mbu hawa wawepo? Tunamngoja Mtukufu Rais afanye kama alivyofanya siku nyingine? Ingefaa wale wanaohusika wafanye kazi zao bila kumngoja Mtukufu Rais. Mbu hawa hawafai kuwepo.

Kwa haya machache, Bw. Naibu Spika wa Muda, nauunga Mswada huu mkono.

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Mrs. Ogot):

On a point of order, Mr. Temporary Deputy Speaker, Sir, since the debate has taken long, and a lot of useful points have been made, could the Mover be now called upon to reply?

HON. MEMBERS: No, no, no.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Well, it is up to the House to decide what to do, since this question has already been raised.

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

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Madavadi): Mr. Temporary Deputy Speaker, Sir, I have carefully listened to the contribution^s made by the hon. Members of this House regarding the extension of tenure for Nairobi City Commission by two years. My good friend, hon. Charles Rubia, seems to have disappeared from the Chamber. I told him that when he was the Minister for Local Government, and when we dissolved the former Nairobi City Council, he was in full ~~agf~~ agreement with everybody.

END U *[Signature]*

THE MINISTER FOR LOCAL GOVERNMENT (Ctd.):

Mr. Temporary Deputy Speaker, Sir, the reasons were given at that time. It is true that the former City Council had accumulated a lot of debts, which the City Commission has been servicing. It is also true that Government Ministries owe the City Commission some money, as far as I know, to the tune of about Shs.170 million. Government has taken the necessary steps because we are aware of these arrears and we have asked all Government Ministries, which owe money to the City Commission, to repay it in their forward budget, to the City Commission. For the information of my ~~hon~~ friend, hon. Rubia, who has just sat down, I was saying that we were together in the Cabinet and he has been sitting on the ~~hon~~ chair and heading the Ministry of Local Government, which I now do. So, he knows exactly the reasons why we ^{dissolved} the former City Council of Nairobi. In fact, Sir, I appreciate all the points raised by hon. Members on this Bill in which I am requesting for the extension of tenure for the present City Commission.

Mr. Speaker, Sir, I must thank those hon. Members who contributed to this Bill because some of the points that they have raised here this afternoon will be very useful to me. I need not refer to all the points raised so far, but I am aware of the fact that if the tenure of office of the City Commission is extended, I will have to reconsider some of the points which have been raised by hon. Dr. Karanja this afternoon. I am saying this because some of the ~~ex~~ points he raised are an eye-opener to me, as Minister for Local Government. I would like to assure the Assistant Minister that whatever he has said, during his contribution to this Bill, has been taken note of and, indeed, ~~of~~ all other points raised by ~~hon~~ other hon. Members.

Mr. Speaker, Sir, if I am given this extra period of two years, I am quite ^{that} convinced, the Government programmes that we have embarked on will be implemented for the betterment of this City. We are all concerned, as hon. Members of this House, regarding this City and we feel that Nairobi City Commission should provide good services because of the reason I have given, ^{because} ~~that is~~, it is the capital city of Kenya. Therefore, we have ^{as a Government, a} very important role ^{to play} in the affairs of this City of Nairobi.

MR. CHEPKOK: On a point of information, Sir - - -

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Order Mr. Chepkok!

If you are raising a point of information, the Minister must first accept to give you way for it.

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I do not need any information. I am replying to hon. Members during their contributions to the Bill. I am quite sure that my friend who has been - - -

MR. SHIKUKU: On a point of order, Sir - - -

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): I am sure that my friend hon. Shikuku has now been convinced that - - -

MR. SHIKUKU: On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought I heard the Minister saying ~~that~~ something to the effect that he would like to have the City clean and that he has directed those running its affairs to make it clean, but is he not misleading the House when he knows that ~~even~~ the Government, of which he is a Member, owes the City Commission over Shs.200 million. [?] This money has not been collected. How will they keep the City clean ^{this} without money being repaid? What action is he taking on this? He is misleading the House.

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): Sir, I said that some Government Ministries owe money to the City Commission and we are aware of this, ~~and~~ the Government is ~~now~~ doing all it can to make sure that this money is repaid to the City Commission to render the services in the City.

Mr. Temporary Deputy Speaker, Sir, I have also said that the former City Council left a lot of debts at the time of its dissolution. In fact, the salaries of the employees alone stood at Shs.30 ^{million} ~~200~~/- gross per month and Shs.20 million net per month. However, when I dissolved the former City Council, the only balance I had in the bank, in addition to a lot of debts, was only Shs. 10 million, which could not even meet the salaries of all the employees at ^{the} ~~the~~ time.

Sir, I thank the hon. Members who have contributed to this Bill, and with those few remarks, I beg to move.

(Question put and agreed to)

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

JMK

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)The Temporary Deputy Speaker (Mr. Karauri) left the Chair

IN THE COMMITTEE

Mr. Chairman took the Chair

MR. RUBIA: On a point of order, Mr. Chairman, Sir. As a matter of procedure and in accordance with our Standing Orders, I would like to move that the Committee does not take part (b) of the business that comes under Committee Stage.

MR. CHAIRMAN: Mr. Rubia, we have not yet reached there.

MR. RUBIA: Mr. Chairman, Sir, I merely wanted to signal my intentions so that nobody should say that I missed the boat. We are getting used to these niceties.

The Local Government (Abridgement of Terms of Office) Bill

(Clause 2 agreed to)(Clause 3 agreed to)(Clause 4 agreed to)(Title agreed to)(Clause 1 agreed to)

THE CHAIRMAN: Hon. Members, we now come ~~to~~ to part (b) of Order No. 6, which is the Nairobi City Commission (Extension of Tenure) Bill.

The Nairobi City Commission (Extension of Tenure) Bill

MR. RUBIA: Mr. Chairman, as I indicated earlier, I beg to move that the Committee does not allow this Bill to be debated, under Standing Order No. 99.

(Four hon. Members stood up in their respective places)

THE CHAIRMAN: Order! Under Standing Order No. 99, such a procedure requires the support of three hon. Members. Since I can see four hon. Members on their feet, we will defer the deliberation of this Bill in Committee Stage until ~~tomorrow~~ ^{a later time}.

(The Bill was deferred until tomorrow)

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): Mr. Chairman, Sir, I beg to move that the Committee of the whole House doth report to the House its consideration of the Local Government (~~(Abridgement of Terms of Office) Bill~~) (Abridgement of Terms of Office) Bill and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

The Temporary Deputy Speaker (Mr. Karauri) in the Chair

REPORT AND THIRD READING

The Local Government (Abridgement of Terms of Office) Bill

MR. arap NG'ENY: Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered the Local Government (Abridgement of Terms of Office) Bill and approved the same without amendment.

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree ~~to~~ with the Committee in the said Report.

(Question proposed)

(Question put and agreed to)

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Local Government (Abridgement of Terms of Office) Bill be now read the Third Time.

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr. Biwott) seconded.

(Question proposed)

END..... W.

MR. SHIKUKU: Ahsante sana Bw. Naibu Spika wa Muda kwa kunipa nafasi hii ya kuzungumza. Leo nitalala vizuri kwa sababu ~~nimefikiri~~ nimeruka_ruka kuanzia saa Nane na Nusu mpaka sasa. Nimefanya mazoezi ya kutosha. Ukweli ni kwamba Mswada huu utakuwa sheria sasa. Lakini kabla ya kuipitisha ni lazima tumeseme maneno wazi wazi. Ni lazima tuyaseme maneno hayo mchana ili watu wayasikie.

Kuna mchezo ~~zwa~~ ambao umeanza katika Bunge hili. Huu ni mchezo hatari na baba yake ni danger. Ukweli ni kwamba sheria za Bunge zinasema kwamba Waziri anaweza kupendekeza Hoja; aungwe mkono; Spika aseme "I propose the ~~question~~ question" halafu majadiliano yaanze. Lakini kuna mtindo wa watu wengine wa kupendekeza kufungwa kwa majadiliano hata kabla Wabunge wengi hawajazungumza. Hatari iliyoko katika jambo kama hilo ni kwamba--- Serikali haina wasi wasi. Yafaa Wabunge wapewe nafasi wayaseme maneno yao na wakimaliza kuzungumza majadiliano yafungwe na mambo yatakuwa mazuri. Hatufai kuchukuliwa kama wapinzani wa Serikali. Ninasema hivi kwa sababu tunanyimwa uhuru wa kusema. Hii ni kwa sababu majadiliano yanafungwa mara moja na hili ni jambo linalotunyima ~~nyazi~~ nafasi ya kuzungumza. Hakuna Mbunge ye yote ambaye ~~nyazi~~ anaupinga Mswada huu. Sisi sote tunaunga mkono Mswada huu. Lakini utaona kwamba tunayimwa nafasi ya kuzungumza juu ya Mswada huu kwa kufungwa kwa majadiliano mapema. Kwa hivyo hata sisi tunajua vile tutafanya. Sisi tunatumia Standing Order No.99 na kuwashinda wale wanaotaka kusimarishwa majadiliano. Ni lazima kuwe na uhuru wa kuzungumza. Yafaa wale walioko kwenye yiti vya mbele wachukue ule mtindo wa nguruwe. Nguruwe haogopi nyoka. Nyoka akimwema nguruwe huuma mafuta tu na sumu yake haiwezi kundhuru ~~nguruwe~~ nguruwe. Baada ya meno ya nyoka kung'oka nguruwe huchukua nyoka huyo na kumtafuna na kummeza na nguruwe huyo hawezi kufa. Yafaa Mawaziri na M K Mawaziri Wasaidizi wawe kama nguruwe. Wao ni wengi kutushinda. Kwa hivyo wale ambao tuna maoni tofauti yafaa ~~tupewe~~ tupewe nafasi ya kuyatoa maoni hayo.

Hilo ni jambo ambalo litaendeleza demokrasia katika nchi hii. H_uaifai kutunyima nafasi ya kusema. Pia si vyema kusukuma mambo haraka haraka. Nafikiri ~~n~~ leo wamejifunza; jambo hilo haliwezekani. Wengine tunazifahamu Kanuni za Bunge ~~hizi~~ hili na yafaa tupewe heshima. Tuko hapa kuyatoa maoni yetu. Tukishayatoa maoni ~~ya~~ hayo tutaketi pamoja na kuyapitisha mambo bila matatizo yo yote. ~~H~~ Hatuwezi kuongea lugha moja hapa; hatuwezi kuwa na maoni sawa kila wakati. Hii ni kwa sababu mtu akiwa nyumbani pamoja na mke wake na watoto wake hawawezi kuwa na maoni sawa. Kwa hivyo ni lazima hayo ~~ma~~ mawazo yanayotofautiana yatolewe bila pingamizi lo lote. Si jambo jena kumzuia mtu kutoa maoni yake.

Kama tunataka nchi za nje ziamini kwamba kuna demokrasia katika chama kimoja ni lazima kuwe na uhuru wa kusema. Kwa hivyo tukifuata mtindo tulio nao sasa wageni watauliza "How can that happen if some people are not ~~z~~ allowed to speak?" Kwa hivyo, sisi ~~ya~~ hatukuwa tukiupinga Mswada huu.

END.X...

MR. SHIKUKU (Contd.):

Kwa hivyo, hatukuwa tunaupinga Mswada huu. Tunaukubali. Tuli-upitisha mwaka wa 1985. Hii siyo mara ya kwanza kufanya hivyo. Tuli-upitisha na hakukuwa na shida. Tulijua ni lazima tuupitishie. Lakini ule mtindo uliochukuliwa na ^{Wabunge wa} Viti vya Mbele, ni lazima tuwaambie siyo wa sawa. Tutaweza kuendelea vizuri katika Bunge hili ikiwa mtindo huo utakwisha.

Kuhusu Mswada huu wa Local Government (Abridgement of Terms of Office), kwa sababu siwezi kutoa maoni yangu sasa, ningependa kupendekeza kwamba wakati umewadia ambapo tunaweza kutengeneza sheria ambapo kama tuna Presidential and National Assembly Elections, iwe inaendelea hivyo, na siyo kuwa tunarudi hapa kila mara kupitisha Mswada wa "abridgement". Hiyo ndiyo njia nzuri ambayo tunaweza kufanya kazi, na kazi iende bila tatizo, lakini siyo eti kwa sababu tunapinga mambo haya. Namsikia Waziri anasema ni sawa. Hii ndiyo njia ambayo tunataka kuendelea.

Pili, Bw. Naibu Spika wa Muda, sheria za Bunge hili ni lazima ziweko, na pia sheria za nchi ni lazima ziweko. Tukianza kuzivunja Kanuni zetu za Bunge hapa, basi tutazivunja sheria zetu hapa ambazo tumepitisha, Mwishowe tutaivunja Katiba ya nchi hii, na tutavunjika sisi wenyewe. Shikuku husema maneno yake mapema, hupingwa, na baadaye wakayarudia.

Ukweli, Bw. Naibu Spika wa Muda, ni lazima sheria ziweko. Kwa wakati huu kuna mazoca, na pia kuna watu wengine ambao ni Wabunge ambao hawataki sheria zifanye kazi. Hata naweza kutoa mfano ambapo sheria zinavunjwa, na zinavunjwa na Bunge hili.

AN HON. MEMBER: Toboa! Toboa!

MR. SHIKUKU: Bw. Naibu Spika wa Muda, naweza kuthibitisha kwa sababu hata Bunge lenyewe ambalo lafaa liweke sheria za nchi hii, juzi tuliivunja sheria kwa kuchukua fedha za watu bila kuwauliza ruhusa. Nilipouliza, Kiongozi wa Shughuli za Serikali ambaye pia ni Makamu-Rais

MR. SHIKUKU (Contd.):

na Waziri wa Mambo ya Nchini aliniambia nikitaka, nitarudishiwa pesa zangu pamoja na interest. Sasa kama hayo ndiyo maoni ya Mbunge huyo ambaye ni Makamu-Rais na Waziri wa Mambo ya Nchini, Mungu atusaidie!

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Order, hon. Shikuku! You may recall that you have raised that point before, and you have substantiated on the same. So, I do not think there is any need of repeating yourself. Continue.

MR. SHIKUKU: Ahsante sana, Bw. Naibu Spika wa Muda. Kama unakumbuka hivyo, kuna sheria nyingine ambayo imevunjwa, hata leo. Sheria za Bunge hili, kufuatana na Order Paper ambayo inatengenezwa na Serikali, hata wakati huu tunapozungumza, sijui tuko katika "Order" gani. Actually, we are out of order! Tutaendelea kuwa out of order mpaka twende nyumbani!

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Order, hon. Shikuku! You will not be allowed to mislead the House because we know what we are doing. We are in the Third Reading of The Local Government (Abridgement of Terms of Office) Bill. So, we are following our Standing Orders!

MR. SHIKUKU: Bw. Naibu Spika wa Muda, mimi nilisema nataka sheria ziweko, na Mswada huu unaelekea kuwa sheria. Ukienda katika Kusomwa mara ya Tatu, utakuwa sheria, na ikiwa sheria ifuatwe. Mimi nasema kwamba, kwa mfano, tunazivunja sheria. Hata hizi za Bunge tunazivunja hapa, na nyingine nyingi. Ukitaka mfano, ziko nyingi. Wacha hata ile ambayo nilitaja juzi. Naweza kutoa nyingine mpya kuonyesha kwamba tunavunja sheria lakini tunajidai kwamba tunalinda sheria.

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES

(Mr. Michuki): On a point of order, Sir. There is an element of misleading the House here by the hon. Member in that - and this is

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Mr. Michuki) (Ctd.)
where I plead that you put some order - if the discussions here are
on the basis of "no Order Paper", on which "Order" did the hon. Member
get permission to speak?

MR. SHIKUKU: Ahsante sana, Bw. Naibu Spika wa Muda. Nitamsamehe
Mbunge huyo kwa sababu Waswahili wanasema "Ukimwashia kipovu taa ni
kuharibu mafuta"!

(laughter)

End Y.

MR. BOMETT: On a point of order, Mr. Temporary Deputy Speaker. Sir. I believe that once a decision has been taken by ^{the} Chair, if anyone wants to criticize it, he has to bring a Substantive Motion. In fact, it was ruled that if the Speaker is directed by the Government, he has to take that directive. That is the rule. Is the hon. Member in order to question this at such a late hour?

MR. SHIKUKU: Bw. Naibu Spika wa Muda, mimi nina haki ya kutoa maoni yangu katika Bunge hili. Mhe. Bomett alikuwa ~~haz~~ hapa zamani na alirudi hivi majuzi na pengine amesahau kanuni za Bunge hili. Akienda safari hii, hatarudi tena.

(Laughter)

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS (Mr. arap Koech): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we need your guidance here. You have stated categorically that we know what we are doing ^{that} and ~~we~~ are not out of order. Is it in order for hon. Shikuku to continue misleading the House that our deliberations at this juncture are out of order and that we are breaking the Standing Orders of this House? We have the Order Paper laying out what we are supposed to do coupled with your ruling, Sir. Now, is he in order to continue misleading the House?

MR. SHIKUKU: Bw. Naibu Spika wa Muda, tumetoka hapo na tutamsamehe mhe. Waziri Msaidizi aliyepata madaraka juzi.

(Laughter)

Jambo ambalo ningependa kusema ni kwamba - let it be recorded - tunataka Kenya ifuate mtindo ule wa kuwa kama taa katika Afrika chini ya uongozi wa Mtukufu Rais Daniel arap Moi. ~~Si~~ Tunataka mambo yetu yaende kisheria. Tusijaribu kupinda mambo bali yaende sawa sawa. Hata ikiwa hivyo sheria inamhusu Shikuku, imfuate mpaka mwisho wake. Tukifanya hivyo, nita-shukuru. Matumaini yangu ni sawa na ule msemu wa Kizungu unaosema "I hope I am not hoping against hope." Tunia Mkuu wa Sheria katika Bunge hili ambayo kazi yake ni kutueleza mahali tunaokwenda kombo. Ajabu ni kwamba utapata

kwamba yeye ndiyo ~~wak~~ wa kwanza wa kujaribu kuvunja sheria.

(Laughter)

Hili ni jambo la aibu.

THE ATTORNEY-GENERAL (Mr. Muli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to insinuate that I have, in any way, tried to bend or persuade the House or himself to break the law? If so, which law?

MR. SHIKUKU: Bw. Naibu Spika wa Muda, mhe. Shikuku anaposema neno huwa ana sababu. Mimi sipendi kusema maneno ya kumwekelea mtu jambo fulani mpaka aulize ^{ndipo apigwe} ~~ndipo apigwe~~. Sasa Mkuu wa Sheria anataka ^{apigwe} ~~apigwe~~. Juzi katika Kamati ya Bunge hili, ajabu ilitokea katika mwaka wa 1987 ambapo Bw. Mkuu wa Sheria ambaye anajua Sheria, alileta masahihisho hapa ambayo hatukujulishwa hapo awali kufuatana na sheria za Bunge hili. Yeye ~~alisisi~~ alisimama, akasoma na akatuhitaji tufuatane naye na tumuunge mkono. Huyo ndiye Mkuu wa Sheria. Mungu aisaidie Kenya. Bw. Naibu Spika wa Muda-----

THE ATTORNEY-GENERAL (Mr. Muli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member right to continue misleading the House. Mkuu wa Sheria alipeana notisi kama kawaida kwa Ratibu wa Beunge hili. Kama ~~m~~ mambo yalienda pole pole, basi Mkuu wa Sheria asilaumiwe.

MR. SHIKUKU: Bw. Naibu Spika wa Muda, jambo hili haliwezi kusaidia. Kama yeye kama Mkuu wa Sheria alipopata tunalalamika kwa kutokuwa na masahihisho yake, angekubali ~~m~~ mambo yahahirishwe ili masahihisho hayo yatolewe kwa sababu kulikuwa na tukosefu wa mawasiliano pahali fulani. Lakini aliona hiyo ndiyo nafasi yake ya kusukuma. Alisukuma mpaka mwisho na tukasema 'hapana' na Mungu akatujalia na mambo yakahahirishwa. Hapo ~~m~~ ndipo ninasema kwamba huyu Mkuu wa Sheria ni lazima awe macho. Kama Shikuku anakwenda nje ya sheria, aambiwe "Shikuku rudi ndani ya sheria."

END : Z 11/6

MR. SHIKUKU (ctd.):

Kama ni Waziri, Bw. Kitele, amwambie arudi ndani ya sheria. Hata kama ni Makamu wa Rais aliye pia Waziri wa Mambo ya Humu Nchini, aambiwe "rudi ndani ya sheria". Hiyo ndiyo kazi yake. Anapewa mshahara na haifanyi kazi hiyo. Hata sasa hivi, hakumwambia Makamu wa Rais aliye pia Waziri wa Mambo ya Humu Nchini kuwaalikwa hana haki kukataa kupendekeza Hoja.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Order, Mr. Shikuku. I think you are carrying this a bit too far. We are on the Third Reading of the Bill and you are supposed to be making comments about the Bill we have just passed.

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki): On a point of order, Mr. Temporary Deputy Speaker, Sir. Since we are no longer debating the Third Reading of this Bill, and that we are ^{being} diverted to mysterious matters, am I in order to ask that the Mover be now called upon to reply?

(applause)

AN HON. MEMBER: On a point of order, Mr. Temporary Deputy Speaker, Sir.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): The matter has been raised and it is up to the House to decide.

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

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, all I can say is to thank the hon. Members for contributing during the Third Reading of this Bill.

With those few remarks, I beg to move.

(Question put and agreed to)

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

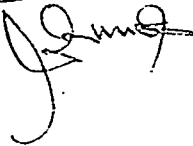
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ADJOURNMENT

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Hon. Members, there being not ~~h~~ enough time to have any other business, the House is adjourned until Tuesday, 22nd December, at 2.30 p.m.

The House rose at twenty five minutes past Six o'clock.

END AA

A handwritten signature in black ink, appearing to be 'J. Karauri', written below the 'END AA' text.

R E P U B L I C O F K E N Y A

T H E N A T I O N A L

A S S E M B L Y

OFFICIAL REPORT

Tuesday, 22nd December 1987

QUESTIONS BY PRIVATE NOTICE

- Fate of Uplands Bacon Factory (Mr. P.T. Mungai) - Dropped
- Fate of Loans Given by national Construction Corporation to various Companies (Mr. Sifuna) - Dropped
- Delay in Paying Farmers of New Iveti Coffee Growers Co-operative Society (Mr. Kikuyu) - Deferred
- Refunding Money to Various Tea Growers in Kitutu East (Mr. Abuya-Abuya) - Dropped
- Selling of Land at the Coast to Foreigners (Mr. Ndzai)
- Land Dispute Imminent in Various Parts of Karachuonyo (Mrs. Asiyo)
- Payment of Dues to Abdi Tacho Mahad by Robert Shaw MF 6 Ltd. (Mr. Ddaiddo)
- Disappearance from Construction Site by Jabenga Contractors (Mr. Karauri)
- Sacking of 42 Workers by M/S East Kenya Bottlers (Mr. Munyao)
- Closing Down of Fishing Activities in Masinga, Kamburu and Gitaru (Mr. Mutiso) - Dropped

MINISTERIAL STATEMENT

The Mystery Surrounding the Butere Constituency Self-Help Development Fund

BILL

In Committee, Report and Third Reading

The The Nairobi City Commission (Extension of Tenure) Bill -
Agreed to in Committee - Reported without Amendments
- Read the Third Time and Passed

MOTION FOR ADJOURNMENT

Adjournment of the House Sine Die (The Vice-President and
and Minister for Home Affairs) - Question proposed - Agreed to

H A N S A R D

Tuesday, 22nd December, 1987

The House met at thirty minutes past Two o'clock.

The Speaker in the Chair

PRAYERS

QUESTIONS BY PRIVATE NOTICE

(MR. P.T. MUNGAI) to ask the Minister for Livestock Development the following Question by Private Notice:-

- (a) What is the fate of Uplands Bacon Factory in Lari Division?
- (b) Would the Minister consider selling the factory to farmers who have former a co-operative society?

MR. SPEAKER: Mr. P.T. Mungai not here? Next Question.

(MR. SIFUNA) to ask the Minister for Works, Housing and Physical Planning the following Question by Private Notice:-

- (a) Is aware that National Construction Corporation gave M/S Schemes Limited, M/S Kanyi & Waithaka Builders and M/S Arem Construction Company a total loan of Kshs.15,000/- several years ago?
- (b) What tangible securities did these firms give to National Construction Corporation for the loans received?
- (c) How much has each of these three companies paid back since 1981?

MR. SPEAKER: Mr. Sifuna not here? Next Question.

MR. KIKUYU: Mr. Speaker, Sir, I beg to ask the Minister for Co-operative Development the following Question by Private Notice:-

- (a) What is delaying the payment of the farmers of New Iveti Coffee Growers Co-operative Society?
- (b) Can he assure this House that each primary society is going to be paid on the current rates without ~~and~~ interference from other primary societies?

MR. SPEAKER: Anyone here from the Ministry of Co-operative Development? Next Question.

~~MR. SPEAKER: Mr. Kikuyu Not here? Next Question.~~

(MR. ABUYA-ABUYA . . .) to ask the Minister for Agriculture the following Question by Private Notice:-

- (a) Is he aware that 49 tea growers Numbers NS 360022 NS 360028, NS 360031 to NS 360083 from Nyabiosi tea buying centre in Kitutu East have not been refunded the money they had been deducted for the construction of a container warehouse in Nairobi?
- (b) When will their money be refunded?

MR. SPEAKER: Mr. Abuya-Abuya not here? Next Question.

MR. NDZAI: Mr. Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

- (a) What measures is the Minister taking to ensure that land along Coastal Strip especially around ~~Ma~~ Ngomeni, Mambui, Malindi and Watamu is not sold to foreigners?
- (b) What immediate steps is his Ministry taking to settle the ~~x~~ squatters at the Coast who have been rendered landless?

THE ASSISTANT MINISTER FOR LANDS AND SETTLEMENT

(Mr. Mutoria): Mr. Speaker, Sir, I beg to reply.

(a) The land in the areas referred to by the hon. Member is categorised into either agricultural land or urban land. In this regard, there exists a legislation regulating transactions related to agricultural land. The Land Control Act (Cap. 302) Section 2 prohibits the sale of agricultural land to ~~foreign~~ foreigners. An amendment to Section 2 of the Act was enacted in 1987 to include agricultural land in all urban areas. However, there is no legal provision prohibiting the sale of non-agricultural land to foreigners. In order to safeguard the interests of Kenyans in respect of non-agricultural land, my

THE ASSISTANT MINISTER FOR LANDS AND SETTLEMENT (Mr. Mutoria)(Ctd.):
 Ministry is reviewing the issue with a view^{to} of finding out the implications of enacting a similar provision as Section 2 of the Lands Control Act extending the prohibition of sale of all land to foreigners unless exemption to do so is obtained.

(b) Any squatters who might have been rendered landless as a result of foreigners buying land at the Coast would be considered through the normal process of settling the landless people, that is, they should apply for consideration along with other landless persons as and when land becomes available.

MR. NDZAI: Mr. Speaker, Sir, there are some ~~people~~ land owners in Malindi sub-District who are selling their land to the foreigners. Would the Assistant Minister tell this House the steps he is going to take to ^{ensure} that the land owners sell their land to the squatters instead of selling it to the ~~the~~ foreigners.

MR. MUTURIA: Mr. Speaker, Sir, I think I have ~~z~~ answered this Question properly. I said that the Land Control Act was passed in this House stating that wherever there is agricultural land in the urban areas, it should not be sold to the foreigners, and this was to control the sale of ~~the~~ the land. But, if a particular town is not under this Act, ^{controlling sale of} agricultural land, then we have no control. I have indicated in my answer that the Ministry is ~~is~~ planning to look for a way of stopping these foreigners from buying non-agricultural land.

If it ~~is~~ is a question of squatters, these are people who are everywhere, and especially at the Coast Province, and we cannot direct which people who buy the land. If a squatter wants to buy a piece of ~~the~~ land, then, there is a willing a buyer, and a willing seller, ^{who may} therefore, ~~they can~~ always agree.

(MRS. ASIYO) to ask the Minister for Lands and Settlement the following Question by Private Notice:-

- (a) Is he aware that land dispute in Koyugi area of Kibiri location in Karachuonyo will erupt into another big conflict before the next ploughing season starts?
- (b) What has he done to find a lasting solution to this problem and to give back the land to the rightful owners?
- (c) Can he tell this House the names of those who acquired land and how they acquired it?

MR. SPEAKER: Mrs. Asiyu not here? Next Question.

MR. DDAIDDO: Mr. Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice.

(a) Is he aware that Abdi Tacho Mahad was employed as watchman by Robert Shaw MF 6 Limited from 1st May, 1987, to 31st July, 1987?

(b) If so, why has he not been paid his rightful dues so that the (c) Could the Minister order that Mr. Mahad be paid without further delay? (Mr. Okondo): Mr. Speaker, Sir, I beg to reply. THE MINISTER FOR LABOUR (Mr. Okondo): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Abdi Tacho Mahad was employed as watchman to guard a house for the managing director of Ms. Robert Shaw Manufacturers Limited, between 3rd January, 1987, not 1st May, 1987, as is stated in the Question - and 31st July, 1987. However, my investigations have revealed that the employer did not actually refuse to pay Mr. Mahad at all. When this Question came up, I carefully looked into what had happened. I approached the employer and asked him to pay the money, and he willingly offered to pay immediately the sum of Kshs.3,550.65, which Mr. Mahad may now collect any time from the labour office.

(END...A)

22.12.87.

JMK

MR. DDAIDDO: Mr. Speaker, Sir, while thanking my good friend, the hon. Minister for Labour, I would like to say that I have not understood his reply. I am saying so because sometimes we are told that an employee should go to the Ministry of Labour offices and collect his dues. Can the Minister now confirm to this House that if this gentleman goes to the labour office today or tomorrow he will find the cheque there?

MR. OKONDO: Mr. Speaker, Sir, I expect good will from both parties and, I believe, hon. Ddaiddo has good will although he has not shown it in his supplementary question. The fact is that when an employer has deposited money with the Ministry of Labour, as soon as the cheque is cleared, the money becomes payable on identification. Sometimes what happens to workers is that when they arrive in the labour office they are not able to identify themselves. Once they fail to prove that they are the right claimants, then obviously ~~then~~ they cannot be paid. In those circumstances, what happens - and it very often does - is that the worker runs back to his hon. Member of Parliament and tells him lies that the money is not there. More often than not, before the hon. Member has checked anything, he runs to this House and says that there has not been any ~~more~~ money in the labour office. Under such circumstances, it is the constituent or the worker who is misleading the hon. Member and telling him lies. Therefore, the hon. Member ought to go to the labour office and check the facts.

Mr. Speaker, Sir, the sum of money I have mentioned, less KShs.822/- for various things that the employee owed, will be available to him in a full account. The net money the employee should expect to get is KShs.2,728.50. So, please, let the employee go and check before the hon. Member can show ill-will that the money is not there. Let him ^{not} come to this House and say what has not been stated to me by my officers.

MR. KARAURI: Mr. Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice.

22.12.87.

MR. KARAURI (ctd.):

(a) Is the Minister aware that Jabenga Constructors disappeared from a construction site in Meru Town in October, 1987, without paying his workers KShs.31,080/- and without paying Mr. Jusuf Mucheke an amount of KShs.9,200/- arising from transportation charges?

(b) Will the Minister assist the people involved to get their dues so that they may have a happy X-Mass?

THE MINISTER FOR LABOUR (Mr. Okondo): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that this firm of contractors - Jabenga - were awarded a contract to build the Meru Municipal Bus Stage and, in the process of doing so, they employed about 22 workers whom they paid weekly for the job. Come the 11th of November 1987, a half of those employees complained to the Meru Labour Officer that they had not been paid for periods ranging two days to 13 days. They were given a letter by the labour officer to take to the employer so that he could settle their claim, but this did not happen. On 13th November, 1987, all the 22 employees who had been reported as being with the ~~the~~ employer reported again to the labour office claiming their terminal benefits. We had to investigate the matter, and we found out that the contractor had left the site that same day when the complaint was launched. He had left because he had disagreed with his employers, the Meru Municipal Council. In the process of the disagreement, the municipal council had confiscated all the material and equipment that the contractor had on site. Following that incident that was very unpleasant, the contractor abandoned the site and ran away to Nairobi. As I am speaking this afternoon here, we have not yet managed to locate Jabenga Contractors. So, if anyone has an idea as to where they could be found, let him please do help us.

Sir, we are also using the offices of the Meru Municipal Council to help us trace these contractors, but they have not been traced yet. However, I will continue to look for the contractor with a view to recovering the dues in respect of all the former employees.

THE MINISTER FOR LABOUR (Mr. Okondo)(ctd.):

(b) As regards the money the contractor owed Mr. Mucheke, I am sorry to inform the hon. Member, through the Chair, that I am not able to help Mr. Mucheke in this ~~respects~~ respect. This is because I understand that Mr. Mucheke was not an employee of the contractor but, rather, he was a sub-contractor on his own account for transport purposes. He supplied transport services and other materials to the main contractor. As such, I cannot intervene between a contractor and a sub-contractor because there is no employment contract between them. What I can say is that the hon. Member should ask Mr. Mucheke to seek legal advice to find remedy therein.

MR. KARAURI: Mr. Speaker, Sir, I am just requesting ~~if~~ whether the Minister could advise the Meru ~~Municipal~~ Municipal Council to sell the contractor's property that was confiscated in order to get money to pay these workers.

MR. OKONDO: Mr. Speaker, Sir, as you know, under the Employment Act, the workers are not secured creditors. As a result, whenever there is a sale of equipment and materials under those circumstances, the secured creditors have the first claim. That is the law as it stands today and, therefore, I cannot guarantee this House that the Meru Municipal Council will be able to pay the workers if and when they ~~sell~~ sell the materials and equipment that belong to the contractor.

MR. SPEAKER: Mr. Munyao's Question.

MR. MUIA: Mr. Speaker, Sir, on behalf of Mr. Munyao, I beg to ask the Minister for Labour the following Question by Private Notice.

(a) Is the Minister aware that 42 people were employed as casuals in 1982 by M/S East Kenya Bottlers, Machakos?

(b) Is he further aware that they were all sacked on 19.10.87 when they complained about their employment terms?

(c) Could the Minister order their reinstatement immediately?

HON. MEMBERS: No, you cannot do that! This is a Question by Private Notice!

MR. SPEAKER: No, we will not go back to rescue the Question. We will go the way we do in this part. So, we will keep on moving.

Next Question.

(MR. MUTISO) to ask the Minister for Tourism and Wildlife:-

- (a) Why has fishing in Masinga, Kamburu and Gitaru dams been closed down?
- (b) How many licences had been issued prior to this closure and what type of fishing nets were licensed?

MR. SPEAKER: Mr. Mutiso not in? We will then go back to the beginning.

(MR. P.T. MUNGAI) to ask the Minister for Livestock Development:-

- (a) What is the fate of Uplands Bacon Factory in Lari Division?
- (b) Would the Minister consider selling this factory to farmers who have formed a co-operative society?

MR. SPEAKER: Mr. P.T. Mungai still not in? We will ^{drop}~~refer~~ his Question then

(Question dropped)

(MR. SIFUNA) to ask the Minister for Works, Housing and Physical Planning:-

- (a) Is the Minister aware that National Construction Corporation gave M/S Schemes Ltd., M/S Kanyi Waithaka Builders and M/S Arem Construction Company a total loan of KShs.15,000,000/- several years ago?
- (b) What tangible securities did these firms give to N.C.C. for the loans received?
- (c) How much has each of these three companies paid back since 1981?

MR. SPEAKER: Mr. Sifuna also not in? We will drop his Question.

MR. KIKUYU: Mr. Speaker, Sir, I beg to ask the Minister for Co-operative Development the following Question by Private Notice.

(a) What is delaying the payment of the farmers of New Iveti Coffee Growers & Co-operative Society?

(b) Can the Minister assure this House that each primary society is going to be paid on the current rates without interference from other ~~primary~~ primary societies?

22.12.87.

MR. SPEAKER: No one here from the Ministry of Co-operative Development?

We will drop the Question then. Next Question.

(Question dropped)

(MR. ABUYA-ABUYA) to ask the Minister for Agriculture:-

(a) Is the Minister aware that 49 tea growers, Nos. NS 360022 and NS 360028, NS 360031 to NS 360083, from Nyabiosi tea buying centres in Kitutu East have not been refunded the money they had been deducted for the construction of a container warehouse in Nairobi?

(b) When will their money be refunded?

MR. SPEAKER: Mr. Abuya-Abuya not here? We will drop his Question then.

(Question dropped)

MRS. ASIYO: Mr. Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware that land disputes in Kayugi area of Kibiri location in Karachuonyo will erupt into another big conflict before the next ploughing season starts?

(b) What has the Minister done to find a lasting solution to this problem and to give back the land to the rightful owners?

(c) Can the Minister tell this House the names of those ~~men~~ who acquired the land and how they acquired it?

THE ASSISTANT MINISTER FOR LANDS AND SETTLEMENT (Mr. Mutoria): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that there is any land dispute in Koyugi area of Kibiri Location of Karachuonyo Constituency which is likely to erupt into a big conflict.

(b) The boundary dispute that existed between Koyugi Sub-Location and Kakim Sub-Location was left to be resolved by the provincial administration, and until this is done the land remains a trust land.

(c) I am not aware that anybody has acquired land in the area involved in the boundary dispute.

END.....B.

MRS. ASIYO: Mr. Speaker, Sir, I raised a similar Question in 1985 and in 1986. The last time I raised this issue, the Minister responded that action would be taken. I know that no action has been taken since I ~~ka~~ raised the last Question when houses were burnt and cattle cut with pangas in that particular area and it usually happens ~~when~~ at the beginning of each year when farmers are preparing grounds for cultivation. Can the Minister please, respond to that Question properly?

MR. MUTHAMIA: Mr. Speaker, Sir, it is true that the hon. Member raised this Question in 1986 and it ^{is} because of that that we told the hon. Member that my Ministry does not solve disputes; the disputes of boundaries are solved by the Provincial Administration. Up to now, this dispute has not been solved. If it has been solved, then we will be told about it and we will continue doing the adjudication work.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: No points of order; we will go on with the next Order.

MR. SHIKUKU: Mr. Speaker, Sir, there is a misleading statement that has been made here. It is not the Provincial Administration that deals with land cases; it is the land boards and others. Is the Assistant Minister in order to mislead the House and we leave him to get away with it?

MR. SPEAKER: You were not in, Mr. Shikuku.

MR. MUTURIA: Mr. Speaker, Sir, the hon. Member is very impatient. He has just come in and he does not even know what was happening here. It is true that we do not deal with disputes; it is the Provincial Administration which deals with disputes. There is land control board when there is no adjudication. When the ^{demarcation} ~~demarcation~~ has not taken place; we do not apply the land control board; the hon. Member should know this.

MRS. ASIYO: On a point of order, Mr. Speaker, Sir.

Can the Assistant Minister together with the Provincial Administration take action now to assure the people who live in Koyugi and Kasthimu sub-locations that they will investigate and carry on the demarcation so that there are no more wars between these two clans? Every year, there is a lot of loss of property including ~~with~~ livestock in the area.

MR. MUPURIA: Mr. Speaker, Sir, I think that is a very polite question and I can assure the hon. Member for Karachuonyo that ~~my~~ my Ministry will hold consultations with the Provincial Administration and this ^{problem} will be solved. But, as far as land control boards are concerned, the land control board does not act at all in areas where the ^{demarcation} demarcation has not taken place.

MR. MUNYAO: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Mr. Munyao, if you want to raise your Question by Private Notice, we have already done away with it; or what is your point of order?

MR. MUNYAO: Mr. Speaker, Sir, I wanted to ask my Question by Private Notice which ^{appears} is in the Order Paper as number 9.

MR. SPEAKER: It is already too late. Sorry, Mr. Munyao, I had not called your Question for the second time, you may proceed.

MR. MUNYAO: Thank you; and before I ask my Question, I apologise for coming in late, Mr. Speaker, Sir.

I beg to ask the Minister for Labour the following Question by Private Notice.

(a) Is he aware that 42 people were employed as casuals in 1982 by M/S East Kenya Bottlers, Machakos?

(b) Is he further aware that they were all sacked on 19th October, 1987 when they complained about their employment terms?

(c) Could he order their reinstatement immediately?

THE MINISTER FOR LABOUR (Mr. Okondo): Mr. Speaker,
Sir, I beg to reply, although the hon. Member was late.

(a) I am indeed aware that ^{East} Kenya Bottlers had employed 32 casuals way back in 1982, but not 42 as the hon. Member states. Since they were casual workers, they did not work continuously since that time.

(b) I am aware that East Kenya Bottlers used to engage casuals from time to time depending on the amount of work at hand. On the 19th October, 1987, this employer engaged the casuals as usual, but he declined to hire one of them called Mr. Malombe Mwangangi at the beginning of that day. On hearing this - that Mwangangi was not going to be employed on that day, the other casuals insisted that Mwangangi should be employed notwithstanding. When the management refused this demand, the other casuals also refused to work, saying that they would not do so without Mwangangi. They were therefore, dismissed since they were daily workers.

(c) In the usual way, a contract for a casual employee terminates at the end of each day, after he has been paid. That is the law today. As such, ^{the} a question of reinstatement of those casuals does not arise. However, each of them is quite free to reapply and to submit himself for employment, when and if there is a job offered, and it is up to the employer to decide whether or not he will take them for the day.

MR. MUNYAO: Mr. Speaker, Sir, I am totally shocked ^{and I do not know} ~~of~~ where the Minister has got his reply from. His office in Machakos has involved itself in this and they have called for the record containing the names of these workers. It has been ascertained that the 42, not 32, have been working on a continuous basis because the kind of work they were doing was very technical and they could not be hired today and not tomorrow.

MR. MUNYAO (Ctd.):

Where did he get the records from?

MR. OKONDO: Mr. Speaker, Sir, we do our investigations, and we have got our ways of finding out the truth and this is what ^{we have} ~~was~~ established with those methods that we use.

MR. MUNYAO: On a point of order, Mr. Speaker, Sir. Through you, could we have the records with the Minister laid on the Table? The records which have been submitted by East Kenya Bottlers to the Machakos Labour Office - the ~~ma~~ster-roll, the pay-roll and others show that they were working on a ~~xxx~~ continuous basis. Will the Minister now lay on the Table the ~~x~~ copy of the working-sheet of these members of staff since 1982?

MR. OKONDO: Mr. Speaker, Sir, even if the worker works every day and was paid every day since k 1982, as long as he was paid on a daily basis, he remains a casual worker as the law stands today.

MR. LUKINDO: Mr. Speaker, Sir, it seems as if there is some contradiction of some ~~dk~~ kind between the Minister's statement and his office at Machakos. I seek guidance, through you; which is which?

MR. SPEAKER: Mr. Lukindo, you ^{are} ~~were~~ not quite clear.

MR. LUKINDO: Mr. Speaker, Sir, I said that there seems to be some contradiction of some kind between the Minister's reply and the statement from his Machakos office. Would the Minister clear the issue because we do not now know which is which?

END C.....

SK.

MR. OKONDO: Mr. Speaker, Sir, with your kind assistance I would like the hon. Member to tell the House where he got the information that my office in Machakos disagrees with me. This is because I have not said that myself. If you stand up and claim that something is happening in some place---- It does not mean that the allegation made by the hon. Member is true. It is not true. I have taken all the pain that needs to be taken; I have used all the Government machinery available to me and that is what I have established. If the hon. Member thinks that I am not right perhaps it is up to him to prove that by bringing documents to show that I am wrong.

MR. LUKIINDO: On a point of order, Mr. Speaker, Sir. My point of order is in connection with what the Minister has just said. Hon. Muniyao has stated categorically that the records in the Labour Office in Machakos are contradicting what the Minister is telling the House. That is why I said that there is a contradiction ~~here~~ here.

MR. KIKUYU: Mr. Speaker, Sir, the information I have, and I had intended to raise a similar Question here, is that these 42 workers started working in that company in 1982. They have worked continuously since 1982, being paid on a monthly basis. But the employer has been treating these people as casual labourers. This can be seen in his registers. When the workers went to the ~~the~~ Labour Office, Machakos, to have this matter ratified, they were sacked. Why is the Minister hiding this thing? The District Labour Officer in Machakos ~~instructed~~ instructed the management of East Kenya Bottlers, Limited, to re-instate all those workers and continue paying them on a monthly basis.

MR. OKONDO: Mr. Speaker, Sir, that is contrary to the information I have got here.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. In view of the fact that the Minister insists that his reply is correct, would he therefore undertake - unfortunately this is our last day here - to lay those records on the Table to prove that these people were casual workers? He knew that ~~he~~ he was going to reply to his Question. Could he lay that information on the Table so that we can see it? We cannot have our people being frustrated and the Minister comes here to defend the wrong-doers.

MR. OKONDO: Mr. Speaker, Sir, the hon. Member for Butere seems to be the only person who ~~owns~~ owns these people in this country. All Kenyan workers are citizens of Kenya and we are ~~a~~ all responsible ~~in this~~ both to this House, to ~~the~~ the Government and to them.

AN HON. MEMBER: ~~It~~ You are not!

MR. OKONDO: ~~It~~ It is not just one particular hon. Member who claims to be responsible. All of us are responsible leaders. I have workers and I am one of those workers. So, I do not accept this insinuation. I am here as a worker; worker number one. I am speaking honestly using the records I have here. That is the position. If the hon. Member has contrary information let him produce it.

MR. SPEAKER: Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)Mr. Speaker left the Chair

IN THE COMMITTEE

The Temporary Chairman (Mr. Karauri) took the Chair

The Nairobi City Commission (Extension of Tenure) Bill.

(Clause 2 agreed to)(Title agreed to)(Clause 1 agreed to)

Temporary

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): Mr. ^hChairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Nairobi City Commission (Extension of Tenure) Bill and its approval thereof without amendment.

(Question proposed)(Question put and agreed to)(The House resumed)Mr. Speaker in the Chair

REPORT AND THIRD READING

MR. KARAURI: Mr. Speaker, Sir, I beg to report that a Committee of the Whole House has considered ~~the~~ The Nairobi City Commission (Extension of Tenure) Bill and approved the same without amendment.

THE MINISTER FOR LOCAL GOVERNMENT(Mr. Mudavadi): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said report.

THE MINISTER FOR LABOUR(Mr. Okondo) seconded.

(Question proposed)

(Question put and agreed to)

THE MINISTER FOR LOCAL GOVERNMENT(Mr. Mudavadi): Mr. Speaker, Sir, I beg to move that The Nairobi City Commission (Extension of Tenure) Bill be now read the Third Time.

THE MINISTER FOR LABOUR(Mr. Okondo) seconded.

(Question proposed)

MR. SHIKUKU: Ahsante sana, Bw. Spika, kwa kunipa ~~me~~ nafasi ili niseme machache juu ya Mswada huu ambao unaelekea kuwa sheria. Ningependa kusema kwamba Mswada huu haukujadiliwa sana. Wabunge wengi hawaku weza kupata ~~me~~ nafasi ya kuyatoa maoni yao juu ya Mswada huu ^{wakati wa} katika kusomwa mara ya pili. Hii ni kwa sababu kulikuwa na vuruga hapa na mambo yaliharakishwa na kufungwa na kusukumwa mbele na sasa Mswada huu unakaribia kusoma mara ya Tatu. Ijapokuwa tunaupitisha Mswada huu tungetaka ijulikane wazi kwamba ~~kutapingi kwa~~ hatulipingi jambo hili la kuingezea muda Tume ya Jiji la Nairobi. Hata hivyo tunataka nafasi ya kutoa maoni yetu na kusema kwamba ule uhuru wa wananchi wa kuchagua madiwani katika Mji huu ulichukuliwa kwa muda. Jambo hilo lilipofanyika tuliamini kwamba ~~me~~ baada ya mambo ~~kurekebishwa~~ ~~kureka~~ kurekebishwa mambo hayo ~~yangerudi~~ yangerudishwa ~~me~~ mikononi ya wananchi. Hilo ndilo jambo ~~lililotufanya~~ lililotusha wishu kukiunga mkono kitendo hicho.

MR. SHIKUKU (CTD):

Lakini baada ya Tume ya ^{Jiji la} Nairobi kuchukua madaraka, hatuoni tofauti yoyote; tunaona kwamba mambo yamezidi kuwa mabaya sana. Ni ajabu kwa sisi wengine ambao tunapenda ukweli kuona kwamba wanaongezewa muda mwingine ili kuzidi kuchafua mambo. Mji huu unanuka, na huo ndio ukweli mchungu; mji unanuka. Mtu ambaye hana akili - au ambaye akili yake ni mbovu - ndiye anayeweza kusema kwamba mji huu haunuki. Kwa hivyo huo ndio ukweli. Tunatumaini kwamba Tume ya Jiji la Nairobi ikipewa nafasi ya kuendelea kwa miaka hii miwili ambayo tunaomba kupitisha katika Mswada huu italeti mabadiliko. Tangu Tume hii ianze kazi yake miaka mitano iliyopita, haijaleta mabadiliko hata kidogo. Sisi tunachaguliwa katika Bunge hili kwa muda wa miaka mitano. Kama miaka mitano ikiisha, na hujaonyesha ujuzi wako katika Bunge hili, kwa kawaida wananchi hawakuchagui tena. Kwa hivyo, kama Tume ya Jiji la Nairobi ikaa kwa muda wa miaka mitano, na haijaleta mabadiliko yoyote, sasa ni wakati wake kuondolewa. Lakini imekuwa ni lazima Mswada huu upitishwe, inafaa wajue kwamba wengine wetu hatukubaliani na mambo yanayoendelea katika Jiji hili.

Bw. Spika, jambo la pili ni kwamba ningependa kushukuru kwa sababu hatungekuwa na majadiliano nakubwa / ^{juu ya} Mswada huu kama ungeendeshwa haraka haraka. Sasa ninafikiri kwamba funzo limetolewa; wale waliofikiri kwamba wangepitisha Mswada huu haraka haraka, walipata kwamba kuna Standing Orders, kama Standing Order No. 99, ambazo zinalizuia jambo hili. Hiyo ndiyo sababu hawafanya mambo kama walivyotaka.

Bw. Spika, jambo la tatu ni kwamba sheria inafaa sheria ziungwe mkono, zitekelezwe na ^{zi} kulindwe na Wabunge wa Bunge hili. Haifai tuwe tukizipitisha sheria hapa, halafu mtu mwingine anafanya "twisting" ili sheria iafae iambatane na nia yake. Jambo kama hili lisikubaliwe hata kidogo. Mswada ukipitishwa katika Bunge hili na kuwa sheria, ni wajibu wa mhe. Shikuku, Waheshimiwa Wabunge wote, Mawaziri wote na wananchi wote kuulinda hiyo sheria. Hii k ni kwa sababu hakuna maana ya sisi kupitisha Mswada hapa ambayo itaenda kuvunjwa. Mimi ningependa kusema wazi kwamba Wabunge wana kazi. Kazi yetu ni kuzungunza. Lakini ule mtindo ambao unekuwa katika Bunge hili wa kufunga majadiliano kila wakati unatuelekeza katika dictatorship. Inafaa tupewa nafasi ya kuujiadili kila Mswada mpaka tutosheke; kisha majority iupitishie. Lakini si kufunga majadiliano kabla hatujatoa maoni ya wananchi,

MR. SHIKUKU (CTD):

ambayo ~~kati~~ tulichaguliwa kuja na kutoa hapa; ~~kat~~ haifai kuzuiwa kutoa maoni hayo kwa sababu ^{ya wivu wa watu,} ~~pende moja una wata wengi.~~ *Namga mkono.*

THE MINISTER FOR LABOUR (Mr. Okondo): On a point of order, Mr. Speaker, Sir. When the House decides that we vote to curtail ^a ~~the~~ debate, this is in accordance with our Standing Orders. So, it cannot be said that by so doing the House is ~~t~~ending towards dictatorship. The hon. Member is misleading the House by that statement. This is because the House is free to exercise its will. The essence of democracy is that the majority have a right to use that majority to carry out what they were elected to do.

MR. SHIKUKU: Jambo la nidhamu, Bw. Spika. Sijui jambo la nidhamu la mhe. Waziri ni nini. Nina haki ya kutoa maoni yangu kama ninavyoona; na ana haki ya kutoa yake. Kwa hivyo, sijui jambo lake la nidhamu ni ~~ngari~~ gani. Ninajua hajui jambo la nidhamu ni: nini, na hatajua.

MR. WAMAE: Thank you, Mr. Speaker, ~~E~~ for giving me this opportunity to support ~~ix~~ the Third ^{Reading of this} Bill. As has been stated, we are very concerned that after five years there is not very much improvement in the running of this City, particularly in efficiency, cleanliness, water supply and in many other things which should have been done by the Nairobi City Commission. This is a matter that we take very seriously. This is ~~xa~~ because the only reason for removing elected councillors was that we thought the Commission was going to do a better job. ~~ix~~ So, let us see a better job, and not the same performance as before; otherwise we will have no reason for having requested that elected councillors be removed.

Mr. Speaker, Sir, when the Minister was moving this Bill he mentioned that ^{uc} he did not want some persons, or group of people, to take control of the city, because ~~the~~ Nairobi is the Capital City of Kenya and belongs to everybody. May I say ¹⁰ that democracy requires that ~~however~~ ^{whenever} the majority are, be allowed to control, or ^{the} elect the people they want. ~~is that~~ Therefore, there should be no ^{other} motive ~~other~~ ^{except} efficiency for extending the tenure of the Nairobi City Commission. This is because ~~is because~~ the insinuation in ~~h~~ the Minister's statement would mean that he is afraid that some group of elected councillors were going to take over the City Council, and so that is what he is afraid of. If that was the motive, then one would wonder as

MR. WAMAE (CTD):

x to who are in this group. Who are in this group of people? Who are they? That is the statement that the ~~MR~~ Minister made when he was moving this Bill. Are they the Kikuyu people because they are the majority in Nairobi, or who are they? This is the question to be asked. I hope it is not one of the reasons for having us extend the tenure of office of the Nairobi City Commission. This is because that would be a very serious matter; it would be ~~ixix~~ tribalistic and not in accordance with the best interests of this country. So, let the extension of the tenure of office of the Commission be purely for efficiency, and let us see efficiency operating. If efficiency is ensured, we will support the Minister and the Commission. But we do not want to see ^{pe} ~~per~~petuation of the existing laxity in the operations of the city.

With these few remarks, Mr. Speaker, Sir, I support the Bill.

believe that the City Commission has
 MR. KEALIF: Mr. Speaker, Sir, I stand to support the Bill because I really done a good z job. I do not know what yardstick we could use to measure the efficiency of this particular Commission, but by my own standards, I know that the Commission x has done very well. This ik is because if one goes out in the City of Nairobi, what the Commission has done is very evident. Some years ago, we could not drive in this city, because all the roads were full of potholes; some years ago the city centre was fm filled up with filth. But we can now see that the Nairobi City Commission has cleaned it up. I am not saying that it is perfect, or that they have done ~~at~~ all what is expected of them. What I am saying is that they have dx tried their best compared to what was there before.

Mr. Speaker, Sir, those of us who have lived in this city for a long time know that during the days when the city was administered by the council, everything was done politically. Even wananchi were not served, because their interests were allied to those of the councillors; people were served according to what the councillors at that time saw as their interests.

So, what I am saying is that this particular Bill, which seeks to extend the life of the Commission by some more years, is necessary; I support it, and hope that the Commission will use that extended tenure of office - because it is free from politics and divisive influences - to serve the people in the city. x As has been

MR. KHALIF (CTD):

U.S. said, Nairobi is an important city. We have a lot of world organisations based here; it is one of the most busy cities in terms of international affairs. We have a lot of visitors coming in here. Also, wananchi themselves need a lot of services to be rendered. If you go to ~~various~~ places like Eastleigh and some other villages outside the city, you will find that the City Commission has not done as it is ~~required~~ required to. There is still a lot of filth. They are still concentrating on constructing the well-to-do parts of the city, which is not fair.

U.S.

END E
[Signature]

MR. KHALIF (Contd.):

Mr. Speaker, Sir, wananchi, irrespective of their wealth, or how much they own, are equal in the eyes of the law, and they have to be served equally by the City Commission. The City Commission is there for all wananchi, and not only the high-class people, or the people who live in Lavington areas and the City centres. The City is there for the Mathare people, Eastleigh people, and everyone else. There is no reason why one should wake up in the morning, say, in Eastleigh and find a lot of filth in front of his house which has not been collected for the last three weeks. This is garbage.

Mr. Speaker, Sir, what I would like to urge the Minister is to see that there is fair-play in the way service is given so that every mwananchi and all parts of the City are properly served by the City Commission.

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

MR. NYOIKE: Thank you, Mr. Speaker, Sir.

In this last stage of this Bill, I only have one or two comments to make. First of all, let me express my very sincere hope - my very deeply felt hope - that this will be the last time that the Minister for Local Government will come into this House and request that there be extension of tenure for the Nairobi City Commission. It is my prayer it is my wish, and it is my hope that this will be the last time.

When we discussed this matter for the first time, and it was clear to everybody that the City Council of Nairobi was not doing what it was meant to do, we gave the City Commission a chance which has been renewed ^{before} ~~now~~ and we are going to renew it again.

Mr. Speaker, Sir, this reminds me of a saying by a famous African politician by the name Dr. Nnamdi Azikiwe who was the first President of Nigeria. He told the British Government at the time of Independence that if after 100 years of tutoring Nigerians have not

MR. NYOIKE (Contd.):

learned to manage themselves, then surely there must be something wrong with the teacher. Now, if after five years the City Commission has not been able to put the Nairobi affairs in the proper footing, then surely there must be something wrong with the City Commission.

Mr. Speaker, Sir, it is my sincere hope that the Minister, and the Government, will not take these shortcuts whenever we have problems with the City councillors. And there will be problems with many county councils and Local Authorities of all kinds because these problems reflect the nature of our societies. For instance, there is corruption, tribalism, inefficiency, "brotherisation", and there is all manner of evil in our society. There is all manner of evil in the Central Government as well as in the Local Authorities. This is the problem of our time. This is the problem where we have to "grab a whip as leaders. This is what His Excellency the President all the time keeps on talking about against tribalism. It is the problem of our time, and there is no shortcut to it. We just have to come to it and deal with it.

Mr. Speaker, Sir, there is always the temptation to take a shortcut and to do the easier things. When the Nairobi City Council is not very efficient, we slam a commission there; when the Mombasa Municipal Council is not doing very well, we slam another commission there. That is not the solution. The solution is that the Minister for Local Government who has a lot of powers - because, in fact, right now under the Act, the Minister has extensive powers - he can stop any Local Authority from spending money. He can also refuse to approve their appointments. The Minister has now got the powers to interfere with any action they do. He does not need ~~the City~~^a Commission. He can actually guide these people.

Mr. Speaker, Sir, I would request the hon. Minister, instead of taking these shortcuts towards the commissions, let him do his work

MR. NYOIKE (Contd.):

of guiding these Local Authorities towards maturity, as we also guide ourselves towards maturity. We have a problem and this problem is not only in Nairobi City alone, but it is a national problem.

Mr. Speaker, Sir, the last point that I would like to make here is that I am normally very, very worried when I hear of commissions because the problem in the Continent of Africa today is that democracy has not been allowed to work in very many countries. I have read the explanations usually given by the military regimes when they dislodge politically-elected Governments. They always say that these people are inefficient, corrupt, tribalists, and so on. They usually read the whole long list of the "evils" of their societies as they go ahead and overthrow the elected Government and put a General there in charge. Then the same corruption continues and usually becomes worse.

Mr. Speaker, Sir, to these Generals, we will tell them that we understand that politicians are weak. We also understand that elected Governments are not perfect, but the solution is not military dictatorship. It is a question of national will to struggle on the part of leaders to improve themselves.

Mr. Speaker, Sir, these "shortcuts" that Africans have found which makes us have over 56 per cent of the African Governments as military Governments, they have not helped the Continent. On the contrary, they have taken us back. I would like the Minister for Local Government to consider that. We do not want shortcuts. One can always have an excuse to sabotage elections or democracy. One can always say that these people are not capable. This is what the colonialists told us for many years.

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES
(Mr. Nassir): Jambo la nidhamu, Bw. Spika. Nafikiri tunazungumza mambo ya Tume ya Jiji la Nairobi na sikujua Wabunge wanataka kupata nafasi ya kujitetea kwa mambo ya uchaguzi unaokuja. Kuna maneno gani

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES

(Mr. Nassir)(Contd.):

hapa katika Mswada huu ya kufikiria kama kutakuwako na hofu katika uchaguzi ujao? Kuna haja gani ya kufikiria hivyo?

MR. NYOIKE: Mr. Speaker, Sir, I think the problem is that the hon. Member did not understand me, and I will speak to him after the adjournment of the House!

Mr. Speaker, Sir, it is my honest view that we shall teach our people to be proper. We shall make sure, under the powers that we have given to the Minister for Local Government, that all Local Authorities in Kenya will move towards the path of nationalism, patriotism, efficiency, and so on, just as we have to learn to do the same ourselves. But we should be very careful whenever the Minister has to come and say that "Such-and-Such a Local Authority is not doing very well. Therefore, I want to install a commission there". There is no shortcut to democracy.

With those few remarks, Mr. Speaker, Sir, I beg to support.

MR. MUNYAO: Mr. Speaker, Sir, at this stage of the Bill, there is nothing we can do other than to congratulate the Minister, and perhaps to say one or two points ~~on the Bill~~.

Mr. Speaker, Sir, this Bill concerns the Nairobi City Commission and Nairobi is the capital of Kenya. It is also perhaps the centre of Africa because it is the best City and people like it. We have a number of Commissioners, and I remember there was either a Motion or a Question here requiring the Minister to zone out the Commissioners so that within the period they would be there, they would be manning some areas so that when they go back to the Commission or Board, they can report what they have seen in other areas. This is very important because if it is not done some areas will be left even without any services at all.

Mr. Speaker, Sir, it is very true that the country has had

MR. MUNYAO (Contd.):

very little rains. In fact, Nairobi estates or some parts of Nairobi are not receiving adequate water. Perhaps if the Commissioners are not zoned out in this way, they will not know which areas are not receiving water and so on. We feel that at this time when we have the Commission and the Commissioners, it is up to them to bring a proper report to the Commission.

Mr. Speaker, Sir, the idea of extending ^{the life of} a Commission may not be very interesting or good. This idea of having commissions might even extend to constituencies.

End F.

MR. MUNYAO (ctd):

Mr. Speaker, Sir, what would the Minister feel if his constituency were to be run by a commission? I am sure he would not be very happy to have his constituency run by a commission. It is okay if some councillors make one or two errors because to err is human. We are expected to make a mistake here and there. The Minister should look into the possibility of reducing the tenure of office for commissioners to at least three or six months. What would a commission be required to sort out for more than three, four or five years like the Nairobi City Commission other than providing poor services and so on?

An example of a service which has been poorly provided by the Commission and which many hon. Members ~~have~~ talked about during the Second Reading of the Bill is garbage collection. This service has gone down completely. This has forced many Nairobi residents to dig holes to put rubbish. Since these holes get filled up so often, the residents have resorted to burning rubbish every evening and hence causing fires which we might not find a cure for. Fires are erupting in every area. I expect that when the Minister comes to reply, he will consider some of these facts and narrow some of these issues.

Finally, Sir, I would like to make a simple request to the Minister, with regard to areas where new constructions of houses and so on are coming up. Roads should be considered beforehand in those areas. An example of such an area is Langata Road. There are so many buildings which are being put up along that road and yet nothing is being done about that road. That road is so narrow. It has been ^{suggested} ~~discussed~~ several times in this House that that road is going to ^{should be made} ~~be~~ a dual-carriage way but it seems that the Minister for Local Government does not have any immediate plans in that respect. Due to traffic congestion, one needs to ~~leave~~ start travelling from Langata at 5.00 a.m. in order to be in the office at 8.00 a.m. I was just giving

Langata Road as an example but I am sure every road leading to Nairobi has that congestion. We are happy, Sir, because some of the roads have dual-carriageways.

The maintenance of roads in Industrial Area which is a granary of this country is very poor. Potholes in that area are incredible.

With those few words, I beg to support.

THE MINISTER FOR WATER DEVELOPMENT (Mr. Mwendwa): On a point of order, Mr. Speaker, Sir. As I believe that we have discussed this matter to exhaustion, I would like to suggest that the Mover be ^{now} called upon to reply.

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

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): Mr. Speaker, Sir, I thank the hon. Members of this House for the contributions they have made in connection with this Bill. With ~~xxx~~ regard to the division of tribes and as hon. Wamae said that I might have had other motives by bringing this Bill to the House, I would like to say that I had not other motive.

I would, therefore, take this opportunity to wish my hon. colleagues a merry Christmas and a prosperous new year.

I beg to move.

(Question put and agreed to)

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

MINISTERIAL STATEMENT

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. ole Tipis): On a point of order, Mr. Speaker, Sir. With the kind permission of this august House, I rise to briefly respond to a personal statement made by hon. Shikuku on 9th December, 1987. His statement was in response to mine made earlier in connection with the Butere Constituency Self-Help Development Fund. Whereas I do not wish to make this issue appear as though we

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. ole Tipis) Ctd:

are engaged in a wish to make this issue a sort of truth-telling-contest with my hon. colleague, I am, however, compelled to react to his remarks for I believe that the truth has to be told.

On the outset, I would like to reiterate my earlier remarks that the freedom of association of any freedom has ~~no~~ limits. Even the Kenya Constitution which we take lead from, is very explicit. The enjoyment of freedom should not infringe on others. It is not true, Sir, that the people of Butere have been denied association as many Harambee meetings have recently been held in that constituency. The hon. Member has been bent on to equate this opportunities to deliver political lectures to his constituents. I have the latest copies of applications for permits to convene public meetings which I will lay on the Table. All of them bear his favourite agenda, namely; current political affairs and development in Butere Constituency.

Kenyans have come of age and have no time or need for political lectures. As such, the Kakamega District Security Committee has denied the hon. Member such licences. The Kanu Chairman, Kakamega, as is the practice in the entire country, has no hand in such matters of licencing public meetings.

END G 

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. ole Tipis) (Ctd.):

Mr. Speaker, Sir, with regard to the money that was not accounted for by civil servants, I did promise this House that those involved would either have to make good the loss or face the music. The information I have just received indicates that most of this money if not all has been repaid. The amount involved was Kshs. 80,224/-. Along with the above amount, the hon. Member has coverfully avoided to mention in this House that when the Fund actively started collecting money way back in 1980/81, the money collected was banked by the then Butere District Officer, Mrs. Wanabiro. At some stage hon. Shikuku did demand that the money this lady had banked should be withdrawn and handed over to him. Given his position at that time she obliged. The hon. Member has since vehemently & denied having received that amount.

However, Sir, because this money had to be made good just like all unaccounted for monies, the lady district officer, who has since left the civil service has been compelled to sell her private property to make good this money. To this day, hon. Shikuku has continued to deny having & received any money and we are left hoping that only posterity will tell as to ^{whom} between hon. Shikuku and the lady district officer told the truth. The amount involved was Ksh's Kshs. 50,395/-.

Again in 1980, as stated in the Audit Report page 2; -it was resolved inter alia that all monies collected in respect of this fund should be re-deposited with the Kenya & Commercial Bank, Mumias branch. It is amazing how up to this day hon. Shikuku and his henchmen are still operating the funds' accounts in Nairobi. Hon. Shikuku, Mr. Richard O. Mukabi and Mr. Wilfred Dickson Ochieng are operating joint savings and fixed accounts in the Bank of Oman. The hon. Member did tell this House on 9/12/87 both and several other times prior to that that according to Butere Constituency Self-Help Development Fund constitution, the District Officer for Butere should be the treasurer. However, the truth of the matter is that the district officer is not a signatory to this Nairobi Account. The question that comes up to mind is that "In what capacity are the two gentlemen operating these accounts"?

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. ole Tipis) (Ctd.):

Sir, hon. Shikuku has insisted that keeping proper accounts of the Fund is the business of the treasurer who in this case is the District ~~o~~ Officer, Butere. ^{From} ~~the~~ the same Audit Report he has been fond of flagging in this House, it is stated on page 2 that the Fund receipt books were issued to Chiefs and Assistant Chiefs directly by the Chairman, hon. J.M. Shikuku. The same Report adds that even the 285 receipt books that were audited were collected from his house.

Hon. Shikuku seems to be a mysterious man. A glance at the transactions carried out in the Bank of Oman Accounts casts a lot of doubts upon his honesty and integrity. The samples of authenticated documents I have here clearly prove that hon. Shikuku and his henchmen have been ~~have been~~ involved in the transactions of this public funds at this Bank and no civil servant, including the ~~is~~ so-called 'Treasurer' of the Fund has been involved. For instance, hon. Shikuku, Mr. Wilfred Dickson Ochieng and Mr. Richard O. Mukabi issued a cheque No. 194829 of Kshs. 3,000/- dated 13/5/86 to Bunyore Girls High School. Also, the same signatories issued a cheque No. 202485 of Kshs. 4,475/- dated 6/7/87 to Chavakali High School. ~~For~~ For what purpose and under what mandates, the ^{signatures of those} ~~signatories~~ who issued those cheques are not on record. Why I term hon. Shikuku mysterious is that he expects the 'Treasurer' to keep proper accounts of funds some of which he has not been party to the withdrawals and for unknown expenditures.

Sir, the documents tabled in this House on 9/12/87 have even more telling revelations. For example, on ~~the~~ 13/7/84, the Savings Account had a balance of Kshs. 213,627/85 and on 5/11/84, the Account had a balance of only Kshs. 4,537/85 meaning that hon. Shikuku and his "brothers" had withdrawn Kshs. 210,000/- from the Account. By 19/2/87, four months later a total of Kshs. 160,000/- was recredited to the Account. There has been several withdrawals in between, sometimes four times a month.

END H...

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. ole Tipis)(contd.)

The balance to-date stands at only kshs.13,237/-

Mr. Speaker, Sir, I would like to implore upon my hon. colleague and friend to sober up and desist from portraying a holier than thou attitude in this House. He is far from it. In my last statement, I observed that he was not clean in this matter, and he almost blew up the roof of this House. This time he might even commit "hara kiri"- to use my colleague's terminology. I want to repeat again that he is not clean, and if anything, he is the biggest culprit of this otherwise noble idea. He has abused a noble intention, and ~~as~~ he should be ashamed of.

I note he has committed a total of kshs.133,802.50 ~~on~~ ^{into} ~~the~~ ^a fixed deposit to mature on the 30th January, 1988. I may also mention that he was continuously ^{depositing} ~~deposited~~ various amounts on the same account over the years, without any mandate, and therefore, continued to reap the interest accruing therefrom ^{from} selfishly.

I would expect the hon. Member, who has been in this House that long not to forget that, as he claims to be "the people's watchman" to know that unauthorised expenditure of public funds is illegal and a serious criminal offence. It is a shame that he himself, has abused and brought through ^{to} disrepute a fund that can be rightly described as his own brain child. He has hurled all kinds of abuses at civil servants; intimidated chiefs and assistant chiefs in Butere about this fund. We are now led to conclude that his loud mouth ^{ed} /utterances on this issue was calculated to cause confusion not only to this House, but even more to the very people it was intended to benefit. Nothing short of a clear expenditure account by hon. Shikuku will restore ~~his~~ his integrity and clear this fund from the present state of disrepute. I once again appeal to my hon. friend to do so.

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. ole Tipis)(contd.)

Mr. Speaker, Sir, we have nothing to hide, we have authenticated documents here which I leave to the House to judge for themselves. He himself was a signatory and he should therefore, not try to accuse other people who in a way or ^{the} other were not really involved in this Nairobi Oman Bank Account. The documents are here, authenticated by the bankers themselves, and I hope that will clear the air for the good of the country and for his own sake.

Thank you very much Mr. Speaker, Sir.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. I wish to ~~ex~~ stand again and answer my hon. friend some few points here.

First of all, ^{with regard to} the question of freedom of association, ^{where} he says that I give political lectures. I do not know under what law this is forbidden. He did not want to say where it is forbidden to speak politics or anything else. Maybe, he is making that law himself or ~~it is~~ is from somewhere ~~else with-~~ ^{outside} ~~out being made~~ through this House, I leave that to the people to decide. We have got the freedom to talk about anything ~~and~~ ^{on} not only development. We do not, therefore, get threatened by what the Minister has said, I am allowed to say anything.

Secondly, I am again grateful that he has admitted that all this money, kshs. 80,224/- ~~which~~ ^{the} was 'eaten' by chief and the assistant chiefs. The interesting part of it, however, is ^{about} ~~when~~ ^{he talks of} Mrs. Wanambiru, the District Officer of Butere who was the first ever treasurer of this fund, ^{He} has said that she withdrew money and gave it to me. That is not true because Mrs. Wanabmiru is a graduate, she could not have ~~withdrewn~~ given me money and then not signed for it. She 'ate' the money, and I gave a statement to that effect in 1986. Up to today I have ~~un~~ heard nothing concerning it. I am ~~not~~ glad that the Minister ~~says~~ ^{has}

MR. SHIKUKU (contd.):

said that she has refunded the money. How can she refund what she never took?

He has said something concerning the operating of the fund in Nairobi. I said that we operate two accounts. We started operating the Fund with the Kakamega branch of Kenya Commercial Bank, then opened another one at Mumias, moved on to Nairobi Barclays Bank and finally shifted to Bank of Oman. The Bank of Oman in Nairobi operates a branch of the accounts which is operated in Butere. They have decided to aid the poor students who cannot afford paying school fees in form one. They are withdrawing all this ~~a~~ money that he is talking about. It is withdrawn and paid to the schools. He has even talked about these receipts numbers. All the money has been paid to the respective schools. The children whose fees have been paid know it. I do not know why the Minister does not want us to do that.

He has talked about kshs.213,000 about the fund coming down. After paying school fees for these children, naturally the balance cannot remain static. For those of us who know accounts this is the case. The accounts the Minister is talking about may be from somewhere else. It has been shown in the statements ~~are~~ here how the money was withdrawn. It was used to pay school fees to vari^{ous} schools for poor children who scored high marks in their Kenya Certificate of Education Examination. There is no question about that.

The only thing I, can say is that hon. Shikuku cannot be so unintelligent. If I have 'eaten' the money of if I was involved or if I am not clean, surely I should not insist that this Fund should be probed. I would be a fool to do so because I know that they would trace me. I am not that type of a fool.

MR. SHIKUKU (contd.):

What I am saying is that - and it is of no use for one to stand here just to look big - if the Minister feels that he is right then let him send this matter to court. He has all the ~~kw~~ law at his disposal. We cannot go on arguing with the Minister all the times. If, in deed, he is serious let him go to court to prove or show how every cent was used. If I am found guilty, I am not above the law. I am fed up. The Minister is hell bent in defending the people who have eaten the Butere people's money, hoping that I can sit down when he accuses me falsely of having taken the money. I want him, to prove that, I challenge him. Let him also go to court and say what he is saying ~~kw~~ here and prove it. That will be the best thing. I do not want anybody else other than the Minister to go to court. I would like him to do that and I will face him in a court of law.

End I

MR. SHIKUKU (ctd.):

The Minister says that I am not clean. If I am not clean, it is very interesting. I am clean, and I will remain clean. I do not know in which court the Minister was ~~and~~ found me unclean. I am not here to be judged by the Minister. Let us face each other in a court of ~~the~~ law, and we shall find out who knows accounts; who is clean and who is not clean.

On the question of the illegal expenditure, the Nairobi branch of the Butere Constituency Self Help ^{Development} Fund authorized that the money of ~~the Fund~~ in Nairobi ~~shall~~ be used for the payment of school fees of those brilliant boys and girls from Butere. I challenge him; let him not threaten us with his authority or with taking legal action against us; let us go and fight it out in a court of law.

The Minister also talked of my having a loud mouth and confusing people. I do not want to confuse anybody; I shall fight for the truth. The truth is that people's money was 'eaten' by civil servants. The Nairobi branch of the Fund ~~was~~ was not being operated by the district officer. The main account in Butere is the one which has millions of shillings and not the Nairobi one. The Nairobi branch of the Fund does not even have Sh.400,000/-. The Nairobi branch of the Fund has the right, according to the constitution, to ~~use~~ use that money to pay for the school fees of the ~~the~~ poor students. That is what is happening.

Let me finish by talking about the issue of receipt books. The receipt books were given ~~the~~ to the district officer, and whenever the assistant chiefs finished the receipt books they ^{would} ~~used~~ go back to the district officer ^{to be} ~~who~~ issued ~~them~~ with new ones. The assistant chiefs brought the money and it was banked.

Mr. Speaker, Sir, I have given the Minister a challenge.

MR. SHIKUKU (ctd.):

We should no longer talk about this issue in this Parliament.

We shall find out who is what when we meet in a court of law.

Thank you, Mr. Speaker.

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. ole Tipis): Mr. Speaker, it is not really my intention to enter into very unnecessary arguments with my hon. friend. I have said in very clear terms that the so-called freedom of association ~~that is there~~ is there for the good of this nation, but, if somebody wants to use that political platform/gimmick ^{to} in this country, then the Government will not tolerate that nonsense.

What I am getting at is that the hon. Member must come out clean. He was the printer of these receipt books. He has not accounted for the 285 receipt books which he, himself, distributed - not ^{to} the chiefs or the assistant chiefs. The Butere Constituency ^{Self-Help} Development Fund was set up with the understanding that the money collected would be deposited at the Mumias branch of the Kenya Commercial Bank. The hon. Member had ~~ix~~ the audacity of going round the corner and depositing the money in the Bank of Oman with his two henchmen who are the signatories. The district commissioner of Kakamega, was not a signatory to that Fund, and now the hon. Member claims, and keeps on insisting, that the district commissioner was responsible, as the treasurer. How could he have been a treasurer?

Mr. Speaker, Sir, if it comes to matter ^S of accountancy, I think I am more conversant with accounts than the hon. Member. I ~~have~~ studied accountancy up to advanced level before I joined politics, and anybody can check my records on this one. So, he is only a mere layman as far as accounts ^{are} is concerned. There is no argument about that.

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. ole Tipis)(ctd.):

Mr. Speaker, Sir, there is a record of the transactions concerning this money. If he wants to place the blame of the misappropriation of this money on the treasurer, was ~~x~~ the treasurer a signatory to the ^{cheques} ~~checks~~ which I am laying on the Table, for the amount of Sh.213,000/- which they have withdrawn? It is hon. Shikuku who is to blame. The papers I am going to lay on the Table, for everybody to see, are authenticated; they are not the kind of papers the hon. Member collects from here and there. These papers have been authenticated by the bank manager who states categorically that ~~ixxxx~~ the money was withdrawn with hon. Shikuku's authority; he was a signatory to the account, and to try and blame other people who never had anything to do with the account is very mean and ~~x~~ distructing, if I may use the word. The papers are here ~~x~~ for anybody to see, and I would hate that rascal to shout at me as ~~x~~ if I were rubbish.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. The person who is calling me a rascal is the biggest ~~xx~~ old rascal.

THE MINISTER FOR STATE, OFFICE OF THE PRESIDENT (Mr. ole Tipis): Mr. Speaker, Sir, if you allow us to continue like this, you can now see who ~~x~~ the rascal is.

THE MINISTER FOR INDUSTRY (Dr. Ouko): On a point of order, Mr. Speaker, Sir. On account of what is going on, may I ask Mr. Speaker to assist us in restoring the dignity of this House?

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. ole Tipis): As I said, the hon. Member is not clean, and I repeat, he is not clean. He is going to be involved in accounting ^{for} the use, or misuse, of this public fund. This is what ~~xxx~~ he is aching for. He is trying to cover up with his holier-than-

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. Ole Tipis)(ctd.):
 thou attitude. Why does he not wait for the investigators to come
 out with their findings? Anybody found having ^{misappropriated} ~~mispent~~ this
 money will, definitely, face the consequences. I am not, as
 my hon. friend knows, bent on defending a wrong-doer. He knows
 that very well, and that is why he is scared of me. I will
 defend the right, up to my grave, and I do not fight unnecessarily.
but, he should not blame other people by trying to get out of it
 scot-free. This we shall not allow.

In fact we have information, which I do not want to
 divulge in this House, because it goes ~~ix~~ deeper than this. As
 far ~~as~~ ^{as} 'money-eating' is concerned, he is one of the biggest
 'money-eaters' as far as this Butere Constituency Self-help ^{Development} Fund
 is concerned. The receipt books were not being distributed ~~by~~
 entirely by chiefs. He has 285 receipt books which he has not
 accounted for. Where the money collected through these receipt
 books is questionable, and that is why he ^{is} ~~he~~ cunning enough
 to divert the money to Nairobi, instead of having it banked into
 the Mumias branch of the Kenya Commercial Bank.

MR. SHIKUKU: Who is questioning that?

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr.
 ole Tipis): There is no ~~q~~ matter of questioning, you can question
 your devil.

END J.

MR. SPEAKER: However strongly an hon. Member feels that something has been said about him, the proper cure to it is not to hit back with abusive terms, but to show that the person concerned has said the wrong thing; point it out and try to see that it is not done again. We do not want collision here where hon. Members make remarks that are unnecessarily dirty. So, I hope that we will avoid this. If hon. Shikuku heard hon. ole Tipis say something which was improper, he could have helped the situation otherwise, instead of hitting back. I appeal to the House to behave with dignity, as hon. Dr. Ouko said.

Next Order.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir.

HON. MEMBERS: Which order? Which order?

MR. SHIKUKU: It is not yet 4.30 p.m. yet.

MR. SPEAKER: The Order Paper says that the Motion for the Adjournment will be moved not later than 4.30 p.m., and this means that it can be moved now.

(Mr. Shikuku stood in his place)

Order, Mr. Shikuku. You spoke on this Motion the other day, so I do not know what the idea of your standing up now is.

MOTION FOR THE ADJOURNMENT

Sine Die Adjournment of the House

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki):

Mr. Speaker, Sir, thank you for pointing out the order of things here.

I beg to move:-

THAT this House do now adjourn sine die.

It is true that we had a very brief sine die adjournment of the House recently, but I believe that this adjournment will be in the normal order of sine die.

I wish every hon. Member a merry Christmas and a prosperous new year. I think hon. Members also wish me a prosperous new year, and I am very grateful for this.

I would like to encourage hon. Members to go on with Kanu membership recruitment while at home because we have not stopped this exercise; we only

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (CTD.):

concluded the registration of voters. While we continue to recruit Kanu members, we should maintain the Kanu discipline of mutual respect among hon. Members. Above all, we should be friendly with one another

It is very important that in difficult times hon. Members of this House give a lead in political matters. What I am saying is that you and I, who read newspapers, keep seeing statements by hon. Members and other leaders declaring other leaders to be anti-Nyayo. You know that we have one party, one leader and one country. We are united in our own Philosophy of Nyayo. The language of calling others anti-Nyayo people, in the context of normal political competition, ought to be banned. This particular phrase should be left to people who are treasonable, such as, "Mwakenya" and others. If an ordinary leader or politician goes on saying, "So-and-so is anti-Nyayo" merely because he does not like someone, he is creating unnecessary confusion and a sense of divisionism which has no basis whatsoever. It is much better that in a one-party system, people talk about real things and real persons. I have said this before, but I am sure it can bear repetition.

Perhaps, more important is the fact that these days the Nyayo Philosophy is, as you know, identified with the Head of this nation, who is also the Head of the Party and the Government. Nobody should use it lightly. We should use this phrasiology with a sense of respect towards the originator of this philosophy, the President, who is the Head of State.

In any case, in this season of goodwill, that is Christmas, we should, as Christians or good Muslims, remember that it is simple to bear false witness against others. Even if they happen to be our political enemies or competitors, we should not bear false witness against them. In any case, the politics of this nation cannot stand any leader who wants to be taken seriously bearing false witness against others.

MR. SHIKUKU: Hear! Hear!

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki):

Mr. Speaker, Sir, what I am saying has nothing to do with what the hon. Member

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (CTD.):

for Butere is shouting about. I am not really commenting on any Butere matter; I am talking about Kenya, and I do not want to be misunderstood.

In Kenya, we, the leaders, are elected to lead and we must always speak the truth, and not bear false witness against one another or against any other person because that is a very grievous sin. If anyone dies bearing that kind of sin, he will go straight to Hell, and that is very serious. We do not want any Kenyans to go to Hell; we would like them to be in Heaven so that we may continue to be together as Kenyans.

Mr. Speaker, Sir, if I may add this point, it is very gratifying to see the way Kenyans have shown their solidarity in the recent week when a few misguided elements in our neighbouring country, Uganda, attempted their own adventures near the border. We are grateful that the police and other security forces disciplined them.

(Applause)

We are grateful that those people were shown that such attempts will always be met with a similar reaction. That is how Kenyans are. Although we never boast of this fact, we are efficient in doing what we want to do. I think that of all people, Ugandans should know that we are capable of doing what we want to do and that they should not attempt to annoy us because we will do what we want to do to them.

I know that this Parliament has been fairly productive in the short sitting during which we have been here. So, I want to thank every hon. Member for the tolerance they have shown after we had to call them back here in a hurry. Their tolerance has been evident in the way they have been attending sessions here in large numbers.

Mr. Speaker, Sir, I beg to move.

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr. Biwott):

Thank you, Mr. Speaker, Sir, for giving me this opportunity and for restoring the dignity of this House. Without you, to keep this House in order, we will at times ~~and~~ be tempted to drift from the level of dignity that we require here.

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (CTD.):

It is very important that hon. Members remember that they are hon. Members. Members of Parliament are elected in their constituencies by large numbers of people because they are considered to be honourable enough to come to this House to look after the welfare of thousands of the people who elect them and collectively look after the welfare of the entire nation. So, there should never be any room for lack of discipline among hon. Members.

Mr. Speaker, Sir, we have been advised many times in this House after the Third Reading of the Bill we have just passed that we should not give the impression that the Front Bench is not ~~not~~ as interested in the welfare of wananchi as the Back Bench. Indeed, I think that the Front Bench is as involved and interested in the welfare of the nation as ^{is} the Back Bench.

END K

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Ctd.):

So, Mr. Speaker, Sir, our colleagues in the Back Bench should not misunderstand us nor should they misinterpret our intentions because they are good intentions, and any Bill that we bring to this House is for the good of this nation. I am saying this because we want this nation to be better off each time we bring a Bill in this House.

Mr. Speaker, Sir, another area on which we need to concentrate our education about the law: and efforts is the area of education; education about everything else.

We should know what the law says. We should educate our people about the Constitution and how to be good citizens so that whatever we do will stand good judgement in ^{of the eyes} ~~front~~ of wananchi. I am saying this because the truth will remain the truth and what is right will remain right and we should always aspire to do the right thing. In fact, I would like to borrow the words ~~that~~ the Vice-President and Minister for Home & Affairs used the other day, that in this country, we are lucky ^{to} ~~because~~ we have a leader who never tells lies. Under the same token, we would like to have hon. Members of Parliament who never ~~to~~ tell lies. We would like to have hon. Members of Parliament who will always provide good leadership in this country, so that we can have people who tell the truth; people who can sit here and pass laws so that our country can become the most democratic country in the world.

Mr. Speaker, Sir, we have been very active since the time we were recalled. We have demonstrated to the world that we are united, ~~and that~~ we mean to defend our nation and that we know what exactly what is good for our country, and what it takes to protect our Constitution and our several institutions. So, any neighbouring country, or anybody for that matter, should not even contemplate to play about with Kenya. The question of refugees has been going on for many years and at times our integrity is ⁱⁿ question regarding the issue of human rights. Where is a country that has shown ^{more} human consideration ^{ows?} than ~~ourselves?~~ How many refugees have been looked after in this country? Ugandans know very well that Kenya has been a traditional ^{refuge} ~~refuse-camp~~ for them and each time they throw out the ^{lot} ~~lope~~, they come to Kenya and when their ^{time} comes for going back, they go back to their country and others also come in. The latest person to come here and go ^{back home} ~~far~~ is Museveni himself. Museveni was here and he knows very well that when he was here, he never saw us training

THE MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Ctd.):

people from outside this country. If we were training such people here, we would ~~have~~ have trained him. So, he should not mislead his country because Kenya has at no time indulged in interfering with the internal affairs of any neighbouring country. The resolve that Kenyans have demonstrated the eagerness of our people to deal a devastating blow to those who are playing about with us, is so clear now ~~is~~ that we hope we shall not have any more of this.

Mr. Speaker, Sir, we will be going for Christmas and I ~~am~~ hope that hon. Members will use the Christmas time for rededication and service to wananchi, so that they can be useful to them during the Kamu recruitment drive. I hope they will be able to explain the election procedures to wananchi and to assist their district development committees by explaining to them about the District Focus for Rural Development Strategy. Above all, Mr. Speaker, Sir, I hope that hon. Members will ensure that our people are well protected.

With those few remarks, I beg to support.

(Question proposed)

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Kisiero): Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to support this Motion. It is true, as His Excellency the Vice-President and Minister for Home Affairs has ~~it~~ said, that we are now going for Christmas and this is a time for joy and peace. Unfortunately, those of us who come from Western Province, particularly Bungoma and Busia Districts, ~~are~~ are not going to enjoy their Christmas the way we have always enjoyed in the past. This is because our friends from Uganda have found it necessary to interfere with our peace. Kenyans have always enjoyed their Christmas and they love peace and they are not used to the kind of life that has existed in Uganda for the last 20 ~~or~~ 24 years. Kenyans are not used to running away from ^{guns} guns, nor are they used to living under fear and terror. Therefore, what the Museveni Government is trying to do at the border is extremely unfortunate and we ^{Kenyans} Kenya, particularly at the border, hope that ^{this} kind of provocation will stop as soon as possible.

Mr. Speaker, Sir, we in Mt. Elgon have been very friendly to our neighbours in Uganda and our local folks have been giving them sugar, cigarettes, bread and so on, in the spirit of Nyayo philosophy of love. However, it is unfortunate that these ~~are~~ same soldiers have now been turned against us.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Kisiero)(Ctd.):

As a matter of fact, before they did what they did a few days ago, that is, trying to kill our people, they have been stealing our cattle for the last one year. For the last one year, Sir, we have lost thousands of cattle from Mt. Elgon area which have been stolen by the National Resistance Army (NRA) soldiers to feed themselves. We are extremely tired about this behaviour because, as most of us know, a Kalenjin is very fond of his cows and this is the only asset that he has. However, because of the territorial respect, we have not been going across ^{the border} to bring back our cows. ^{and} if this attitude does not stop, we shall certainly ^{go} and get our cows back because we have lost too many of ^{them} ~~cows~~ to ungrateful people.

Mr. Speaker, Sir, the people of Mt. Elgon, and ^{in particular,} ~~particular~~ Chepkube and Cheptai, whom I visited at the weekend, are very grateful to His Excellency the President for sending the police, game rangers, ^{and} forest guards to protect them. They are doing a good job and are in very high spirit ^{and} they ^{people} have asked me to convey their gratitude to His Excellency the President for looking after them so well. They have told me to assure him that they will give him total support ^{up} to the end.

Mr. Speaker, Sir, our friends' desire to disturb us at the border has not stopped. I am saying this because those of us near the border can see that Mr. Museveni is actually preparing ~~to~~ to hit us, since he is preparing a huge army, for reasons I cannot tell. However, one can easily surmise that he is preparing to disturb this country and, therefore, we should not go back to sleep and think that he is going to leave us alone. Therefore, we have to be ~~well~~ prepared and ensure that if he does not stop his dirty designs, we are able to defend our peace which we have enjoyed for a long time.

Mr. Speaker, Sir, what we have seen across the border is that some of these soldiers do not want to fight us but are just being pushed to fight us and, I think, this is why Museveni is turning to foreigners to assist him. He must have realized that these soldiers know very well that Kenyans have been friendly ^{and kind} to them and they know that if they fight us, this will be a senseless ~~war~~ and dirty war; a war that is bound to fail.

With those few remarks, I beg to support.

MR. arap NG'ENY: Thank you very much, Mr. Speaker, Sir, for ~~a~~ giving me this opportunity so that I can join the hon. Members of this House in support of this Motion.

First of all, I would like to join the previous ~~hon~~ hon. Members, who have already contributed to the Motion in wishing all the Members of Parliament a merry Christmas, and a prosperous new year of 1988.

AN. HON. MEMBER: Thank you.

MR. arap NG'ENY: I hope that all the hon. Members will enjoy their Christmas, after such a busy and long Session.

Secondly, Mr. Speaker, Sir, I would like to thank all the hon. Members for the co-operation that they have shown to the Chair in the ^{Council} ~~cause~~ of this Session which has been very busy. A lot of work has been transacted, and ~~x~~ this was enabled by the co-operation of all the hon. Members of ~~th~~ this House. / I would also like to ~~stress~~ restate a fact that we have a ~~times~~ occasionally forgotten. Sir, Kenya is a democratic country, and His Excellency the President has ~~us~~ spared no time in reminding us that this Parliament is a very important institution. His Excellency the President himself has ~~got~~ ~~fi~~ faith in this House because he has got faith in ~~be~~ the people of this country. ~~He~~ would like the people to continue exercising their democratic rights in electing the Parliamentary representatives that they like. It is for this reason that we, who have the privilege ~~we~~ of being in this House, should ensure that we live up to ~~that~~ those expectations, / ^{And in} in what we do, what we say, / how we go about our business in enhancing the democratic and the stable nature of our country.

MR. arap NG'ENY (CTD.):

Mr. Speaker, Sir, ^{because} our country is democratic, it is not dictatorial, it is not aristocratic, and it is not theocratic. Therefore, I would like to say that we have to eliminate from our midst ^a the new development that is emerging, ^b because it would ^c be very dangerous for our democratic Government. It was only recently when we completed the exercise of registering voters. Registration of voters means only one thing, that when the elections will be called, it will be the ordinary registered Kenyan who will elect the people who will come to this august House. There is no other machinery which will be used. I must express ^{some} / ^d concerns - and we have ~~heard~~ heard through the Press occasionally - ^{over} / certain tendencies in this country that will endanger democracy. We cannot afford to have the so called ~~men~~ power ^{brokers} / ~~doctors~~ in this country. I am ^{not} / ~~quarrelling~~ ^{no quarrel} with the Press, if they want to make money ~~by~~ by calling us names and other things. But it is ~~is~~ important that the voter in this country is enabled to make a choice of whom to represent him in this House.

Mr. Speaker, Sir, to me these people who parading around are machiavellians, and you know very well the tactics ~~s~~ which were advocated by ~~Ma~~ machiavelli, and we cannot afford to have machiavellians in this country. We want people who are responsible, ~~and~~ people who are capable of facing the ~~wananchi~~ wananchi, so that ^e they are ^f elected or ^{defeated} ~~defeated~~, and accept whatever verdict honourably.

Finally, Mr. Speaker, Sir, on behalf of my Constituents of Aldai, I would like to appeal ~~to~~ to the Ministry of ~~Communications~~ Transport and Communications to ~~to~~ give us a ~~ms~~ small token so that ~~we~~ road B291 can be tarmacked. This road crosses the eastern part of my Aldai Constituency. This area happens to be a very fertile area with

MR. arap NG'ENY (CTD.):

plenty of rainfall, and we grow very many crops such as
tea, coffee, ^{sugar-cane} ~~sugarcane~~ and all types of vegetables. During
the rainy season it becomes very difficult to transport ~~us~~
some of these commodities.

Mr. Speaker, Sir, with those few remarks, I
beg to support the Motion.

(END...M) *[Signature]*

THE ASSISTANT MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr. Mwicigi):

Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to join my hon. colleagues in supporting this Motion.

Sir, we have been working here very hard and we have done a very good job, something we much congratulate ourselves for. After all that work, we need a rest. At least, we need time to go back to our constituencies during the Christmas and New Year festivities and attend to other duties. It is equally important for Ministers to get time off to see what is going on in the country ~~about~~ ^{and attend to} some of the very pressing issues. I would like to cite an example of the problems that coffee farmers are facing because I come from a coffee growing community. Our small scale farmers are in a lot of problems because they are not being paid although they need their money badly. Christmas is with us now and those farmers need their money. After that, they will be required to pay school fees for their children in January and they do not have the money to do so. So, something must be done by the Ministry of Co-operative Development to ensure that coffee farmers are paid because ~~it~~ they need that money. Our coffee farmers work very hard to have some income that they can use at the proper time, and this is the proper time to give them their money. It is very important to support coffee farmers because they are the major earners of foreign exchange in this country. We get a lot of money coming into this country because of coffee sales. Therefore, coffee is like the goose that lays the golden egg and needs a lot of ^{support in} Kenya. Coffee helps this nation, families and individuals alike. So, when a coffee farmer has some problems, those problems should be looked into immediately. A short delay in looking ~~in~~ into such problems could be fatal because, at the end of the day, a lot of farmers may not be paid.

Mr. Speaker, Sir, despite the fact that we see in the Press that so much money has been given to Murang'a District, for example, to pay farmers, when it comes to what the actual farmer is supposed to be paid, the whole thing reads nil. There are so many deductions from coffee earnings such that when you go to be paid, you are told to go back and continue ~~farming~~ farming until another season when, perhaps, you may be paid something for your coffee. Coffee farmers are suffering and we should support them.

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THE ASSISTANT MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr. Mwicigi)(ctd.):

Mr. Speaker left the Chair

Mr. Deputy Speaker took the Chair

Deputy

Mr. Speaker, Sir, during this time tea in Murang'a District is being plucked but the roads are completely worn out such that even a four wheel drive vehicle is not able to transport tea & leaves to the factory. This is so, despite ~~the~~ the fact that tea is the second biggest earner of foreign exchange in this country. Where there is a lot of wealth, let us not destroy it by ignoring the desired proper services so that the people can produce more. That is more so important when it comes to crops like tea and coffee. For the last three years, there have been discussions about one road in Kandara called Gaichanjiru Road. If this road is properly done, it will join Makuyu and Kigumo through Gaichanjiru. The road is due for tarmacking now that it has been approved by the Murang'a District Development Committee. Therefore, when we go for Recess, the Ministries concerned should give this road all & serious thoughts.

Sir, the last point I want to mention is on the commission which was dealing with electoral boundaries. They found it fit for Kandara Constituency to be split into two constituencies, but I would like to say that there should be two sources of water for the two constituencies instead of retaining the existing Kandara Water Project. We would like one source to supply Kandara with water and another one to supply Gatanga area.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion.

MR. DDAIDDO: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this Motion.

I would like to start by saying that both the Bible and the Koran say that the best leaders come from poor background. We have seen that it is a poor man who rules better and who serves the people better than a rich man. That is why His Excellency the President suggested the district focus for rural development strategy so that the rural areas are served in the right way. I do not know why some district

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MR. DDAIDDO (ctd.):

development committees are being misused. If every Minister took pain to check whether his Ministry is doing justice to the people through the district development committees, that would assist in developing all areas equally. But it appears that the meaning of the district development committee has been changed. Ministries are still concentrating on the most developed areas in Kenya instead of concentrating their efforts in the less developed areas. Indeed, the meaning of the district focus for rural development strategy has been completely reversed because instead of Ministers going to the various rural ~~xxx~~ areas in the ~~margin~~ country to see what is happening, they go to their ~~xxxxx~~ own areas or prefer to visit the most developed areas.

Mr. Deputy Speaker, Sir, the Bible says that faith without ~~xx~~ works has no meaning. We always say that we are supporting His Excellency the President who, as we all know, visits all areas of this country. If Ministers do ~~xx~~ not also visit all the areas of this country, how will they assess the rate of ~~dfa~~ development in those areas? In this respect, I would like to request the Ministry of Livestock Development to look into the mode of raising meat prices. In Nairobi City, one kilogramme of meat ~~xxxxx~~ costs KShs.35/-. How is the Ministry looking into the welfare of the small man? Pricing of meat should be done by the Ministry itself.

Sir, I would also like to point out that cotton farmers should be paid immediately without any further delay. It is now the end of the year, and cotton farmers would like to be paid so that ~~x~~ they can be able to meet their children's school fees and attend to other relevant matters.

Mr. Deputy Speaker, Sir, the Nairobi City Commission should know that their houses are leaking and do everything possible to rectify the situation. With the same breath, I would like to request the Government to take note of the fact that not all parts of Kenya received rains. Therefore, they should look into ways and means of helping the unfortunate wananchi.

Another point I would like to touch on is that small ^{scale} ~~schake~~ industries

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MR. DDAIDDO (ctd.):

industry in the rural areas can afford to raise 30 per cent of the loan he would want to acquire. For that reason, the Ministry of Industry should come up with a system to help those potential small scale industrialists so that wananchi do not flock to the urban areas.

Regarding strikes by university students, I would like to say that this is a very sad affair which should not be allowed to continue any more. The Government should come up with a solution to this problem because ~~ix~~ if the ~~social~~ situation is left to persist further and the Government decides that university students will be paying fees, then the poor areas or students will suffer because they will not afford to pay their fees. In fact, as things are, it is the children of the rich people who initiate these problems so that ~~they~~ poor children of this country can suffer. After all, children from rich families have chances to go to universities abroad.

END.... H.

MR. DDAIDDO (Ctd.):

I would also like to thank the police for re-arresting that hard-^{Core}hearted convict who had escaped. That was a good work done by the police.

With these few remarks, I beg to support.

MR. DEPUTY SPEAKER: Could the hon. Members wait until they see the red light before they stand?

THE MINISTER FOR INDUSTRY (Dr. Ouko): Mr. Deputy Speaker, Sir, President Moi's record is very clear. When we had problems with Somalia, President Moi led a strong delegation to Somalia and talked to the President of Somalia and peace was restored and we are now friends. When the border between Kenya and Tanzania had been closed, President Moi conducted diplomatic missions at Head of State level; the border was ^{opened} ~~opened~~ and now our relations with Tanzania are normal. The same thing was done with Sudan and Ethiopia; why should we have problems with Uganda? It means that the problem is on the other side. We asked them ^{to} listen carefully to the appeal by President Moi that we want peace; we do not want war. But, if war is forced upon us, it will not be the first time we shall go to war and Uganda should get this message loud and clear.

I want to thank the people of Kenya for the Harambee spirit that characterized this year. Millions of shillings have been collected but there cities and towns in Kenya where there is no cement. This is a season for building schools in preparation for January. I want to take this opportunity as the Minister responsible for the companies which manufacture cement to say that there is enough cement to go round and there is no reason why there should be no cement in our shops. I was in Kisumu a few hours ago; there is not even one bag of cement in Kisumu town. I have on my desk this afternoon, a record of the deliveries from the factories to Kisumu town. I want to call ^{upon} ~~on~~ the

THE MINISTER FOR INDUSTRY (Ctd.):

distributors in Kisumu town and elsewhere in the Republic to bring out the cement and not to ^{hoard} ~~hold~~ it or to use it for any unbecoming manner.

Thirdly, I want to thank the Minister for Tourism and Wildlife for agreeing - when I spoke to him - to look into the fisheries programmes. Lake Victoria is ^{teeming} ~~steaming~~ with fish and we want to encourage small-scale industries using our resources. In the Lake, it is the fish - we can make fillet out of the fish, we can get enough fish for the people to eat as a second source of protein, and we can use the surplus fish to ~~get~~ get income for the people. It is for this reason that my Ministry has put a stop to any fishing activity by non-Kenyans. We want to make sure that that the industries spring up as a result of Government's own programme for fisheries development. I am grateful to the Minister for agreeing to look into this. There was a World-Bank scheme for fish, and I was reliably told that ^{some} ~~the~~ money was returned unused. This should not happen because our people are ready and they have the capacity and the knowledge to utilize such loans.

Fourthly, I would like to pay very special tribute ~~to~~ to President Moi for the way Kenya is now regarded in the world today. In my career as a diplomat and later as a Minister for Foreign Affairs, I have not come across a case where diplomats are detained or locked up; it is not done. The ^{Vienna} ~~Vienna~~ Convention of 1961 on Diplomatic Relations forbids such kind of things. It is bad enough when it is happening among ordinary countries; and it is very bad when it happens between neighbours. Shall we call upon Uganda to at least respect the codes of conduct approved by the whole world community as civilized, and not to do that kind of thing they did by envoys and diplomats of Kenya in Uganda.

THE MINISTER FOR INDUSTRY (Ctd.):

Fifthly, Sir, I would like to urge wananchi all over the country to assist the small and up-coming Jua Kali people. When we talk about Jua Kali, we are not talking about a different group of people; we are talking about Kenyans. These are Kenyans with the ability to do what they know how to do; Kenyans with the capacity to do it. It is we who do not assist them; we do not give them sub-contracts to do the ~~ix~~ things that they should do. We do not give them tenders to supply the things that they manufacture. I want to suggest that in the new year, when we start our activities, things like ~~the~~ school desks - like the one the Member for Tana River was mentioning to me though he is not here just now - ~~school desks~~ should be made by Jua Kali people. All these Jikos used in the Youth Polytechnics should be made by the Jua Kali people.

With those few remarks, I beg to support.

MR. GACHANJA: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to join my colleagues in supporting this Motion.

I would like to thank the Government and particularly, the Head of State for the policy of Africanizing the Building and Construction Industry. In the past, we have been crying and begging but now the Government has heard our cry and I am happy to note that Africans are participating in the Building and Construction Industry. The only hitch which I would ^{like to say} ~~further~~ ~~appeal~~ is that the regulation ~~is~~ for the payments for the constructors is 14 days from the ~~ix~~ date of completion, but somewhere somehow, some officials are trying to strangle the Africans. One would complete his ^{Contract} ~~construction~~ which could involve about Sh.30 million to Sh.40 million and the payment

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MR. GACHANJA (Ctd.):

may stay for as long as two years without being settled. This is ~~a~~ uncalled for and I would like to appeal to the officials concerned in the Ministry of Works, Housing and Physical Planning to see to it that these people are paid promptly.

In ^A few hours ago, we ~~have~~ passed this Bill on the ^{extension} ~~extension~~ of tenure of the Nairobi City Commission. I would like - I wish the Minister is here - that although this Bill has been passed, it is not the wish of the Nairobi people to have the life of the City Commission extended. The Bill has been passed but the truth is that the Commission has not done ^{its} ~~their~~ work properly and they must be told that. Although the Bill has been passed, the Minister must go home knowing that it is not the wish of the people. But there it is; what is left for us is only to pray to ~~g~~ God that the Commissioners are going to deliver the goods because they have not been doing so. I would like to say that if the coucillors are not---Those who were there, I agree they did not do a good job and the Government may explore the possibility of banning those who are not acceptable from participating in the elections and therefore, the elections can be ~~left to be done~~ ^{held} without ~~in~~ those councillors who were there before. The truth is that the residents of Nairobi want councillors and it is for the Government to consider ^{this} ~~when~~ is the opportune time.

END O.....

J.V.

MR. GACHANJA (ctd);

On the City Commission, Mr. Deputy Speaker, Sir, I would like to inform the Minister that he has been deceived by his Commissioners that all is well in Nairobi. Let him visit places like Dagoretti and look at the roads there. I believe that the Nairobi City Commission has squandered more money than the former City Council of Nairobi. So, the Minister should go and inspect all the clinics in the City and see what is happening. If something is not done quickly these clinics and health centres are going to start ~~sp~~ spreading diseases instead of ~~cur~~ treating them. I would like to suggest that all these health institutions in the City should be placed under the Ministry of Health instead of being run by the Nairobi City Commission. This is because the Nairobi City Commission is doing nothing.

Mr. Deputy Speaker, Sir, I would like to say something regarding those depositors who had money in the Rural Urban and Credit Bank Limited and the Continental Bank. The ~~a~~ Attorney-General is here I am sure hat he listens to the proble~~ms~~ of ~~the~~ these people. I would like him to do something about ~~this~~ this problem. I am sure that he is capable of assisting these depositors. Some depositors were paid only KShs.5,000/-. There is a lot of money which is still lying there and people are panicking and I would like the Attorney-General to do something about this problem; maybe his own signature is enough to enable these people to be paid whatever is left in those financial institutions.

The other point is about "Jua Kali" artisans. ~~Kaxix~~ The Minister for Industry is here and I would like to tell him that we do not have any "Jua Kali" shades in Dagoretti. I would, therefore, like the Minister for Industry to explore the ~~poss~~ possibility of---

MR. DEPUTY SPEAKER: Mr. ole Tipis.

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT

(Mr. ole Tipis): Thank you very much, Mr. Deputy Speaker, Sir, I would like to join my hon. colleagues in supporting this Motion which is very timely. Christmas is approaching and it is time we went back home to join our constituents in celebrating Christmas.

Having said that, I would like to point out that we in Kenya, must, from the bottom of our hearts, congratulate His Excellency the President, hon. Daniel Toroitich arap Moi, for the way he has conducted the affairs of this country. He has worked tirelessly for the people of this country. He works 24 hours a day. He goes around this country serving his people and his nation. Kenya has ~~never~~ never had it so good before. So, all Kenyans should thank His Excellency the President most heartedly for what he has done for us and for what he continues to do for this country. This country has never had it so good and we pray to God that in the ~~next~~ coming year things will be better. Of late a few things have been happening along our common border with Uganda. But as we all know there is nothing to panic about. We are capable of defending ourselves. We are not provoking anybody. We can only pray that peace prevails in that country. The people of that country should not attempt to provoke us. They should not violate our territorial ~~integrity~~ ~~integrity~~ integrity. If they do so then they should not blame us for whatever happens. But the truth is that our ~~army~~ ~~army~~ ~~army~~ soldiers are still in their barracks. This is because we regard the problem at the border to be a normal problem which can be ~~be~~ handled by the police. It does not matter whether the Ugandan Government gets support from outside. Our support comes from within us. We are watching the situation very, very closely and if things get worse we will act. We are capable of hitting very hard if not harder. So, as we adjourn, we should tell ~~put~~ our people that unity is our ~~strength~~ strength.

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT(Mr. ole Tipis)(ctd);

Mr. Deputy Speaker, Sir, our unity is very important ~~EXXEX~~ especially at this ~~month~~ time when we are getting threats from a neighbouring country. We should be more united in this country and face whatever comes our way. But as of now we are capable of defending ourselves.

Mr. Deputy Speaker, Sir, as leaders we should not pretend at all. Let us not, for God's sake, preach a gospel we do not believe in. We believe in the Nyayo ~~is~~ Philosophy; which is peace, love and unity. Let us create peace and pray that our enemies live in peace. Our enemies do not wish us well but we wish them well; we wish ~~for~~ them peace in their country.

So, as we go home, let us get our people together and prepare them----

I beg to ~~say~~ support.

DR. WAMEYO: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to speak on this Motion. Peace is a very important status in a country. We in Mumias would like to pay great tribute to His Excellency the President for maintaining peace in this country. We do hope that the small problem we have been having at the border will come to an end so that we continue living in peace.

Mr. Deputy Speaker, Sir, sugar cane farmers in Mumias are very grateful to the ~~former~~ Government for increasing the price of sugar cane last year, by KShs.41/- per tonne and instructing the sugar factories not to increase the charges on services. I am very grateful to the Ministry of Agriculture for reducing the price of transporting cane-cutters from KShs.5.90 per tonne of cane to KShs.2.00 ~~only~~ leaving KShs.3.90 for the farmer.

DR. WAHEYO (ctd);

Mr. Deputy Speaker, Sir, the Ministry of Agriculture went farther and abolished administration levy of KShs.3.30 per tonne of cane. So, ~~farmer~~ ~~thexfarmers~~ last year the farmers were awarded KShs.48.20 per tonne of cane without an increase in the charges charged by the companies. Because of that the morale of the farmers has improved and a lot of sugar cane has been produced to the extent that on ~~Friday~~ Monday, 14.12.87, at the Hotel Inter-Continental, the Mumias Sugar Company declared dividends and paid to the Treasury, KShs.42 million. This was as a result of the profits the Company made in preparation of ^{sugar} from the cane produced by the farmers.

END.P...

DR. WAMEYO (CPD):

This has happened as a result of peace in the country. Ever since I started talking about sugar-cane in this august House, the Government started receiving dividends. The first year it received Sh.8 million; the second year Sh.24 million; the other year Sh.30 million, and this year Sh.42 million. So, the dividends of the Government are going up. On the other hand, the farmers are very happy too, because what they are getting is enough to pay for services and leave something extra for buying shoes.

Mr. Deputy Speaker, Sir, the farmers have put a request to the Government. When they were producing maize, whenever they sent maize to the National Cereals and Produce Board (N.C.P.B.) they were refunded transport and the cost of the gunny bags in which they put the maize. Today, the farmers are charged for transporting sugar-cane from their shambas to the mills according to the distance. They pay Sh.70 for transporting a tonne of sugar-cane from the ~~fix~~ field to the mills. The highest charge is Sh.85 per tonne of sugar-cane, which is paid by the farmers who are very far away from the mills, such as those in Siaya, Busia and Lurambi South. The farmers would like to put it to the Government that it would be better if the factory did not charge for transporting sugar-cane to the mills, just as mize producers are not charged for transport. But if they must pay at all, it would be if they shared the cost equally, so that the farmers can have some more extra money to improve their fields.

Mr. Deputy Speaker, Sir; as we realise, the cost of living has risen. This is why the farmers literally refused to pay Sh.36 per kg of meat, and went for fish. This continued until the butchers had no option but to reduce the price of meat per kg to Sh.32. Even though, the farmers in Mumias are still not very interested in buying that meat, because they feel that that price is exorbitant.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support the Motion.

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (Mr. Nassir):

Bw. Naibu Spika, furaha yangu ni kwamba kwa huu mwaka mzima ambao tumekuwa katika Bunge hili, Mtukufu Rais ametusaidia katika mambo ya Harambee na katika mambo mengine mengine mengi sana. Lakini sikitiko langu ni kwamba Museveni ametuharibia Christmas na New Year yetu. Hii ni kwa sababu ukweli ni kwamba nia ya Museveni si nzuri kwa nchi yetu.

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THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (Mr. Nassir)(Ctd):

Bw. Naibu Spika, imani yetu Wakenya kwa Mtukufu Rais ni kwa sababu yeye ni mkristo mwema, ambaye anapenda amani. Lakini ndugu majirani hawaamini x amani ni kitu gani. Lakini tatizo si wao, kwa sababu wanatumwa na madola mengine, ambayo yamekuwa na wivu kwa Kenya. Kama Museveni bado anachimba ^{mchondali} ili kupigana nasi; analetewa vifaa vya vya kupigania, kama vile vifaruu, eroploni mbili kila wiki. Watoto aliowachukua kutoka hapa Kenya ili kwenda kuwafundisha kupigana, amewaleta; wengine wako Uganda na wengine wako Kenya, na hali sisi Wakenya tuna imani kubwa; hata ninawomba Mungu atubariki kwa imani X yetu.

Bw. Naibu Spika, sasa tuna Waganda iki wengi hapa Kenya. Hata hatujui ni yupi aliye mtu wa Museveni, na ni yupi ambaye ana imani na Kenya; tunazidi kuishi tu. Kwa nini Museveni hakwenda kupiga vita Dar es Salaam, Ethiopia au mahali pengine? Sababu ni kwamba sisi tumedumisha amani za mpaka Museveni akaona this is the place to go. Ikiwa wakati huu wa Christmas na New Year, sisi civilians, Wabunge na Mawaziri hatutaionyesha army yetu kwamba tuna hasira, Army haitafanya kazi vizuri. Hatuwezi kuwa tunakunywa pombe and kustarehe na wao waendū kuulinda mpaka.

END Q

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES

(Mr. Nassir)(Contd.):

Bw. Naibu Spika, ni lazima kila kiongozi na kila mtu aonyeshe kwamba tunakasirika na mambo haya ili na wao wakienda kupigana wapigan sawasawa. Kwa hivyo, nakubali amani lakini hatari iko katika Kenya na ni lazima tuwe macho. Lakini siyo kila siku kuimba eti tuna amani na demokrasia na kadhalika. Siku moja tutakuja kuona vibaya.

Mtukufu Rais ni kiongozi shupavu na ana wajibu wa kuweka amani nchini. Lakini sisi ambao ni viongozi pia ni lazima tuonyeshe hasira yetu. Hata tukimwona Mganda barabarani, yafaa tumwambie aende akamwambie Museveni tumekasirika. Lakini siyo kila mara tunakuwa kama tuko katika harasi. Kila mara kuna fujo, bunduki, analetewa ndege aina ya "C103" mbili kila wiki, ni vibaya sana. Watu wanaona huu ni kama mchezo. Basi, sisi tunalinda demokrasia yetu. Nakubali. In election we need democracy. Lakini mtu akikupiga na kukuchokoza, kuna hatari kubwa sana jamani. Hii ni kwa sababu ameona hapo ni mahali pa kucheze ndiyo akaanza kupeleka mikono yake pale. Lakini nasema ajaribu kucheze kwa Mwalimu Nyerere hapo au Ethiopia na ataona cha mtema kuni. Lakini ikiwa watu wanaona amani yetu ndiyo kitu cha kuchezea, ni vibaya sana.

Ukweli ni lazima usemwe. Wakenya ni lazima wawe macho, hata kwa wakati huu wa Krismasi. Yafaa wakimwona Mganda yeyote wamwambie kwamba tuna hasira kubwa sana na wao kwa sababu watu wetu, hasa madere wakirejea kutoka Uganda, wanapata taabu sana. Pia, ndugu zetu Wakenya wakienda Uganda wanapata taabu. Lakini Waganda wakija hapa Kenya, wana roho kubwa. Wanasema kwamba wana imani na Serikali yetu na wao ndio "Mitume wa^{ya} Yesu". Lakini watu wetu wanaumia. Kwa hivyo, kwa wakati huu wa Krismasi na Mwaka Mpya ninasema ni lazima kila mmoja wetu awe tayari. Mtu akikutukana leo, kesho anakupiga. Nasema kwa niaba ya watu wetu.

Pia, nataka kuwashukuru wale viongozi ambao ni ^{wazalendo} nationalists, na ambao kazi yao ni kufanya Harambee. Nawaombea Wakenya walionipigia

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES

(Mr. Nassir)(Contd.):

kura 1983 na Wabunge ambao waliizunguka Kenya mzima wakifanya Harambee

MR. DEPUTY SPEAKER: Your time is over, Mr. Nassir.

MRS. ASIYO: Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, very many Questions have been raised and in this House/which were not answered by the Ministries because of lack of time. I would like to appeal to all those Ministries to act on those Questions which were put to them but could not be answered. Some of them were very, very important especially those that dealt on matters touching on security as well as development of our country. The people in the rural areas and backward areas need a lot of assistance to develop.

Mr. Deputy Speaker, Sir, as many of the hon. Members have said here, Kenya has invested quite a lot in peace which has facilitated the fast development of our country, both politically and economically. I feel that we still need to invest more in peace so that those who are still doubtful can be sure that they are in the right leadership, and the right system of Government and also in the right country.

Mr. Deputy Speaker, Sir, perhaps I think it would be a good idea to take a few of our University students to a tour/^{of} some African countries so that they can see how our brothers and sisters in some of those great African countries like Nigeria and Ghana and the rest live. Perhaps after this visit they would come back with much more appreciation than they already have now.

Mr. Deputy Speaker, Sir, I think Kenya should buy both air and television time, especially in the Western countries, or in some of the Western countries where Kenya has been attacked in the newspapers everyday. Each time you open up a newspaper, somebody is sort of attacking Kenya. I think we should buy both air and T.V. time in those countries and show them films about us. Let them see how we organise

MRS. ASIYO (Contd.):

Harambee here, and see how even the very poorest of our people give the little money that he/she has for the development of the community. Let our diplomats also spare no efforts in answering some of these Western journalists who have taken it upon themselves to be attacking us and also to be the mouth-pieces of some of the people attacking this country.

Mr. Deputy Speaker, Sir, I wish to express the goodwill of the Karachuonyo people whom I have represented here since 1979 their loyalty and support to His Excellency the President, the Party, as well as the Government. His Excellency's job is very an unenviable. It is a very difficult task, and yet we know that there is no corner in this country that His Excellency the President does not visit. We know that he knows the truth about every corner of this nation. He knows the truth about every leader in this country, and we would wish to feel that those trouble shooters, liars and mean politicians who will use their thorax to destabilise other well-meaning politicians would be silenced before our next elections so that we can have peaceful elections. I appeal to such men and women to start behaving like gentlemen and ladies, and to observe the democratic institution which we cherish in this country so that we can avoid interference with the development of the ordinary mwananchi whose only wish is to develop, or to live a little bit better than he lived last year.

Mr. Deputy Speaker, Sir, I want to appeal to the Minister for Agriculture to give us some tractors for hire in Karachuonyo because most of our cattle died. Often we have had oxen-driven ploughs, but we have no cattle now. So, we need some tractors for hire during the next season so that we can have sufficient food.

Mr. Deputy Speaker, Sir, maintenance of roads has already been talked about, but I also want to mention it in passing. The Ministry of Transport and Communications should do as much as it can to facilitate

MRS. ASIYO (Contd.):

the movement of school children and school milk as well as to open up roads to fish beaches, markets, to both primary and secondary schools, and make it easier for our people to move.

Mr. Deputy Speaker, Sir, cotton farmers must be paid on time. There is no reason why Kenya should be importing cotton from Japan and other countries overseas when Karachuonyo alone can provide enough cotton to run all the textile industries in the country.

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

THE MINISTER FOR LABOUR (Mr. Okondo): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to join my colleagues in wishing everybody, from yourself, a merry Christmas and a happy new year. I also wish my colleagues in the House ^{who have} given me support throughout the year a merry Christmas and a happy new year too. I also wish His Excellency the President who has taken so much of his time to lead the nation ^{at} many great risks, a merry, merry Christmas and a happy new year, and also a successful 1988.

Mr. Deputy Speaker, Sir, this country today is on its proper footing because of the leadership of His Excellency the President for the way he has directed us, he has managed the economy, and also managed personal relations. That is why we are here speaking democratically.

Mr. Deputy Speaker, Sir, I would like to express particular gratitude to him because of what he has done on the Western border. Right now it is quiet on the Western frontier.

End R.

THE MINISTER FOR LABOUR (ctd):

Mr. Deputy Speaker, Sir, it is quite largely because of the great restraint His Excellency the President has shown in not deploying the military forces and only having the administration policemen to control the border. When I visited the border a few days ago, I found that the administration policemen were dressed ~~most~~ mostly in camouflage; they had guns and had kept the enemy properly on his side. That is what the success of His Excellency the President has about in keeping cool when the tempers were running wild. It is a pity to see beautiful buildings that used to be, are pocked with bullet all over the place and are very badly damaged. Fortunately, none of our people was killed as we hear that a number of their soldiers were killed.

I believe that the National Resistance Army (NRA), Museveni and other leaders should have read us properly and got the message. No matter how much they plan, there is no way they can possibly win. Whatever their target is, they must abandon it because we are sure to win and they ought to get that message and keep quiet. What Uganda should be doing is to really thank us for helping their systems to work. This is because they need us more than we need them and they really ought to co-operate with us. Unfortunately, the history of Uganda shows very clearly that every dictator^{or ruler} who comes up in that country, wants a part of Kenya. Why should they want a part of Kenya and yet they have the border? We are given them a warning that that will not happen. It is much better they ~~stay~~ stay home and run their affairs in a friendly atmosphere and attitude to Kenya and they will succeed.

Sir, I would also like to take this opportunity to repeat what I said earlier in this House that we have a lot of time to do what is good, to build up relationships and bridges amongst us as politicians, Members of Parliament and the community. We have a lot of time to do that. Very often, instead of using that time to build good relationships and friendliness, we use it for fighting one another and to spread bitterness. We should spend

that in building bridges and being friends. This is because there is a lot of development work to be done, so much so that if you look around, you will just wonder why we have not done that it and when we will do it. A lot of my hon. colleagues spend time trying to undermine and destroying others instead of concentrating in helping to grow more grass; bananas and in assisting in road construction, helping a friend to get home and feed the next child or get a dress for the next child. Most of our time, as politicians, should not be spent on fighting one another. If we turn around, we will find that we still have time to do so. We should help each other rather than fight each other. Why should we fight each other so much? We have all done a good job. From the ~~records~~ records of this House this Year, I must say that I have received splendid support from the hon. Members of this House - whether from the Back-Bench or not - in the work that has been done by Ministry. I do expect that that kind of good spirit and co-operation will continue while we are on recess until we come back. It is my wish that when we come back, we shall still have that good spirit of co-operation.

I beg to support.

Deputy

MR. MUTISO: Thank you, Mr. Speaker, Sir. I would like to join my colleagues in supporting this very important Motion that the House adjourns sine die a second time. It was rather unique, in the history of this Parliament, that the House that the House has had to adjourn sine die twice. Because of the very unique reasons, we were called back and I am glad that we have performed the duty which we were called for.

Having said that, I would like to join my colleagues who have expressed the view that the House should ~~adj~~ adjourn so that we can go and carry out Kanu recruitment drives. I would also like to wish the hon. Members a merry Christmas and a prosperous new year. I would like to remind them that the meaning of Christmas which we are looking forward to is a time when the Saviour of the world was born. It was at this time that the ~~wzaki~~ world had maximum peace and that is why our Lord is called the Prince of Peace.

He was born at a time when there was absolute peace in the world after many years of vigorous wars between the Greeks and the Romans. It was because of this that Emperor Augustus Ceasar found it necessary to know the number of the people that he was ruling, and called for a census. We know that there was only one capital city in the world in those days. That city was called Rome and Augusts Ceasar was living there. Our Saviour was born when the census was going on. There was peace at that time.

I would like to ~~wish~~ wish the hon. Members of this House and, the country in general, that same peace which our Lord gave us. This is because He said that he is giving us peace and leaving us with his peace. When we go back home, we should enjoy Christmas with that kind of peace and ensure that our country ^{is run} ~~is run~~ with that atmosphere.

The only thing that I would like to caution our people ⁱⁿ that their imaginations should end with what Uganda has done. I still caution this country to be on the alert. This is because we keep on hearing that Libya is sending forces to Uganda. We can only suspect that they are re-organizing themselves for even a major operation in Kenya. This is because we cannot see the reasons why they are amassing such a number of forces and why Libyan ^{forces} ~~are~~ coming into Uganda. Whom are they going to fight? We know that Uganda has not been at war with any other country except when they attempted to attack Kenya. Perhaps, they are dreaming that if they use Libyan forces, they can still come and attack Kenya. It is on this note that I would like to alert our people and our armed forces to keep an eye and keep these people on close watch and monitor their movements and activities. In this way, any ~~move~~ move they make towards Kenya, will be answered for squarely.

I beg to support.

End S J/A

MR. J.N. MUNGAI: Thank you very much, Mr. Deputy Speaker, Sir, for giving me a chance to join my colleagues in wishing the hon. Members of this House a very merry Christmas and a happy and prosperous new year, ~~and~~ ^{let me} most of all, ^{let me} wish His Excellency the President a merry Christmas and a happy and prosperous new year.

Let me start by thanking his Excellency the President for the manner in which he has steered this country and ~~also thank~~ ~~him~~ for the amount of work he has done in my constituency, particularly. By saying so, I have in mind the farmers there, who the President has come to rescue often-times. I remember when the pyrethrum farmers were not paid, and His Excellency the President, after a long time, came in ^{and} intervened, ^{ed} look for money from wherever he did, and the farmers were eventually paid, even though it was after one and a-half years.

Let me also not forget to thank him for rescuing the cereals farmers when they had not been paid for the crop they had delivered to the National Cereals and Produce Board. Immediately he intervened, they were paid. I am appealing that when these farmers start delivering the new crop ~~which~~ ^{is} already in the stores and ~~is~~ ready for delivery, ~~that~~ the people manning the National Cereals and Produce Board come forward and pay for the crop, as per the instructions by His Excellency the President that the crop be paid for ~~it~~ on delivery.

Mr. Deputy Speaker, Sir, historians will write, and do so ~~we~~ several times ^{and} I believe that the paper from Webuye may not be enough to write on ~~in~~ whatever His Excellency the President has done for this country. Let me ~~do~~ not forget the Nyayo ~~hospital~~ ^{hospitals} in my area. I know he has helped put up Nyayo wards in other ~~is~~ areas of the country, but in Elburgon, in my own constituency, he has put up the first Nyayo hospital.

MR. J.N. MUNGAI (ctd.):

On behalf of my people in Nakuru West Constituency, let me not forget ^{to thank} His Excellency the President for starting the first Nyayo hospital in Elburgon. Let me assure the hon. Members that when it comes to the time of the Harambee funds drive in that place, they will see, not a Nyayo ward, but a Nyayo hospital. It is magnificent; it is one that will leave history in that place; it is one that is not a tent but a magnificence that will ~~live~~ live and live to be remembered in that place for a long time.

Let me also now talk ~~n~~ about the forest workers, whom I represent. I say I represent them because I think half of the inhabitants of Nakuru West are forest workers. I ^{can} see that the Minister for Environment and Natural Resources is here. All I can say is that I know ~~the~~ that in recent times, they have been disturbed here and there, being told to remove their animals from the forest and being told to stop cultivating the small shambas they have been cultivating in the forest. Let me only appeal to the Minister, once again, that these people kept these animals, not because they wanted to keep them on their own, but they sought for permission to start keeping them. When they ~~se~~ started keeping them, they were allowed a maximum and a maximum of the number of animals they were supposed to keep. Let me appeal ^{to} the Minister to allow these people ~~w~~ to keep at least two cows, one calf, one bull, 10 sheep and one donkey for ^{their} transport, other than just ^{telling} ~~tell~~ them to keep the animals off the forest. What is wrong in the people using donkeys to transport their goods to the forest ~~k~~ stations where they work so harmoniously for the Government. We all know that the roads in the forest stations are so bad, and it is just impossible ~~k~~ for matatus buses or trucks to go to

MR. J.N. MUNGAI (ctd.):

the forest. These people can only transport ~~in~~ their requirements by using donkeys.

Mr. Deputy Speaker, Sir, we know that the ^{school} children in this country are being given milk ~~in~~ in schools. If these children go back to their forest homes ~~in~~ only to miss milk, what shall we say we are doing? We know that these animals can be controlled from causing any soil erosion in that place. I know they can cause gully erosion, but in any case, they are also helping to cut short the grass and in so doing, chase away the rats which might eat the tree seedlings.

I would now like to talk about Uganda. Ugandans are just forgetting what they should be doing. Museveni is ~~is~~ only mortgaging his country to fight a nation which has been consolidating for the last 24 years. We are too strong to be moved by Museveni. He should be ~~is~~ told, in no uncertain terms, that we fought the colonialists ^{through} ~~by~~ the unity. We did that without any stability. This time, we have had our Independence and we are stable. The same unity we used to kick out the colonialists who were in this country is the same unity we are going to use ^{on Museveni}.

MR. KAITUREN: Thank you very much, Mr. Deputy Speaker, for also giving me this opportunity to join my colleagues in supporting this Motion.

Mine is very short and I will not have to take a lot of time. I would like to thank His Excellency the President for what he has done for ~~his~~ people in this country. Immediately he took over the leadership of this country, he moved from one location, district and province to the other in an endeavour to help the wananchi, particularly in conducting Harambee funds drives. The President has taught us from time to time that we be mindful of ~~the~~ other people's welfare, as leaders of this country.

MR. KAMUREN (ctd.):

If we did this, with the unity we have, entrenched in our hearts, as leaders in this country, we would always remain to reap the fruits of our Uhuru.

We know that right now, ^{with} we/leaders in this country, have been vested with a lot to do/in wananchi. Those wananchi who ~~is~~ elected us to this House have such confidence that they want nothing but to see our unity; they want to see that we are united for a cause and to bring the 22 million Kenyans together, so that we are able to do what the ~~px~~ President wants us to do in terms of development.

Mr. Deputy Speaker, Sir, I would also like to thank the security personnel in this country, particularly the police, the special branch and the Criminal Investigation Department. Whenever our people move from one corner of the country to the other, they ~~have~~ do so with a lot of confidence, particularly since ~~when~~ they know that they have people who can protect them wherever they are. This is very important. Some of these officers who have a lot of experience in ~~a~~ security work should be given promotions and they should be taken care of by the Government so that they know that ~~is~~ whatever they do is recognized. They should ~~g~~ be given promotions as per their knowledge and the performance work at their places of work.

We know that what is going in ~~is~~ Uganda at the moment is not pleasing to us because we are here to protect our sovereignty. We have never gone across the border ~~and~~ into Uganda. Our policemen did a good job in chasing away the National Resistance Army soldiers who wanted to invade our land. We have to make it clear in this ~~r~~ House, as leaders, that we are not prepared, in any case, to interfere with what is happening in our neighbouring

MR. KAMUREN (ctd.):

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states. We want to protect ourselves and do whatever we do in Kenya ^{to} ~~and~~ remain as Kenyans. We have never provoked anybody, and we do not wish to do so.

When we ~~it~~ go on recess, I would like the Ministers in this House to see if they can spare time to move from one place to another to ~~help~~ help wananchi in raising money for building workshops in primary schools. I am saying this because a Minister is appointed to run a ~~a~~ Ministry, and that Ministry is supposed to serve the 22 million people of this country. We have a Minister, Assistant Ministers and ^a Permanent Secretary in every Ministry. Each of these people should be able to ~~x~~ move from one corner of this Republic to the other. Let them all be seen by ~~we~~ wananchi.

As concerns afforestation, to protect ourselves from desertification, we have to plant ~~y~~ trees in order to conserve soil.

With those few remarks, I beg to support.

END T.



(Hon. Mbori stood up in his place and bent over the seat in front of him)

MR. SHIKUKU: On a point of order, Mr. Deputy Speaker, Sir. Have you noticed what hon. Mbori ^{did?} ~~eyes?~~ He virtually ^{went} ~~goes~~ over the back of the seat in front of him to make sure that I ^{was} ~~am~~ not seen by the Chair. Is that in order.

THE ASSISTANT MINISTER CULTURE AND SOCIAL SERVICES (Mr. Michuki):

Thank you very much, Mr. Deputy Speaker, Sir, for granting me this opportunity so that I may join my colleagues in supporting this Motion and make my personal contribution.

First and foremost, I would like to use this opportunity in extending my Christmas greetings to His Excellency the President, my own constituents and all of my ^{hon.} ~~my~~ colleagues in this House. I also greet the staff of the National Assembly who have served us well during the period that we have been here.

I would also like to thank His Excellency the President, on behalf of my constituents, for the most successful Harambee funds-drive that he presided over and conducted in my constituency last month. My constituents are very appreciative of ^{the fact,} ~~and~~ very happy, that Gitugi Girls Secondary School was so highly honoured by the presence of His Excellency the President there.

Quite a lot has been said by the previous speakers, so I think that all I can add, within the time available to me, is that unity of purpose is paramount. As the previous speakers have said, wananchi want to see the unity of leaders demonstrated by action. It is not enough just to talk about it; wananchi want to see this unity in action. In this respect we need unity now more than ever before, particularly now that there are signs that Uganda wants to use reverse reasons to divert its own people's attention from its own internal problems by trying to play what looks like, if I may say so, "a monkey business" across our border.

Some hon. Members here, particularly the ^{hon.} ~~the~~ Member for Emuhaya, know that I have lived at that border for two years as a district officer. I know that our people are very peaceful, and that they could not have done anything that might have contributed to the provocation of Ugandans. Indeed, I have been

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Mr. Michuki)(Ctd.):
wondering what has been happening because His Excellency the President has already said that maintaining the security of Kenyans is his paramount duty. If Ugandans wanted to test that statement, its truth has been very promptly and adequately proved by action. Therefore, we hope that wisdom will prevail in Uganda. We are not begging for respect to our Head of State.

Particularly, the document that was produced here by the ^{hon.} Member for Mathare annoyed a lot of us because by its very implication, it touched on every Kenyan. I had the occasion of being in an international meeting of African countries where 39 countries passed a vote of thanks to our President, His Excellency Daniel arap Moi, without dissent. I think that Uganda ought to note that. Our Leader in Kenya has acquired that very high respect.

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

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS (Mr. Mak'Anyengo):

Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to join my colleagues on this Motion. I support the Motion because we need to go back to our constituencies and help in the recruitment of Kanu members, which is not doing very well at the moment.

In my contribution, I would like to thank the President for all that he has done for this country and for ensuring that there is stability and security in this country, although some lunatics are trying to interfere with our stability. It is my feeling that when one is dealing with a mad fellow, he should speak a language that the latter understands. Similarly, when you are dealing with a bush man, you should talk to him in a language that he can understand, that is "bush" language.

It is most unfortunate that the President of Uganda has underrated the capability of Kenya to reply to him. I hope that he is not going to provoke us more than he has already done. If he thought that Kenyans are divided, we would like to let him know that we are fully united behind our Government and President. If he plays about, we will show him what he needs to be shown.

Having dealt with that point, I would now like to thank the

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS (Mr. Mak'Anyengo)(Ctd.):

Government for what it has done in my constituency. We thank it for the provision of water and health facilities in the area. However, there are still other things that need to be attended to, particularly, by the Ministry of Transport and Communications. During the last short rainy season, many roads were washed away, and I would like to appeal to the Ministry to look into this matter. In order to understand the problem, I would like to call upon the Minister and his z Assistant Ministers to try to tour Nyanza, particularly Ndhiwa. For four years now, none of these hon. Members has toured the place. I would now call upon them to tour the place and check on what is going on there. Oria Bridge, for example, and other bridges in the area are falling apart, and we request the Ministry to repair them so as to facilitate smooth communication in the area.

As for the Ministry of Tourism and Wildlife, it is high time that it attended to Lambwe National Park. There was a plan for the fencing off of the area, but the fencing was done in such a way that wild animals keep on coming out to disturb wananchi. We would request the Ministry to use some of the funds that have been allocated to it to improve the roads in that national park so as to attract tourists.

END U 

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS (Mr. Mak'Anyengo) (Ctd.):

Mr. Deputy Speaker, Sir, I know that the election fever is now on and I know, too, that there are very many politicians who are trying their luck. The advice we would like to give them is that they should stick to the rules of the game. In other words, if they want to contribute towards development through the Harambee/^{meetings} ~~these meetings~~ should not be turned into political rallies for campaigns. I am saying this, Sir, because ^{it} ~~this~~ has been happening in South Nyanza, particularly, in Ndhiwa. In addition to that, there has also been some ^{bydding} ~~some~~ politicians who think that for them to go through, they have to plant certain ~~xxx~~ candidates in various areas. Those who have been thinking that they can plant candidates in Ndhiwa are wrong. I stand here now to tell them that they are having a ^{day's dream} ~~day's dream~~ because the Ndhiwa people are quite alert and they know exactly what to do. So, those who are ^{thinking} ~~dreaming~~ of planting some ~~2~~ candidates in ~~if~~ that constituency, are having a ~~day's dream~~ ^{day's dream}.

In conclusion, Mr. Deputy Speaker, Sir, I would ^{also} like to warn the civil servants who intend to become politicians that the rule of the game is that they are supposed to resign before they become politicians.

With those few remarks, I beg to support.

MR. SHIKUKU: Ahsante sana, Bw. Naibu Spika, kwa kunipatia nafasi hii. Kwanza, ningetaka kukushukuru kwa kunipatia nafasi hii. ^{pamoja na jamii} Ningetaka kukutakia heri/yako ~~xxx~~ Krismasi nzuri na mwaka mpya mwenye mafanikio mema. Vile vile, nimewatakia Wabunge wote na wananchi wote kwa jumla Krismasi nzuri na mwaka mpya.

^{nao fisa} Jambo la pili ni kwamba ningetaka kuchukua nafasi hii kuwaambia ~~watu~~ wa Sauti ya Kenya kwamba ukweli utadumu. Mimi ninajua kwamba wale waandishi wa habari wa Sauti ya Kenya katika Bunge hili, huandika maneno yanayosemwa katika Bunge hili. Lakini kuna wakubwa kule ~~xxxx~~ ofisini ambao kazi yao ni kuyakata maneno yanayosemwa na Wabunge na kuyatupilia mbali. Ingefaa wajue kwamba siku moja wao wenyewe watakatwa."

Bw. Naibu Spika, juzi niliita Press Conference kusema juu ya ~~if~~ mkutano uliofanywa ^{ya} mhe. Angatia. wa Harambee/ katika sehemu/ Baada ya ule mkutano wa Harambee, Sauti ya Kenya ilisema kwamba "Bw. Shikuku alichanga Shs.8,000 katika sehemu ya B mhe. Angatia."

Lakini ukweli uliandikwa katika gazeti la Standard. Mimi sikutoa Shs.8,000/-, mbali nilitoa shs.3,000/- na nikatoa kundi post-dated cheque ya Shs.650/-. Mimi siwezi kutoa Shs.8,000/- kwa sababu, ^{Nilikifanya} ni hapofanya hivyo, watoto wangu watakula nini? Pesa zangu ni zangu binafsi, na si "zangu na marafiki wangu." Ninawashukuru Wabunge wengine walioniambia, "tunesikia kwamba utakwenda kwa mkutano wa Harambee na kwa hivyo, tunataka kukupatia pesa", lakini niliwaambia, "hapana".

Hata MR. MUNYAO: Ndio, tulikuwa tayari kukupatia!

MR. SHIKUKU: Hata mhe. Munyao yuko hapa na anasema kwamba walikuwa tayari kukupatia hizo pesa, lakini niliwaambia ~~kwa sababu~~ nikizichukua hizo pesa hizo na mmoja wao afanye makosa, sitaweza kumtoa makosa hayo kwa sababu ni tukuwa nikifikiria juu ya ~~hizi~~ pesa ambazo alizonipatia. Kwa hivyo, ninataka kubaki huru ili niweze kuyasema maneno ~~ni~~ yaliyo mabaya kwa mtu yeyote bila kufikiria kwamba alinipatia pesa za Harambee.

Jambo lingine, Bw. Naibu Spika, linahusu msemu ~~kwamba~~ kwamba mikutano ya tunataka/Harambee peke yake, na ikiwa unataka kuzungumza katika ~~hizi~~ mkutano wa Harambee, ni lazima kwanza utoe pesa. Jambo hili ni kinyume cha Kifungu nambari 78 cha Katiba ya Kenya. Ni lazima kila mtu awe na uhuru wa kusema, iwe ~~na~~ ana pesa au hana pesa. Huu mchezo ambao umeanza sasa ambapo ikiwa ~~ni~~ huna pesa huwezi kuzungumza katika mikutano wa Harambee, ~~hizi~~ utalifanya Bunge hili lijae watu wakubwa walio na pesa na wale maskini watabaki nyuma na watoto wao, hata w~~ak~~ akifundishwa, watakuwa wakipoteza wakati. Nasema hivyo kwa sababu hawataweza kuwa Wabunge katika Bunge hili kwa vile wanatoka katika jamii maskini. Jambo hili ni kinyume cha uhuru tuliopigania.

Jambo lingine ambalo ningetaka kutaja linahusu habari ya ^{wapigania Kura.} candidates. Nimesoma katika magazeti kwamba mimi nimesema maneno yasiyo ya kweli, lakini ukweli ni kwamba mimi siyasemi maneno yasiyo ya kweli. Ukweli ni kwamba kuna wakubwa wengine ambao wanataka ~~hizi~~ kuitumia mikutano ya Harambee kuwaweka wapinzani wa Wabunge walioko hapa Bungeni, ili wawapinge kule. Ni lazima watu hawa wajue kwamba watawuna matunda ya maovu yao. Mimi nimeambiwa kwamba tawi la Kanu lilipokuwa likikutana, lilisema ~~kwamba~~ kwamba ~~hizi~~ niliyasema maneno haya katika ule mkutano wa Kabras, lakini ~~ni~~ ukweli ni kwamba sikuyasema maneno hayo. ~~Nilikuwa hivi~~ ^{Nilikauacha} Nilikanusa hivyo hata katika Press Conference na sitayaondoa yale nili yosema

katika Press Conference wala sitaomba msamaha kwa sababu ninajua niliyosema ni ya kweli. Wananchi si wapumbavu na wanajua/ⁿⁱnani anafanyana nini. Wengi wa Wabunge ambao wanafanya mambo maovu hawataliona Bunge hili tena. Watasikia kwamba Shikuku amerudi hapa, lakini wao hawatarudi hapa.

Jambo lingine ambalo ningetaka kusema linahusu udanganyifu wakati wa uchaguzi. Sisi tunataka umoja, demokrasia, amani na mapenzi. Ikiwa haki itafanywa, ni lazima wakati wa uchaguzi ujao wananchi wapewe nafasi ya kuwachagua wale wanaotaka na si wale ambao watu wengine wanasema, "huyu ni mtu wa Serikali". Ni lazima wananchi wapewe uhuru wa kuwachagua wale wanaotaka na hatutaki maafisa wa utawala au watu wengine wauingilie uhuru wa wananchi. Kwa hivyo, ni lazima wananchi wapewe nafasi ya kuwachagua wale watu wanaotaka na si kuambiwa, "huyu ni anatakiwa lakini yule hatakiwi". Vile vile, hatutaki maneno ya pesa yaingilie uchaguzi. Heri wananchi wale pesa za wakubwa kwa sababu pesa hizo ni za zao ambazo waliiba. Hata Mtakatifu Ambrose alisema, "All that is given, is usually what was taken from the people and is being returned to them". Someni ~~kit~~ katika kitabu kinachoitwa, "In God's name" by David Yalop. Kwa hivyo, hata Mtakatifu Ambrose anajua kwamba wale wenye kutoa pesa nyingi walizinyakua na kwa hivyo, wanazirudisha na ni heri ~~wakix~~ wananchi wasipokee kwa mikono yote.

C.C Bw. Naibu Spika, kuhusu watu walio na pesa nyingi, ningetaka ~~ku~~ kuwaomba waje kule Butere ili kuwasaidia watu wa ~~ku~~ huko. Ningetaka wafike kule Butere na kuzimwaga pesa zile kule ili watu wa Butere wafaidike. Nasema hivyo kwa sababu tunajua kwamba dume wako akimpanda ng'ombe ~~ezizi~~ wangu, yule ng'ombe anapozaa, yule ndama pamoja na maziwa ya mama yake yanakuwa yangu na dume wako hawezi kukuletea chochote. Kwa hivyo, tuko tayari kuwapokea na kwa hivyo, tungetaka kuzichukuwa pesa hizo kule Butere.

Kwa hayo machache, nknawatakieni watu wote Krismasi nzuri ~~mpaka~~ pamoja na mwaka mpa. Naunga mkono.

MR. KOSKE: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to, also, contribute to this Motion. First of all, I would urge the Government to see to it that all the promises that have been made by the Ministers, while ~~was~~ answering various Questions in this House, are fulfilled because wananchi are waiting for them. Also, Sir, I would like to urge Government to see to it that the acaracides for cattle dips are ~~is~~ always made available. If they anticipate any ~~any~~ shortage (in future at all), they should warn farmers, in advance, so that ^{to} they can ~~exercise~~ exercise extra care.

Mr. Deputy Speaker, Sir, I would also like to urge the Government to see to it that the survey work, which is going on in the various areas where subdivision of land has not been completed, is accelerated. The issuance of the title deeds should also be expedited so that they can be issued to wananchi as soon as possible. At the same time, Sir, the Rural Development Funds which are meant for rural development projects should be handled by the local/^{committee} members of such areas where the projects are situated, instead of allowing the district development officer ^S to handle such funds alone. The local committee members should be able to know, right from the beginning to the end, ~~of~~ the projects being undertaken in their area so that there is no argument as to how much the project is to spend, or ~~as to~~ the question of saying that some of the money was not well spent.

Mr. Deputy Speaker, Sir, I also urge Government to see ^{to it} that local contractors are given the first priority in handling projects which they are capable of handling. I would also like to urge Government to see to it that local materials are used in our ~~in~~ projects. I am saying this because it has been ~~was~~ reckoned that some people are buying ~~it~~ and transporting timber ^{from} as far as 60 miles, whereas they could buy timber from within the locality where the project is being established.

END V

22.12.87.

JMK

MR. KOSKE (ctd.):

Mr. Deputy Speaker, Sir, I would also to urge the Government to ensure that the National Cereals and Produce Board opens more grain buying centres so that farmers can sell their grain in time. It is very surprising to hear that some of the farmers who have sold their maize to the National Cereals and Produce Board have not been paid up to now, although it has been said that payment should be done on delivery. We do not want to repeat this matter every now and then and, therefore, those farmers who have not yet been paid should be paid immediately.

Sir, sometimes in the past, the Kenya ~~Co-operative~~ Co-operative Creameries was requested to establish milk buying centres in respective convenient places to farmers, and I would like to urge the Government to ensure that this exercise is accelerated.

Mr. Deputy Speaker, Sir, we thank the Government very much for the formation of new locations in ~~many~~ various areas, but we would like to point out that quite a number of these locations have not yet received adequate personnel. For that reason, I would like to urge the Government to ensure that new chiefs are employed to man such locations. It should also be taken into account that these new locations will also have councillors to represent them in the respective local authorities.

Sir, a number of Motions were passed in this House in the course of this ending Session, and wananchi are waiting to see the implementation of such Motions taking place. Some of us do not want wananchi to be let down and, therefore, the Ministers concerned should see to it that all the Motions which have been ~~passed~~ passed in this House are implemented as soon as possible.

With those few remarks, Mr. Deputy Speaker, Sir, I beg to support the Motion.

THE ASSISTANT MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (Dr. Karanja):

I thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to make a few remarks in support of this Motion.

I would like to start by saying that this House wants to confirm and re-affirm that as a nation or as a democracy, we shall not be diverted from our chosen path of development under the wise leadership of our President, His Excellency

W.2.

22.12.87.

THE ASSISTANT MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (Dr. Karanja)(ctd.):

Daniel arap Moi. I would also like to state that we, as Kenyans, are not against foreigners as it is being alleged in the foreign Press. We are not afraid of them either. On the contrary, we welcome foreigners in this country. After all, we have very many foreigners who live here and they are very much welcome. What we do not want are people who are here with the intention of subverting our society. All those foreigners who are well intentioned are welcome to come here and stay. I would like, particularly, to mention the propagandist ~~radio~~ station called British Broadcasting Corporation, which was at one time regarded as the most reliable broadcasting organisation in the world. Today, the station has become an organ of propaganda and it is clearly biased against Kenya. I think we should say that the people they choose to comment on Kenyan affairs are very well known marxists and rebels.

END..... W.

THE ASSISTANT MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY

(Dr. Karanja)(ctd);

Mr. Deputy Speaker, Sir, the views expressed by these people are meant to create discord among our people. I would therefore like to appeal to the British Broadcasting Corporation to be more level-headed and produce more balanced reports on ~~Kenyan~~ Kenyan affairs without any bias or propoganda. We are here to support His Excellency the President in his efforts to improve the standards of living of our people. We are supporting him completely and steadfastly and we will continue to do so because we want to strengthen and enhance our democracy so that all the people of Kenya are given equal opportunities to develop their own skills and their own ~~own~~ ways of life.

Mr. Deputy Speaker, Sir, I would like to wish my colleagues here and my constituents ~~and~~ and all the people of Kenya a Merry Christmas and a Happy New Year. We will ~~not~~ meet next year. Thank you.

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS(Mr. Mweu):

Nakushukuru sana Bw. Naibu Spika. Niko na mambo mawili ambayo ningependa kuyataja hapa. Lakini kabla sijafanya hivyo ningependa kuichukua fursa hii kumshukuru Mtukufu Rais kwa kuiongoza nchi hii vyema. Mimi namtakia ~~Krismasi~~ Krismasi yenye furaha na Mwaka Mpya wenye heri na fanaka. Pia ninakushukuru wewe Bw. Naibu Spika kwa kuziendesha shughuli za Bunge hili kwa njia nzuri. Kwa hivyo hata wewe nakutakia ~~krismasi~~ Krismasi yenye furaha na Mwaka Mpya wenye heri na fanaka. Pia ningependa ~~kuziendesha~~ kuwashukuru Wabunge wenzangu kwa kufanya kazi nzuri.

Bw. Naibu Spika, jambo langu la kwanza ni juu ya hali ya mvua katika wilaya ya Kitui. Ninajua kwamba kuna sehemu nyingine nyingi za nchi hii ambazo hazina mvua ya kutosha. Mvua ilianza kunyesha kwa njia nzuri kule Kitui. Lakini utaona kwamba mvua hiyo

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS (Mr. Mweu)(ctd);

haikuendelea kunyesha kwa muda mrefu. Kwa ~~hii~~ wakati huu wilaya ya Kitui haina mvua ya kutosha.

AN HON. MEMBER: @ Mwombeni Mungu.

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS(Mr. Mweu): Bw. Naibu Spika, Mbunge fulani anatuhimiza tumwombe Mungu. Ukweli ni kwamba sisi tunaomba na tunaamini kuwa maombi yetu yanamfikia Mungu kama vile maombi ya watu wale wengine yanavyomfikia. Lakini ukweli ni kwamba hali ya mimea katika mashamba kule Kitui ni mbaya sana. Yaonekana wazi kwamba hatutaweza kuvuna cho chote wakati huu. Kwa hivyo ningependa kusema hapa kwamba kutakuwa na upungufu mkubwa wa maji katika wilaya ya Kitui. Pia hakutakuwa na nyasi ya kutosha kwa mifugo yetu kutokana na hali hii ya ukame. Kwa hivyo ningeiomba Wizara inayohusika ihakikishe kwamba mipango ya kugawa chakula imefanywa bila kuchelewa. Mpaka sasa chakula kinapatikana kwenye depots za National Cereals and Produce Board katika makao makuu ya tarafa. Utaona kwamba wananchi wanalazimika kusafiri umbali mkubwa kwenda kununua chakula. Kwa hivyo yafaaa kila lokesheni iwe na sub-depot ili wananchi waweze kupata chakula bila matatizo. Ikiwa jambo hili halitafanywa wananchi watakabiliwa na taabu kubwa sana. Ninajua kwamba jambo hili limepelekwa katika Ofisi ya Rais na ni matumaini yangu kwamba mambo yatarekebishwa. Lakini wakati huu kuna upungufu wa chakula katika wilaya ya Kitui. Hii ndiyo sababu watu wengine wamekwenda katika wilaya hiyo ~~wakikuwa~~ wakitumia njia ambazo si halali na ~~kuanzi~~ kuwauzia wananchi mahindi kwa bei ya juu sana.

Jambo la pili ambalo ningependa kuligusia sasa hivi ni kuhusu maharamia na majangili ambao wanawasumbua watu katika sehemu ya Kitui Mashariki na Kaskazini.

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS (Mr. Mweu) (ctd);

Bw. Naibu Spika, itakumbukwa hapa kwamba w_ akati uf
 fulani mwaka huu majambazi waliokuwa na ^{silaha} silaha walilishambulia
 bas moja lililokuwa limejaa abiria na kuwaua watu wengi. ~~Basidi~~
 Baadhi ya watu ndani ya basi hilo - ambalo lilikuwa likielekea
 mahali panapojulikana kama Kalwa katika sehemu ya Ngomeni - waliumia
 na ~~wengine~~ wengi wao wakauawa. Pia utaona kwamba wiki tatu
 zilizopita majambazi wengine walikuja na kuiba ng'ombe zaidi ya
 300 na mbuzi zaidi ya 100. Utaona kwamba kutokana na kisa hicho
 watu wamekuwa na hofu kubwa. Hofu ya aina hiyo iliwakumba watu
 mwaka wa 1979. Wakati huo watu walikuwa wakilala msituni. ~~Hali~~ Hali
 hii ya wasi wasi imeanza ~~kuwakumba~~ kuwakumba watu tena katika sehemu
 hiyo. Kwa hivyo ninaiomba Serikali ijaribu kuimarisha hali ya
 ulinzi katika sehemu hiyo ili watu wetu wasiendeleo kuhangaishwa
 na hawa majambazi wenye ~~silaha~~ silaha. Wao huiba ng'ombe na
 kutoroka nao. Wamezidi sana wakati huu.

END...X.

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS (Mr. Mweu)(Contd.):

Hata kwa wakati huu wamechukua wafanyakazi wawili au watatu, na tunasikia pengine wameuawa. Punde si punde wataweza kuingilia sehemu nyingine. Pengine wanaweza kuingilia sehemu ya Kitui Kaskazini, Kitui Mashariki au Kitui Kusini kwa sababu sehemu hii ni kubwa sana. Hii ni ardhi ya Serikali. Kwa hivyo, ni lazima kutafutwe njia ya kukabiliana na hawa majangili, na sana sana kwa wakati huu ambapo kuna hali ya njaa. Mtu anashinda kutafuta chakula. Hajakula akashiba, na analazimika kwenda kulala mwituni, pengine kwa sababu ya uwoga. Kwa hivyo, hayo ndiyo mambo mawili ambayo nilikuwa nataka kusema.

Kwa hayo machache, Bw. Naibu Spika, naunga mkono.

MR. DEPUTY SPEAKER: Order! Order! Now, according to the Programme, we are supposed to end at quarter past Six (6.15 p.m.) but because we normally rise at 6.30 p.m., I want to use my discretion to enable a few more hon. Members to speak.

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Maiyani): Thank you very much, Mr. Deputy Speaker, Sir, for "catching" your eye.

I wish to support this Motion, and by doing so, first of all, I want to congratulate His Excellency the President for his tireless work throughout this year which has been very glorified. His Excellency the President has conducted countless Harambee meetings all over the Republic, and Nyeri has probably been the leading beneficiary of his kind words. I wish to thank him very sincerely on behalf of the people of Nyeri for his love for us, and we reciprocate very dearly. I also wish to thank him for the various projects which have been assisted by the Government in my Constituency of Mukurweini.

Mr. Deputy Speaker, Sir, I also ^{would} like to express the desire of the people of Mukurweini for our very short road, Mukurweini to Sagana, which is on the programme for tarmacking. I pray and hope that in the new year we shall get this gift.

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Miyani)(Contd.):

Mr. Deputy Speaker, Sir, I would also like to express the loyalty to the President, the Government and the Party of the people of Mukurweini and Nyeri as a whole. I would like to impress upon this House and the rest of the Republic of that very dedicated loyalty. I would like the people to forget what is going on and wait for the coming elections and see that Nyeri is going to express its loyalty in action.

End Y.

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Maiyani) Ctd:

Mr. Deputy Speaker, Sir, with regard to this ugly provocation that we are facing on our western border, the people of Nyeri are 100 per cent behind the President and the Government. We will support the defence of our country without any fear or hesitation. It is well known that our Independence was not given on a silver platter. Our people throughout the Republic, struggled and fought bravely against the colonial oppression. It is known that many of our neighbours, more or less, got their Independence on a silver platter. They have no value and understanding of patriotism and nationalism. If they did, they would not mess their country for personal ambition, individual or group leadership but they would value the unity of their country.

I beg to support.

MR. ole KENAH: Asante sana, Bw. Naibu Spika, kwa kunipa nafasi ili nami niungane na Waheshiniwa Wabunge wenzangu katika Hoja hii ya *Kuahirishwa Bunge* Adjournment. Jambo la kwanza, ningependa kumtakia Mtukufu Rais heri njema ya Krismasi na mwaka mpya. Pia ningependa kuwatakia Wanakenya wote na Waheshiniwa Wabunge walio hapa Krismasi njema na mwaka mpya.

Ningependa kuungana na Wabunge wenzangu kwa kumpongeza Mtukufu Rais kwa kumfukuza Balozi wa Libya ambaye aliyejaribu kuiharibu nchi hii kwa kuchokora mambo ya nchi hii na vile vile kuingilia ~~wandakazijikwa~~ *mambo ya Chuo Kikuu cha* University yetu ya Nairobi. Pia ningependa kumpongeza Mtukufu Rais kwa kumfukuza Balozi wa Uganda na msaidizi wake ambao hawakuwa na heshima kwa Serikali ya Kenya. Pia ningependa kuishukuru Serikali yetu pamoja na Rais wetu kwa maendeleo ambayo tulipata katika Wilaya ya Kajiado hasa katika ~~amri~~ mawakilisho yangu. Kuna mambo mengi ambayo yamefanywa huko. Katika mwaka huu, tuna mradi mkubwa wa maji huko Loitokitok ambao *utambulana* utasambaza maji katika sehemu za Kajiado na Machakos. Ningependa kuishukuru Serikali ~~na Balozi wa Kajiado wote ambao~~ kwa vile ilitoa amri watu wa Kajiado wapatiwe maji kwa sababu wana shida ya maji. Pia kuna maendeleo

MR. ole KEMAH (ctd):

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kama ya stima ~~z~~ yanayofanywa huko. Sasa Kajiado ina awamu ya tatu ya mradi wa stima na hata kuna huduma ya simu kutoka Athi River hadi Kajiado. Ningependa kusema kwamba sehemu ya Namanga inahitaji stima pia. Kwa wakati huu, mahoteli ~~kuna~~ na Border Post huko Namanga hutumia generator kwa sababu ya ukosefu wa stima. Ningependa kuijulisha Serikali kwamba sehemu hii inahitaji stima. Ingefaa ule mradi wa stima ambao sasa uko kwa awamu ya tatu, utumiwe kwa ^{Sambasa} ~~husembaza~~ stima mpaka Namanga.

END Z

JA
6

MR. ole KENNAH (ctd.):

Hata wakaaji wa Kajiado ambao hutumia ^{g Jenereta} ~~generator~~ aina ya Lister kutoa maji, ^{visima,} ~~kutoka kwa~~ wangepurahia sana kama wangepata nguvu za stima kuwasaidia kutoa maji kutoka ~~kazi~~ kwa visima hivyo.

Bw. Naibu Spika, ukisafiri katika Nairobi National Park, utacua kwamba upande unaopakana na Narok ume^zzingirwa kwa waya. Vile vile, upande unaopakana na Machakos umezingirwa kwa kutumia waya ili kuzuia wanyama wasiingie mashamabani ya watu. Lakini upande ~~na~~ unaopakana na Kitengela umeachwa wazi. Watu wengi wamepoteza maisha yao kwa sababu wanyama wakimaliza nyasi katika Nairobi National Park, huruka mto wa Kitengela na kuingia katika mashamba ya watu. Tungependa kuwalisha watu wa sehemu hiyo na wa Nairobi kwa nyama na maziwa, lakini hatuwezi kufanya hivyo ~~kwa~~ kwa sababu wanyama wa mvituni wanawasumbua sana. Kwa hivyo, ombi langu ni ^{kwamba} ~~kwa~~ Serikali itafute pesa, kama zile zilizopatikana pande hizi zingine za Nairobi National Park zilipozingirwa, ili upande ~~na~~ ule wa kwetu pia uzingirwe. Ningeiomba Serikali pia iwapunguze wanyama hawa wakizidi ~~ili~~ kama vile wakulima wanavyo^{mifugo yao wizi} ~~wapunguza~~ wanyama ~~wao~~ wakizidi katika mashamba yao. Wanyama hao wasiachiliwe kujaa kila mahali. Ni kweli tunapata fedha kutokana na hawa wanyama, lakini ^{manufaa yoyote} ~~hakuna~~ ~~directly~~ ambayo wakulima wanapata. Serikali peke yake ndiyo hupata manufaa.

Kwa hayo machache, naiunga Hoja hii mkono.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M'Maitisi):

Thank you, Mr. Deputy Speaker, Sir, for giving me this short time to air my views, first to give thanks to His Excellency the President and wish him the best on Christmas day ~~and~~ and, also, wish my colleagues, ~~with whom I have worked~~ with whom I have worked together in this House throughout this year, the best on Christmas day and, also, ^{wish} ~~wish~~ my people of Tiriki Division a merry

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M'Maitisi)(ctd.):
 and quiet Christmas day and ^ahappy new year.

I am, indeed, thankful to what the Government has tried to achieve in Tiriki Division, which has now confirmed Tiriki ~~ka~~ Division as a constituency. Many will not be surprised to find me come here next year as the hon. Member for the new Tiriki Constituency; they should not be surprised. Hamisi was a Nubian, and we have been fighting to get rid of that name. Now we have a division called Tiriki and not Hamisi.

Mr. Deputy Speaker, Sir, the achievement we have had through the Ministry of Energy and Regional Development through the Kenya Power and Lighting Company Limited by having rural electrification will bring great development in the division and I am pleased to thank the Government for that. I would also like to thank the Government for having erected a huge store through the National Cereals and Produce Board whereby the people of Tiriki will be able to get foodstuff easily.

When we speak here and outside as hon. Members ~~of~~ of Parliament, we must always watch what we say because we are leaders, and if we ~~p~~ speak carelessly, we are bound to divide our ~~and~~ people. But, I am sure, the unity we are looking for is ~~there~~ through respect ~~we~~ which we require both ways. The small and the big must respect each other so that we get united and work ~~together~~ together. If I may refer to what His Excellency the Vice-President and Minister for Home Affairs said, he said that some people may be branding others anti-Hyayo. These kind of words should be avoided by leaders.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M'Maitisi)(Ctd.):

He must know that we are following one course and never try to divide us or our people.

I am sure that we are going to continue the registration of Kanu members. Let me say that this registration has been very slow, and we may wish to have the time allocated to it to be extended so that we may have more people becoming members of the party. It is good that the party has been revitalised to a great extent. It now has its own funds and more people have become members. This is an effort for which we must definitely praise our President. He has toured all our districts launching Harambee funds drives for Kanu, and the level of these funds is quite high now.

We wish our President a long and healthy life because he has fought to create unity and oneness among us. Those who try to divide us should never be allowed to succeed. I say so because once we are divided, the ^{enemy} ~~enemy~~ will penetrate us. So, we should work through Kanu and other Government machinery. As Parliament goes on recess, Government officers should continue to work hard. I know that most of these officers have taken leave, but they should continue to do their jobs tirelessly and use the money that this Parliament has passed to see that it serves the necessary purposes for which it was voted.

I request the Ministry of Transport and Communications to see that our roads are widened to the extent they were in before. The Ministry's officers should not continue to narrow them. A road that was once wide is now narrow, and it is difficult for us to use it. The supervisors of the maintenance of these roads should be careful in order to see that when the roads are being graded, they are made wide enough.

Referring to the road that was mentioned by my neighbour, the ^{hon.} Member for Aldai, who is also the hon. Deputy Speaker, I would like to say that the road is very important. It passes through my constituency. We want the Ministry of Transport and Communications to see that this road is improved all the way from Majengo, ~~thru~~ through Seremi, Kaptumo and other areas to Mandi Hills. The road serves a very rich area, and the Ministry should help us to do business

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M' Maitisi)(Ctd.):

there by tarmacking that road. This will be a very big achievement.

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

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. arap Saina): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to close the year by congratulating all my colleague ^{Hon.} Members of Parliament from whom I have had very nice and cordial co-operation both in and outside the House. Let me take this opportunity, therefore, to wish them a happy Christmas and a merry new year.

I have a very few points to make. First of all, I would like to say that at this time of the year, some parts of our country have been experiencing a dry spell. During the year, we have experienced abnormal seasonal changes. Some of these parts of the country are really facing food shortages. It is surprising to note that after His Excellency the President has directed that when farmers deliver their produce, they should be paid immediately on a cash-on-delivery basis, a lot of farmers in the northern part of the Rift Valley, who have delivered their produce, that is, beans and maize, are still waiting to be paid.

(Question put and agreed to)

ADJOURNMENT

MR. DEPUTY SPEAKER: Hon. Members, that concludes the business on the Order Paper. The House is, therefore, adjourned sine die.

The House rose at thirty minutes past Six o'clock.

End. BB