

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 3rd July, 2002

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

PRAYERS

## ORAL ANSWERS TO QUESTIONS

**Mr. Speaker:** I will end Question Time at 3.20 p.m.

Mr. P.K. Mwangi!

*Question No.311*

### IMPLEMENTATION OF *EL NINO* PROJECTS

Next Question!

*Question No.358*

### UNION DUES DEDUCTIONS FROM POLICE OFFICERS

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

- (a) whether he is aware that Kshs50 is being deducted from the salary of each police officer every month as union dues;
- (b) when the union was registered, and;
- (c) how much has been deducted to date.

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

As I give the reply, I just wanted to say that this Question is not being asked for the first time. It had been referred for further supplementary questions.

- (a) My answer remains the same, that, I am not aware that any police officer is being deducted Kshs50 every month as union dues.
- (b) There is no union of such nature within the police force.
- (c) Since there is no such deduction, the amounts, therefore, cannot be tabulated.

**Mr. Sifuna:** Mr. Speaker Sir, you can now see what the Minister is trying to tell us. Last week, I was asked by the Chair to table the pay slip of that police officer, which I did, and the Assistant Minister, Mr. Haji, took that payslip with him. Now, that particular pay slip shows a monthly deduction of Kshs50 as union dues from every police officer. If the Minister is telling us that he is not aware and yet the pay slip he has indicates that Kshs50 is deducted from every police officer every month, what will we do?

**Mr. Sunkuli:** Mr. Speaker, Sir, I have actually checked the pay slip tabled by the hon. Member and it was indeed an old pay slip that showed that policemen were being deducted Kshs50. Unfortunately---

**An hon. Member:** For what?

**Mr. Sunkuli:** I am explaining that, Mr. Speaker, Sir. Unfortunately, the Accounting Officers at the police headquarters wrongfully headed these as union dues for some time because they did not find a proper heading under which to put this money.

**An hon. Member:** Which money?

**Mr. Sunkuli:** I am explaining, Mr. Speaker, Sir.

**Mr. Speaker:** Order! It helps if we listen.

**Mr. Sunkuli:** Under the current pay slip, this money does not appear as union dues. Currently, it appears as the Kenya Police Medical Fund (KPMF). Even then, when it was called union dues, it was still the KPMF. It is from this fund that the Kenya Police looks after the welfare of its members. The building of some facilities like dispensaries that we have built for the police have also had funds contributed by this particular fund. Utumishi

**[Mr. Sunkuli]**

Academy was also partly built from these funds. This is a fund that our Kenya Police do benefit a lot from. I must say to the hon. Member that it is no longer referred to as "union dues" dues. It was a wrongful heading.

**Mr. Wamae:** Mr. Speaker, Sir, under whose authority is this money deducted? If it is for medical purposes, do we not have the Memorial Hospital for the armed forces?

**Mr. Sunkuli:** Mr. Speaker, Sir, our policemen do benefit from the National Hospital Insurance Fund, but each police officer is also entitled to a certain amount of money as monthly medical fee, if he does need it, depending on his grade. This is a part of the member's contribution.

**Mr. Wanjala:** Mr. Speaker, Sir, there is a countrywide outcry by policemen over the Kshs50 we are talking about. If you are to be deducted some money in the Government service, you must be provided with a form which you are supposed to fill and sign, to prove that money can be deducted from your salary. You are also provided with a receipt to that effect. Could the Minister prove that the policemen filled this form, and how will the few dispensaries he has mentioned, which are based in Nairobi, benefit a policeman in Budalang'i?

**Mr. Sunkuli:** Mr. Speaker, Sir, in the first place there is no national outcry as mentioned by the hon. Member. Secondly, the policemen are not permanently stationed in Budalang'i. The policemen in Budalang'i can be stationed here in Nairobi any day.

**Mr. Sifuna:** Mr. Speaker, Sir, could the Minister tell us why they opted to use union dues of Kshs50 every month? What does the Minister mean when he says that, that was an old pay slip and yet it still belongs to a police officer? Could he tell us why the Government decided to use the term "union dues" when these policemen are not union members?

**Mr. Sunkuli:** Mr. Speaker, Sir, I thought the hon. Member would congratulate himself for drawing to our attention this misnaming of an otherwise noble account. It is after we noticed that it is wrongly headed that we ordered that it be given the right heading. So, now it is called the KPMF.

**Mr. Speaker:** Next Question!

*Question No.140*

COMPENSATION FOR INJURY TO STUDENT

**Mr. Musila** asked the Minister for Education:-

(a) whether he is aware that one Julius Vamba, a student at Katheka Secondary School, lost one eye through injuries inflicted by a teacher on 5th October, 1996, and;

(b) what action he is taking to ensure that the victim is compensated by the Teachers Service Commission for the loss of his eye.

**The Assistant Minister for Education, Science and Technology** (Mr. Awori): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the student named in the Question was injured on the date quoted.

(b) A criminal case was instituted against the teacher in Kitui Magistrate's Court and later, the teacher was acquitted. The parents instituted a civil case against the teacher and they were awarded Kshs125,000. The State Counsel, on behalf of the TSC and the teacher, filed an appeal to stay the execution. Since then, we have had no further information.

**Mr. Musila:** Mr. Speaker, Sir, I thank my friend for the answer. You will recall that last time, the Minister told the House that the matter was finalised at the criminal court. I am glad that you have heard the Assistant Minister admitting that there was a civil case where the TSC was ordered on 28th February, 1999, to pay Kshs125,000 to

compensate the young lad, Mr. Julius Vamba, who was assaulted by a teacher on 5th October, 1996. The year 1999 is a long time, and todate, the Government has done nothing to pay the father of the child the Kshs125,000.

**Mr. Speaker, Sir,** could the Assistant Minister tell us when this money is going to be paid because my investigations clearly show that there is no such appeal? It is only that the TSC has refused to pay this lad who lost his eye because a teacher was brutal and cruel.

**Mr. Awori:** Mr. Speaker, Sir, as I said, in the criminal case, the teacher was found innocent. It is during the civil case that somehow the court awarded the parent Kshs125,000. The teacher and the TSC can only be represented by the State Counsel. The State Counsel did appeal on Appeal No.HCCA136/2000 for a stay of execution. From there, no information at all has come from the State Counsel to the TSC or the Ministry.

**Mr. Anyona:** Mr. Speaker, Sir, the Assistant Minister states that the Government decided to appeal against a decision of the court to award this child Kshs125,000; and to do that in terms of procedures, they had to apply for a stay of execution. But if, after that, you do not file an appeal against that judgement, that stay lapses. So, if they appeal, the court can either decide or pay.

**Mr. Awori:** Mr. Speaker, Sir, unfortunately, I am rather short on legal niceties in this matter. All I know is that there is an appeal to stay the execution, and the best thing that I can do is to go back to the State Counsel and find out what is happening about this appeal.

**Mr. Musila:** Mr. Speaker, Sir, the so-called appeal was filed on 24th March, 2000, when the judgement was on 28th February, 1999. It was out of time and it was, therefore, refused. The position is that this matter appears to have been withheld by the Attorney-General. I would like to inform you that my original Question was, in fact, directed to the office of the Attorney-General, and the office of the Clerk changed it to the Ministry of Education, Science and Technology. Mr. Speaker, Sir, could you direct that this Question be referred back to the Attorney-General, who appears to be the one sitting on this matter?

**Mr. Speaker:** Mr. Awori, what is your reaction?

**Mr. Awori:** Mr. Speaker, Sir, I do agree with the Questioner that the Question should be referred to the Attorney-General's Chambers.

**Mr. Speaker:** So, could I re-direct it to the Attorney-General's Chamber? So, it is re-directed.

*(Question deferred)*

*Question No.154*

AMENDMENT TO SCIENCE AND  
TECHNOLOGY ACT

**Dr. Kulundu** asked the Minister for Education, Science and Technology:-

(a) whether he is aware that the Science and Technology Act has no provisions for the establishment of the Committee on Ethics; and,

(b) when the Act will be amended to establish this committee.

**Mr. Speaker:** Is there no one from the Ministry of Education, Science and Technology? Mr. Ojode, are you the one to answer the Question?

**The Assistant Minister for Education, Science and Technology** (Mr. Ojode): Mr. Speaker, Sir--- (inaudible).

**Mr. Speaker:** Next Question by Mr. Ota!

*Question No.336*

TERMINAL BENEFITS FOR FORMER

## COTTON BOARD EMPLOYEES

**Mr. Otita** asked the Minister for Agriculture:-

(a) whether he could explain why the following employees who were retrenched in 1994 by the Cotton Board of Kenya have not been paid their terminal benefits to date:-

Joseph Mbaka, P/B 664; Joseph Odipo, P/B 821; Risper Awiti, P/B 707; Baraka Hamisi, P/B 209; Christopher Litimusi; Geoffrey Otieno, P/B 180; Elizabeth Sote; Catherine Kibuchi, P/B 748; Edward J. Omil, P/B 494; Samson O. Liech, P/B 58; Gladys A. Atieno, P/B 215; Raphael M. Agango, P/B 211 and Patrick Githinji; and,

(b) when these people will be paid their benefits.

**Mr. Speaker:** Is there no one from the Ministry of Agriculture and Rural Development?

**Dr. Kulundu:** On a point of order, Mr. Speaker, Sir. What about my Question?

**Mr. Speaker:** I was giving Messrs. Ojode and Awori time to sort out themselves!

**Dr. Kulundu:** So, it is going to be answered later?

**Mr. Speaker:** Order, Dr. Kulundu! I will come to it! Since there is no one from the Ministry of Agriculture and Rural Development, we will come back to the Question.

Next Question by Mr. Weyrah!

*Question No.240*MEASURES TO CONTAIN  
BILHARZIA INFECTION

**Mr. M. A. Galgallo**, on behalf **Mr. Weyrah**, asked the Minister for Public Health what he is doing to contain the high rate of bilharzia infection, especially for school-going children in Ijara District.

**The Assistant Minister for Health** (Dr. Wako): Mr. Speaker, Sir, I beg to reply.

The Ministry has launched a health education programme in schools to teach children on the proper disposal of human waste, boiling of drinking water, screening and providing treatment to those infected with bilharzia.

**Mr. M. A. Galgallo:** Mr. Speaker, Sir, how far does the programme cover? This is because schools are in very few places, but bilharzia is rampant in the whole area because the whole of that area is like wastelands. What programmes does the Government have to ensure that those people living outside schools also get those services?

**Dr. Wako:** Mr. Speaker, Sir, bilharzia screening facilities and trained personnel have been provided at Masalani District Hospital. Also, treatment of infected patients and public and school health education programmes have been mounted; that, includes disposal of human waste by using latrine and cut(?) system and boiling of drinking water. The Ministry of Environment and Natural Resources has been advised to devise a way of providing adequate safe water for domestic use.

**Dr. Kulundu:** Mr. Speaker, Sir, the Assistant Minister says that they have launched a campaign. Would he be kind enough to quantify this campaign in terms of how much money they have allocated towards Ijara District for the eradication of bilharzia, and when did the campaign start?

**Dr. Wako:** Mr. Speaker, Sir, I cannot give the amount of money, but the officers in the Ministry have gone to all the schools in Ijara Division. A team from the Ministry goes out every two weeks to carry out the programme in the whole of Ijara District.

**Mr. M. A. Galgallo:** Mr. Speaker, Sir, could the Assistant Minister tell the House how many latrines they dug this year and last year, and how much money they have spent on drilling of clean water?

**Dr. Wako:** Mr. Speaker, Sir, like I have said, regarding drilling for water, we have already advised the Ministry of Environment and Natural Resources. In terms of latrines, the NGOs and other people have been digging them. The Ministry has purchased, through the Drought Recovery Programme, about 100,000 doses of the drug to ensure that all those districts which are affected by bilharzia get the drugs.

*Question No.346*

SHORTAGE OF DOCUMENTS IN  
EMBU LANDS OFFICE

**Mr. Speaker:** Is Mr. Ndwiga not here? We will come back to his Question!

**Mr. Speaker:** Let us go back to Mr. P.K. Mwangi's Question for the second time!

*Question No.311*

IMPLEMENTATION OF *EL NINO* PROJECTS

**Mr. P.K. Mwangi** asked the Minister of State, Office of the President:-

- (a) whether he is aware that Maragwa District suffered great losses from the *El Nino* rains;
- (b) which projects have been earmarked to benefit from the *El Nino* Emergency Fund; and,
- (c) when construction work on those projects will start.

**Mr. Speaker:** Is there anyone from the Office of the President? There is no Minister from the Office of the President to answer this Question?

**Mr. Muchiri:** On a point of order, Mr. Speaker, Sir. I have seen the Minister outside the Chamber. Could I be allowed to call him?

*(Laughter)*

This is because this Question is very important.

**Mr. Speaker:** Mr. Muchiri, it is not the habit of Mr. Speaker to send hon. Members to look around! But if you volunteer, that is your kindness. But I do not send hon. Members around! Hon. Members are not messengers of Mr. Speaker!

There is no Minister from the Office of the President to answer your Question! Mr. P.K. Mwangi, what should I do?

**Mr. P.K. Mwangi:** Mr. Speaker, Sir, I would request you to call out the Question for the third time.

**Mr. Speaker:** That is all right!

Let us move on to Dr. Kulundu's Question for the second time!

**Dr. Kulundu:** Thank you, Mr. Speaker, Sir. We now are lucky that the Minister and his four Assistant Ministers are here.

*Question No.154*

AMENDMENT TO SCIENCE AND  
TECHNOLOGY ACT

**Dr. Kulundu** asked the Minister for Science and Technology:-

- (a) whether he is aware that the Science and Technology Act has no provisions for the establishment of the Committee of Ethics; and,
- (b) when the Act will be amended to establish this committee.

**The Assistant Minister for Education, Science and Technology** (Mr. Ojode): Mr. Speaker, Sir, I would like to request you to defer this Question until Tuesday, next week.

**Mr. Speaker:** Why should I defer this Question?

**The Assistant Minister for Education, Science and Technology** (Mr. Ojode): Mr. Speaker, Sir, it is because the answer to this Question is not ready.

**Dr. Kulundu:** Mr. Speaker, Sir, I have got a copy of the written answer signed by Mr. Ndambuki. I have availed this copy to Mr. Ojode.

Next week I will be in Spain, and this is a very crucial Question. Why can the Assistant Minister not read out what is contained in this copy of the written answer?

**Mr. Speaker:** Mr. Ojode, would you like to read out the copy of the written answer or reply to the Question?

**The Assistant Minister for Education, Science and Technology** (Mr. Ojode): Mr. Speaker, Sir, I will answer this Question on Tuesday, next week.

**Mr. Speaker:** Dr. Kulundu, could I direct that this Question be put on the Order Paper two weeks from now after you have returned from Spain? Dr. Kulundu, I do not re-collect giving you permission!

**Dr. Kulundu:** Mr. Speaker, Sir, you are a very busy man. I am leaving for Spain tomorrow. I would have liked this Question answered today, but Mr. Kombo can ask it on my behalf on Tuesday, next week.

*(Question deferred)*

**Mr. Speaker:** That is all right! Let us move on to Mr. Otita's Question, for the second time!

*Question No.336*

TERMINAL BENEFITS FOR FORMER  
COTTON BOARD EMPLOYEES

**Mr. Otita** asked the Minister for Agriculture:-

(a) whether he could explain why the following employees who were retrenched in 1994 by the Cotton Board of Kenya, have not been paid their terminal benefits to date:-

Joseph Mbaka, P/B 664; Joseph Odipo, P/B 821; Risper Awiti, P/B 707; Baraka Hamisi, P/B 209; Christopher Litimusi; Geoffrey Otieno, P/B 180; Elizabeth Sote; Catherine Kibuchi, P/B 748; Edward J. Omil, P/B 494; Samson O. Liech, P/B 58; Gladys A. Atieno, P/B 215; Raphael M. Agango, P/B 211 and Patrick Githinji; and,

(b) when these people will be paid their benefits.

**The Minister for Agriculture** (Dr. Godana): Mr. Speaker, Sir, I apologise for not being in the House when the Question was first called out. I also seek the indulgence of the House to give me about two weeks to answer this Question because as I had occasion to explain, on another similar Question two weeks ago, that we are having difficulty in tracing some documents because of the history of the Cotton Board of Kenya.

Mr. Speaker, Sir, the files and some documents were lost when the receivers moved in. It is not easy to get some of these records. So, I would like to plead with the Chair to defer this Question for two weeks.

**Mr. Speaker:** Mr. Otita, is that all right?

**Mr. Otita:** Mr. Speaker, Sir, I have got a copy of a written answer here.

**Mr. Speaker:** Who signed that copy of the written answer?

**Mr. Otita:** Mr. Speaker, Sir, this copy of the written answer is signed by Dr. Bonaya Godana, EGH, MP.

*(Laughter)*

**The Minister for Agriculture** (Dr. Godana): Mr. Speaker, Sir, I apologise for forgetting that. I must have signed that copy of the written answer sometime back, but I could not trace it this afternoon.

**Mr. Ndicho:** On a point of order, Mr. Speaker, Sir. I remember Mr. Otita asking this Question sometime back. The reason the Minister gave for not answering the Question at that time was the same reason he has given today. It seems that the Minister is not ready or willing to answer this Question. So, could the Chair grow some teeth and bite the Minister?

**The Minister for Agriculture** (Dr. Godana): Mr. Speaker, Sir, I beg your pardon. This is the same Question that the hon. Member asked, and I said that we were still looking for further information because I had actually started answering the Question. When he requested for more information, I said that we were finding it difficult to trace the files to get some of that information. This is the same Question which the hon. Member had asked and was deferred. We are still looking for additional information.

**Capt. Ntwiga:** On a point of order, Mr. Speaker, Sir. Could the Chair allow the hon. Member to answer this

Question using the answer he has?

**Mr. Speaker:** Order! Mr. Otita is only allowed by the law to ask Questions and not to answer them!

**Mr. Otita:** Mr. Speaker, Sir, the Minister is not giving you the correct information. This is because in this copy of the written answer, he has said something different from what he is saying on the Floor. According to this copy of the written answer, the Minister has said that these people were employed on contract.

**Mr. Speaker:** Order! If I have understood the Minister correctly, he has said that this matter had come to this House before. He had an answer, which you now have, and which, for some reasons, was not acceptable either to the House or to you. Therefore, the Minister was going to carry out further research in order to answer your Question effectively. Mr. Otita, are you suggesting that he should proceed with the answer he gave to this House earlier on, which either the House or you were not satisfied with, and in that event, you will not be heard to complain?

**Mr. Otita:** Mr. Speaker, Sir, I will give the Minister time to bring a complete and comprehensive answer to this Question.

**Mr. Speaker:** Very well. Dr. Godana, could you do something in two weeks' time?

**The Minister for Agriculture** (Dr. Godana): Mr. Speaker, Sir, I promise to work very vigorously to dig up the records, if they are available anywhere on earth.

*(Question deferred)*

**Mr. Speaker:** Let us move on to Mr. Ndwiga's Question for the second time!

*Question No.346*

#### SHORTAGE OF DOCUMENTS IN EMBU LANDS OFFICE

**Mr. Speaker:** Is Mr. Ndwiga still not here? His Question is dropped!

*(Question dropped)*

Let us move on to Mr. P.K. Mwangi's Question for the third time!

*Question No.311*

#### IMPLEMENTATION OF *EL NINO* PROJECTS

**Mr. P.K. Mwangi** asked the Minister of State, Office of the President:-

- (a) whether he is aware that Maragwa District suffered great losses from the *El Nino* rains;
- (b) which projects have been earmarked to benefit from the *El Nino* Emergency Fund; and,
- (c) when construction work on those projects will start.

**Mr. Speaker:** Is there anybody here from the Office of the President? Mr. P.K. Mwangi, there is nobody from the Office of the President! Could you ask this Question tomorrow? I am sorry about the absence of Ministers from the Office of the President!

**Mr. P.K. Mwangi:** It is okay, Mr. Speaker, Sir.

*(Question deferred)*

#### QUESTIONS BY PRIVATE NOTICE

##### UTILIZATION OF NATIONAL DISASTER FUND

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

(a) What is the correct amount held by the Government in the National Disaster Fund?

(b) How much has the Government utilised from this Fund to assist the victims of the fatal landslides in Giumpu Village, Abogeta Division in South Imenti Constituency?

(c) What plans does the Minister have for resettling the persons whose homes, land and property were destroyed by the landslides?

**Mr. Speaker:** Is there anybody here from the Office of the President?

**Mr. Murungi:** Thank you, Mr. Speaker, Sir. This Question has made history in this House because this is the fourth time that I am asking it. This Question has been deferred once every week, for the last three weeks. The last time this Question was deferred to today was yesterday. I think there must be some provisions in our rules for us to name Ministers who run away from answering Questions. This is because I am sure that the Minister has just been running away from answering this Question.

**Mr. Speaker:** Which Minister was supposed to answer this Question? There are too many Ministers in the Office of the President!

**Mr. Murungi:** Mr. Speaker, Sir, this Question was first attempted by Mr. Moroto, who said that he required a little more time because he did not have a proper answer. He requested the Chair to defer this Question to the following week. Since it was deferred, he has conveniently disappeared from this House. So, I would like the Chair to invoke the disciplinary provisions of the Standing Orders and name this Assistant Minister.

**Mr. Speaker:** Mr. Murungi, you know we cannot name anybody who is outside the House! I am sorry! The rule is clear; Mr. Speaker deals with hon. Members on the Floor. So, what should I do when they are absent?

**Mr. Murungi:** Mr. Speaker, Sir, we need your guidance on this issue. The Assistant Minister who had attempted to answer this Question has disappeared from this House. Could you make some orders to ensure that he comes to the House tomorrow with an answer to this Question? On the doctrine of collective responsibility, could his colleagues ensure that he is informed about this and he comes to the House tomorrow? Could you also ensure that if he does not come to the House tomorrow, dire consequences befall him?

**Mr. Kamolleh:** On a point of order, Mr. Speaker, Sir. Will I be in order to remind the House and the hon. Questioner that the Minister who deals with Questions on this area is hon. Nassir and he is sick? Secondly, Mr. Moroto, who should have been here, is away on official business. I am not the Leader of the Government Business, but I am aware of these facts.

**Mr. Keriri:** Mr. Speaker, Sir, yesterday, the Deputy Speaker promised to take stern action against Ministers and Assistant Ministers in the Office of the President for avoiding to answer Questions. Could you now be reminded that if these Ministers will be in tomorrow, you could consider taking that stern action against them?

**Mr. Speaker:** I really have no idea what stern action the Deputy Speaker promised to take. What kind of stern action did the Deputy Speaker promise to take?

**Mr. Keriri:** Mr. Speaker, Sir, hon. Members were trying to get him to name the Minister concerned.

## COMMUNICATION FROM THE CHAIR

### ABSENCE OF MINISTERS FROM THE HOUSE

**Mr. Speaker:** Order! May I say the following. It is really bad that hon. Ministers do not come to the House to discharge their duties, particularly when they are so many in one office. I really do not know what they do apart from what they are supposed to do as Ministers.

I will ask the next Minister present, Dr. Godana, to please tell the Office of the President to talk to its Ministers and find out whether or not they are interested in their jobs. If they are not interested in their jobs, could the Office of the President send those who are interested in their jobs to this House?

**The Minister for Agriculture (Dr. Godana):** Mr. Speaker, Sir, I will draw the attention of my colleagues to the HANSARD on this point.

**Mr. Speaker:** Very well, I will defer the Question.

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. There is a constitutional obligation in Section 17(3) of the Constitution, which provides that Ministers and Assistant Ministers have a collective responsibility to the National Assembly.

That notwithstanding, am I in order to suggest that the matter be referred to the House Committee on Powers and Privileges, so that it can summon the involved Ministers and Assistant Ministers before it?

**Mr. Speaker:** Order! There is no Committee that has more powers than either this House or the Speaker. You cannot dilute the powers of the Speaker by referring the matter to a Committee. You are out of order!

Mr. Imanyara, if you really heard the choice of my words when I communicated from here, I think the Ministers concerned will get the message clear. Are they or are they not interested in their jobs? If they are not, could somebody in the Government send to this House Ministers who are interested in doing their jobs?

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

**Mr. Speaker:** Order! Thanks for the help, but it is declined.

**The Minister for Agriculture** (Dr. Godana): Mr. Speaker, Sir, much as the Question may have appeared on the Order Paper for a while, it would be fair for it to be deferred for two days. In the past, we have not had a tradition of Questions being deferred for one day.

**Mr. Speaker:** Order! Let us defer the Question to Tuesday, next week. I want to direct the Clerk of the National Assembly to write to the Permanent Secretary (PS), Office of the President, and tell him how distressed the House is by the absence of Ministers from the House to answer Questions.

**Mr. Kombo:** On a point of order, Mr. Speaker, Sir. Instead of the Clerk of the National Assembly writing to the PS, Office of the President, could he write to the President himself?

**Mr. Speaker:** Order! You are totally out of order! The Clerk of the National Assembly cannot write to the President.

Can I defer this Question to Tuesday, next week.

**Mr. Murungi:** Mr. Speaker, Sir, could you, please, defer the Question to Wednesday afternoon?

**Mr. Speaker:** Sure, I will oblige to you any time. I hope, in all honesty, Ministers will come here and answer Questions. If that office is too busy, please, let us have Ministers who are not busy.

**Mr. Ndicho:** On a point of order, Mr. Speaker, Sir. The Government is made up of three arms, namely, the Executive which is headed by His Excellency the President; the Judiciary, headed by Mr. Chunga, and the Legislature headed by Mr. ole Kaparo.

When the Chief Justice orders his judges to appear in court, they cannot miss to attend. The President allocates jobs to his Ministers and they do perform them. Are these Ministers undermining your authority as the head of the Legislature?

**Mr. Speaker:** Order! I do not want to come to that issue! I do not want to shout too much. I think you understand why. I do not want to get involved in all this again. The job must be done. We have a job to do, and it must be done. But let the following be understood. What has been going on in my mind due to this problem is whether I should summon all these Ministers and order them to appear before me.

**Hon. Members:** Yes!

**Mr. Speaker:** I may have to do that at some stage! I may have to order them to come here and tell this House what it is that they fear in this House.

*(Question deferred)*

*(Resumption of Questions by Private Notice)*

#### MEASURES TO CURB USE OF CLONED CARDS

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

(a) What is the Ministry doing to protect depositors within the banking industry from criminals using cloned cards?

(b) Could the Minister inform the House the total amount of money which has been stolen from banks by criminals using this method?

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

(a) The following measures have been put in place to protect depositors within the banking industry from

criminals using cloned or counterfeit credit cards:- In order to empower the courts to deal with frauds of this nature, the Ministry of Finance and Planning introduced an amendment to the Evidence Act, through the Finance Act, 2000, that allowed the production of computer printouts as admissible evidence in court proceedings.

Further to this, as stated in the 2002/2003 Budget Speech, the Government will shortly table in Parliament the Electronic Funds Transfer Bill, whose primary purpose is to provide a basic framework establishing individual customer rights in the use of electronic funds transfer system. The proposed law will provide for stiff penalties for those who use or conspire to use counterfeit, fictitious, altered, forged, lost, stolen or fraudulently obtained instruments of electronic transfer of funds. We also have a facility known as the automated teller machine (ATM) card. This facility has security features, such as a drawing limit, signature and personal identification number (PIN), that restrict the use of this card to authorised users only.

**Mr. Shitanda:** On a point of order, Mr. Speaker, Sir. Which Question is the Assistant Minister answering?

**Mr. Speaker:** Which Question are you answering, Mr. Lomada?

**The Assistant Minister for Finance and Planning** (Mr. Lomada): Mr. Speaker, Sir, I am answering Question No.2 by Private Notice!

**An hon. Member:** He is answering AOB

**The Assistant Minister for Finance and Planning** (Mr. Lomada): No! I am not answering AOB!

**Mr. Mwenje:** On a point of order, Mr. Speaker, Sir. This Question is very specific and very clear. The Assistant Minister is reading a story which has been written for him by his officers. He is not answering the Question! Which part of this Question is he answering? Is he on part (a) or part (b)? I am not talking about AOB!

**The Assistant Minister for Finance and Planning** (Mr. Lomada): Mr. Speaker, Sir, I am trying to clearly put the answer to the Question as asked by the Member of Parliament. I am trying to make it more clear. I do not think I am reading something that you do not understand.

**Mr. Speaker:** Order, hon. Members! Whose Question was this? Mr. Khamasi, would you like to ask him a supplementary question?

**Mr. Khamasi:** Mr. Speaker, Sir, but he has not answered my Question at all. He has spent about four minutes reading something similar to an answer. I have not even been given the answer he is reading and that is why my colleagues are asking whether he is actually answering part (a) or (b) of the Question.

**The Assistant Minister for Finance** (Mr. Lomada): Mr. Speaker, Sir, I was going to read an answer to parts (a) and (b) of the Question. But I could not read it because an hon. Member interjected!

**Mr. Speaker:** You answer the Question now!

**The Assistant Minister for Finance and Planning** (Mr. Lomada): Mr. Speaker, Sir, I have given a few points of part (a), and with regard to part (b) of the Question, I would like to say that there are no statistics that reflect the total amount of money stolen from banks through fake cards. However, we have a case here which I would like to explain to the House. Recently, we had a case of a Nigerian national who was trying to con people of their money, but the banking industry acted quickly. With the help of the Banking Fraud Investigation Unit of the police force, a number of criminals have been apprehended and charged in a court of law with the offence as follows:-

On 8th May, 2002, the officers from the Banking Fraud Investigation Unit, acting on information, searched the house of a suspect by the name of Mr. Oletyu Shitu, a Nigerian national at Ngumba Estate, plot No. LR13511/192, flat No---

**Mr. Munyao:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Part (b) of the Question is so clear. It requires the total amount of money that has been stolen from banks by criminals using this method. The Assistant Minister is reading irrelevant things! He is now telling us about Nigerians and I do not know whether from Nigeria, he will go to Ghana or Botswana!

**Mr. Lomada:** Mr. Speaker, Sir, I was just giving extra information on this Question. The person I mentioned has been charged in a court of law with the theft of Kshs53,000.

**Mr. Khamasi:** Mr. Speaker, Sir, unfortunately, you were distracted from listening to what the Assistant Minister was reading. It is very clear that the Assistant Minister has not addressed the Question. I wonder whether he took any time to even digest the answer they have given to me. This is a serious matter because depositors may lose confidence in the banks with regard to the security of their money, and they may run away from the banks. We want the Assistant Minister to tell us what the Ministry is doing to make sure that customer confidence is not eroded. Secondly, there must have been some statistics for the Assistant Minister to start talking about Ghanaians and

Nigerians. We want him to tell us how much has been siphoned out of depositors' money through cloned cards.

**Mr. Lomada:** Mr. Speaker, Sir, I was going to give more reasons. But as to how much money was siphoned out of the banks, I have given a figure of Kshs53,000. That is the only amount that is known to my Ministry. After talking to the Central Bank of Kenya and other agencies, that is the figure we were able to come up with.

Mr. Speaker, Sir, if the hon. Member has more information, there is no worry in having it tabled here!

**Dr. Ochuodho:** Mr. Speaker, Sir, on Christmas Day last year, I withdrew money using an ATM Card in Kisii. Within one hour, it was also indicated that I also withdrew money from a Nairobi account. Even if I had a chopper that Ministers here have been using, I would not have moved from Kisii to Nairobi within a span of one hour to withdraw money in those two places. There are many Kenyans who are complaining about this. Now that I have given him that version of the story, could the Assistant Minister tell us why they are relying on the banks, through the Kenya Bankers Association, to be the reference point? How can the banks judge themselves? Could the Ministry empower an independent unit to ensure that anybody offended through bank frauds can go to that independent body rather than the banks themselves?

**Mr. Lomoda:** Mr. Speaker, Sir, we all depend on the police force to carry out investigations. They are the ones who receive complaints from affected persons. The information we received from the bank is the same information which the police have! Therefore, Dr. Ochuodho should have reported that matter to the police. My Ministry cannot do the work of the police force!

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir. Sometimes we would like to sympathise with Ministers and their assistants. They perhaps have a language problem. You have been following what has been going on. Could you consider us translating Questions into Kiswahili, so that they can comprehend?

**Mr. Lomada:** Mr. Speaker, Sir, I do not think my English is worse than his! My English is well polished! In fact, I was trained by Englishmen! Therefore, I do not think he can speak better English than me.

**Mr. Speaker:** Order, hon. Members! Let us not put the Chair into a very difficult situation, where I am called upon to decide who among you is the most fluent.

**An hon. Member:** Of course, it is Wamalwa!

*(Laughter)*

**Mr. Speaker:** But I can assure all of you that I do follow what you say.

**Mr. Khamasi:** On a point of order, Mr. Speaker, Sir. I am completely dissatisfied with the answer I received from the Assistant Minister. Now that I can see the Minister for Finance sitting next to you, would it be in order for me to request you to defer this Question until the Minister himself comes to answer it to my satisfaction?

**Mr. Lomada:** Mr. Speaker, Sir, the information I have given is clear and, therefore, there is no need for this Question to be deferred.

**Mr. Speaker:** Very well! I think, if you are unhappy, Mr. Khamasi, you can make a follow-up under Standing Order No.18.

#### PRIVATIZATION OF AGA KHAN PRIMARY SCHOOLS

**Mr. Mwakiringo:** Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that the Aga Khan Foundation has decided to privatise all Aga Khan Schools, thus taking over employment and management of teachers?

(b) Is he also aware that this has prompted teachers from the affected schools to either resign from the Teachers Service Commission (TSC) or seek employment from other quarters?

(c) What immediate measures is the Minister taking to stop this action?

**The Assistant Minister for Education, Science and Technology** (Mr. Awori): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Aga Khan Schools have now been taken over by the Aga Khan Foundation for management.

(b) The teachers in those schools have been given a choice, either to continue to teach in those schools under

the Aga Khan Foundation, or resign and go back to the TSC.

(c) Because of the answers I have given to parts "a" and "b" above, part "c" does not arise.

**Mr. Mwakiringo:** Mr. Speaker, Sir, it is unfortunate that the Government allowed the Aga Khan Foundation to run these institutions at a time when it had the Parents and Teachers Associations (PTA) committees, which used to regulate fees structures and whatever necessities that were required in those schools. What were the reasons given by the Aga Khan Education Services to convince the Government to leave it run the institutions?

**Mr. Awori:** Mr. Speaker, Sir, we may have forgotten a point here; these are schools that were built by the Aga Khan Foundation. It is the Aga Khan Foundation that sought permission from the Government to run them. Now, the Aga Khan Foundation has decided that the schools they built should come under their management.

**Mr. Wamae:** Mr. Speaker, Sir, is the Assistant Minister aware that the Aga Khan School in Nairobi has been built substantially by the parents? The parents built the swimming pool, classrooms and other infrastructural facilities. Why has he allowed those facilities to be transferred to the Aga Khan Foundation?

**Mr. Awori:** Mr. Speaker, Sir, as far as I am aware, the swimming pool is the only facility that was built by the parents in the Aga Khan School, Nairobi!

**Mr. Speaker:** So, Mr. Assistant Minister, what happens to the swimming pool? Will the parents take it away?

**Mr. Awori:** No, the children will continue to use it!

**Mr. Anyona:** Mr. Speaker, Sir, this is a very serious and important policy issue. Is the Assistant Minister telling us that the Government is now divesting itself from the responsibility of managing the education system in this country and, therefore, opening floodgates for various religious organizations and others to opt to run these schools? If so, what will be the role of the Ministry of Education?

**Mr. Awori:** Mr. Speaker, Sir, the Government is not surrendering anything! As a matter of fact, these schools will continue to use the curriculum approved by the Government. I see a great deal of advantage of the Aga Khan Foundation taking over these schools because the Foundation will continue to pay these teachers and, therefore, there will be teachers who will be released to go to other schools. I do not see any disadvantage whatsoever! If anything, it is all for the good of parents and the Government.

**Mr. Speaker:** Next Order!

*(Several hon. Members stood  
up in their places)*

Order! Order, hon. Members! Could you all sit down?

Mr. Nyenze, the Floor is yours!

## MINISTERIAL STATEMENT

### MISAPPROPRIATION OF KFF AND KCA FUNDS

**The Minister for Heritage and Sports** (Mr. Nyenze): Thank you, Mr. Speaker, Sir, for giving me this opportunity to give a Ministerial Statement.

I am sure hon. Members will share with me the disappointment that I have in this country, Kenya, which has a proud and outstanding record in sports, especially athletics. This country was a mere spectator in the greatest soccer events that took place in Japan and South Korea this year, the reason being that, our football administrators have failed to develop the sport and millions of shillings coming from FIFA and other sponsorship to develop the game have ended up in private pockets of some of these administrators. They have allowed their petty squabbles to take more of their time than the management of the game.

Mr. Speaker, Sir, cricket too, which has of late gained tremendous popularity in this country, has suffered from incessant wrangles between the Kenya Cricket Association (KCA) and the provincial bodies, especially the Nairobi Cricket Association. I have tried to resolve these wrangles without the co-operation of the KCA. Hon. Members would be interested to know that a vast sum of money was paid in respect of TV rights during the three-Nation triangular tournament held in 1996. The TV rights amounting to over US\$3.7 million, which translates to Kshs296 million, was paid to a company owned and operated by a senior official of the KCA. The documents

produced and given to me leave me with no doubt that this official and his colleagues are guilty of abuse of office and misappropriation of funds, otherwise due to KCA. The matter has been referred to the Criminal Investigation Department (CID) for action.

Mr. Speaker, Sir, it was in these circumstances that I made the decision to dissolve the executive committees of KFF and KCA, and appointed a caretaker committee with a view to streamlining their affairs before conducting elections for new office bearers. Both the KFF and KCA have challenged my decision, but the orders obtained are *ex parte*, and it is my intention to contest this most vigorously at the inter-parties hearing.

Mr. Speaker, Sir, may I take this opportunity to congratulate the Senegalese national team for doing Africa proud at the World Cup Soccer Tournament this year. Indeed, if our soccer administrators had put their heads together, Kenya would have also earned a rightful place in the world of football. It is my hope that in future, sports administrators in the country will put the interest of Kenya first before theirs.

Thank you.

**Mr. Speaker:** Who raised this issue? Was it Mr. Imanyara or Mr. Anyona?

**Mr. Anyona:** Mr. Speaker, Sir, we did ask the Minister to take specific action; one, to table the report that bears the evidence he is talking about. Secondly, we asked him to tell us when he is going to hold elections, and thirdly, we asked him to tell us when action is going to be taken against those who have been found culpable.

He has not answered any of those three questions! So, really I do not know whether his statement serves any purpose at all.

**The Minister for Heritage and Sports (Mr. Nyenze):** Mr. Speaker, Sir, I had indicated that I will table the reports here on Tuesday. I dissolved these two bodies because they were implicated in corrupt matters involving a lot of money. After I took that position, it was challenged in court and I was ordered not to interfere with the running of soccer and cricket in this country. I also reported the matter to the Kenya Police Anti-Corruption Unit, because as the Minister in charge of sports, when I get wind of corruption, I have to take action.

**Mr. Omino:** Mr. Speaker, Sir, I had the good fortune of reading the Minister's Statement before hand. What is lacking in that statement is the legal basis upon which he took the decisions he now says he has taken. The Kenya Cricket Association and the Kenya Football Federation are registered under the Societies Act. Could the Minister tell us when he started supervising the Societies Act under which those associations are registered? In any case, if the Minister's position is that he supervises everything under the Societies Act, he would have dissolved the various wrangling church factions and political parties. Why should he apply double standards?

**The Minister for Heritage and Sports (Mr. Nyenze):** Mr. Speaker, Sir, I think those powers are inherent in the position of being a Minister. How can a Government just stand aside and watch corruption taking place because there is no law that gives me such powers? The action I took is inherent in my Ministerial position.

**Mr. Speaker:** If it is the position that the Minister has no power to take action sought by the House, then why should you pester him? Can we not allow him to sit down? Dr. Kituyi, what would you want him to clarify if you think he has no powers?

**Dr. Kituyi:** Mr. Speaker, Sir, I speak for quite a number of hon. Members including yourself as Chairman of Bunge FC. I agree with the Minister that Kenya was commiserating while the rest of the world was in Japan and Korea. But you can see the reason; the Minister in charge of sports purports to exercise powers which are not provided for by any law of the land, and even pretends that he wants to set elections for an organization which is totally beyond his control; and as a Minister of the Kenya Government, wanting to cast aspersions about corrupt management of affairs. The KFF has opinions about management of public affairs in his Ministry, but they have no authority to fire him and they do not do anything. What makes him think that instead of asking Parliament to give him powers to do good things - if he thinks he knows them - for sports, he can just pretend that he is a Nyayo Minister and fire persons he cannot fire? Could he just learn to live by the law?

**Mr. Speaker:** I am at a loss! What is it that hon. Members want?

**Mr. Nyachae:** Mr. Speaker, Sir, under the Societies Act, where these organizations are registered, before they are registered, they present a constitution, and all the machinery, including the disciplinary arrangements, are in that constitution. Those are the conditions upon which the society is registered. The Minister has not told us whether the Constitution was followed when suspending the officials. Unfortunately for the Minister, he has admitted in this House that he has used the so-called "powers of interference", because that is the phrase he has used here. You cannot have a country with laws which constitute societies and then somebody just wakes up and interferes with their running

because he is a Minister.

**The Minister for Heritage and Sports** (Mr. Nyenze): Mr. Speaker, Sir, I think the hon. Member is too old to listen to what I have said. I said that we intervened, and not interfered. As a Government, we have the responsibility to intervene. Otherwise, I am at a loss because it is the same hon. Members who complained that the Government was not taking any action, and now when I take action, they say the Minister is powerless. This is a confused group!

**Mr. Murathe:** Mr. Speaker, Sir, I think the Minister should familiarise himself with the regulations of FIFA, which stopped the Government from interfering in those associations.

Secondly, he has not tabled anything on the alleged corruption in KFF. He only gave us figures with regard to KCA. Why should he lump both sports together? Kenya has never qualified to any World Cup; he should, therefore, not claim that it is the current management which made Kenya not qualify for the World Cup finals.

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

**Mr. Speaker:** Order! I do not think we are making any headway and, therefore, I will have not more time for this.

### PERSONAL STATEMENT

#### MEMBER'S PRESENCE IN ROME SUMMIT SANCTIONED BY THE SPEAKER

**Mr. Munyao:** Mr. Speaker, Sir, I thank you for giving me this opportunity to make a Personal Statement under Standing Order No.69.

Mr. Speaker, Sir, you appointed me by letter to represent this House in a some food summit in Rome from 8th June, last month. On 8th June, I travelled aboard BA169 London/Rome.

You nominated me as a Member of the Departmental Committee on Agriculture, but later, there were allegations that I travelled in a presidential jet which I have never seen.

I accepted to attend this summit of the WFP which was very important to us but soon after that there were allegations; hivi na hivi.

**Mr. Speaker:** Are you complaining about me having sent you?

**Mr. Munyao:** No! It is because of the allegations that were made, that the Secretary-General of the Democratic Party could fit in the jackets of KANU. I cannot!

**Mr. Speaker:** Order! Order!

**Mr. Munyao:** Mr. Speaker, Sir, could you let me just finish?

**Mr. Speaker:** Order! I do not think the House is amused by this. Mr. Munyao, it is me who sent you, and the whole world knows about it. You are not the first hon. Member I have sent out on a trip, neither will you be the last. I will send you again, and whether or not you meet with other Kenyan delegations out there, there is no problem by the way. So, you were there, lawfully sent by the Speaker to represent this National Assembly, and there should be no further noise about this.

Mr. Munyao, do not talk about jackets of KANU or DP. I have no knowledge of the size of the DP jacket or that of KANU, and neither are we interested as a House in those party jackets. Keep them out of the Floor of this House.

*(Mr. Munyao stood up in his place)*

**Mr. Speaker:** Order, Mr. Munyao! I have said that I am the one who sent you, what other authority do you need?

**Hon. Members:** An apology by the media!

**Mr. Speaker:** Order! The media cannot be forced by Mr. Speaker to report either way. By the way, why do you think it is wrong for you to have been sent by Mr. Speaker to Rome? Why are you complaining? I send hon. Members from all parties and they do not go as DP, KANU, FORD(P), FORD(K) or any other Ford. They go as hon. Members of the National Assembly of Kenya, sent by the Speaker of this House, and it must continue that way. In fact, I sent Dr. Kituyi and others to Cape Town the other day, and I have not heard them complain.

**POINT OF ORDER**

## CRISIS IN SUDAN

**Dr. Kituyi:** Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Foreign Affairs and International Co-operation, in light of the commitment of this country to peaceful resolution of conflicts over disagreements and the pursuit of peace in our immediate neighbours, particularly Somalia and Sudan, under the auspices of IGAD, which we have the privilege to be chairing, given that, as we talk, this country and Government is hosting a round of negotiations between the SPLA and the Khartoum Government on the crisis in Sudan.

Mr. Speaker, Sir, it has hurt the national interest and the process of peace building in Sudan that a few days ago, the Khartoum Government dropped bombs at Kapoeta in Southern Sudan, killing very many civilians, including children, at a time when the Khartoum Government is purporting to be talking peace in Machakos.

Could the Minister for Foreign Affairs and International Co-operation tell this House what position is the Kenya Government holding, vis-a-vis the Sudan Government, in the light of that action at Kapoeta, which is hostile to the IGAD initiative and what statement they have made after the incident?

**Mr. Speaker:** Very well! Is there any Minister from Foreign Affairs?

**Hon. Members:** Dr. Godana!

*(Laughter)*

**Mr. Speaker:** Next Order!

**BILLS***First Reading*

## THE FINANCE BILL

*(Order for First Reading read - Read the First Time - Ordered to be referred to the relevant Departmental Committee)*

*First Reading*

## THE PERSONS WITH DISABILITIES BILL

*(Order for First Reading read - Read the First Time - Ordered to be referred to the relevant Departmental Committee)*

**MOTION**

## ADOPTION OF SESSIONAL PAPER NO.2

**The Minister for Finance** (Mr. Obure): Mr. Speaker, Sir, I beg to move:-

THAT, this House adopts the Sessional Paper No.2 of 2002 on revival of the Kenya Meat Commission (KMC) laid on the Table of the House on Thursday 25th April, 2002.

Mr. Speaker, Sir, the KMC was established in 1950 under an Act of Parliament, Cap.363 of the Laws of Kenya. The main objective of the Commission was to promote the country's meat industry through purchase and slaughter of livestock, and marketing of livestock products. It was also to act as a strategic drought management tool, as well as the buyer of the last resort.

Mr. Speaker, Sir, over the years, the KMC performed very poorly and only realised a profit in one year during the 1950s. Its performance worsened in the period between 1986 to 1991 for various reasons. Among them was the loss of the European Union market for fresh meat following an outbreak of foot and mouth disease, which led to the loss of the disease-free zone status which we enjoyed until then. There was also the question of the pricing of canned beef, which was established below the cost of production, owing to controls on producer prices.

The other problem that the Commission experienced over the years had to do with increased local competition from a number of abattoirs and butcheries which were established all over the country. The entry of some of those abattoirs posed a serious competition to the KMC, and as a result, it was adversely affected.

In addition, the KMC was operating with outdated machinery and equipment. It was operating on the basis of very obsolete technology. There was the question of inexperienced management and frequent changes of the management in the institution over those years, which, on a number of occasions, disrupted the normal and smooth operations of the institution.

Mr. Speaker, Sir, more than that, there was also the question of the social obligation which that institution was supposed to perform as the buyer of last resort. It meant that the institution was not operating strictly on commercial basis. The plant was closed in 1992 for major rehabilitation funded largely through the Government of Kenya, through a loan of Kshs429 million. The loan assisted in carrying out major factory rehabilitation. In addition, there was also a loan from Mitsubishi Corporation of the United Kingdom, amounting to US\$3.3 million. It was equivalent to something like Kshs250 million. It was to buy new equipment consisting largely of a canning line and boilers.

Mr. Speaker, Sir, the rehabilitation was completed in 1995. It virtually gave a new lease of life to the KMC, extending up to 15 years. Unfortunately, the plant was not opened, although a test run established that the new equipment was running effectively. Since then, the key issue has been the question of viability of the KMC, in view of the marketing arrangements which were tied up to the loan repayment to Mitsubishi Corporation.

Mr. Speaker, Sir, the KMC is currently under receivership and it is heavily indebted to the Government and a number of other institutions as follows:

(i) There is an amount of Kshs1,267,552,655 due to the National Bank of Kenya (NBK) as at 30th June, 2001, in respect of a secured overdraft facility on account of which the company was placed under receivership.

(2) There is an amount of Kshs1,298,464,128 due to the Government as at 30th June, 2001, on account of irredeemable loans disbursed to the KMC between 1959 and 1982. In addition, there is also an irredeemable loan amounting to Kshs944,532,125 disbursed to the KMC between 1992 and 1995. The interest accrued on account of those loans totals to about Kshs310 million.

*[Mr. Speaker left the Chair]*

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

(3) There is a sum of Kshs372,316,760 due to the Mitsubishi Corporation of the UK as at 30th June, 2001, on account of an agreement signed in 1992 for financing of equipment utilised to rehabilitate the Athi River factory.

The initial amount of the loan, as I said earlier, was US\$3.3 million, which is equivalent to approximately Kshs250 million at that time. The loan was lent to the KMC at an interest rate, plus legal fee of 2 per cent, and was repayable in 60 monthly instalments commencing March, 1997. Unfortunately, no loan interest has been paid to date.

The Mitsubishi Corporation has a chattel mortgage on equipment purchased using that loan. The equipment is spread throughout the plant, making it difficult to make any progress whatsoever before agreeing on the settlement of the Mitsubishi loan.

(4) There is an amount of Kshs134,147,677, excluding penalties, payable to the KRA as at 30th June, 2001, consisting of Kshs87 million is due to the Customs and Excise Department on account of customs and excise duties levied on the rehabilitation equipment financed by Mitsubishi Corporation. A further sum of Kshs42 million is due on account of VAT, and a further Kshs5 million due on account of income tax.

Lastly, there is a sum of Kshs150,381,346 due as at 30th June, 2001, on account of trade creditors, personnel related expenses, council rates and factory rehabilitation costs, as well as receivership cost.

The Government has re-evaluated the options of re-opening and operation of the KMC, and has arrived at the decision that the KMC should be operated by stakeholders or the private sector, because we think the plant is in excellent condition and it could, in fact, form a strong outlet for livestock and livestock products. So, we feel that this is an important asset which should be put into production as soon as possible.

Mr. Temporary Deputy Speaker, Sir, the Government has also evaluated the cost implications of various methods of transferring the ownership and operation of KMC to stakeholders or other interested private sector participants, and decided that the plant should be sold as one operational unit and used specifically for the initial intentions. In other words, it should not be converted into other use. We believe this transfer should be best done through the receivership process. Through this process, whoever buys the asset will do so without any liabilities.

Mr. Temporary Deputy Speaker, Sir, the objective of the Sessional Paper laid before the House is to seek the authority of this Parliament in order to pave way for progress. As at 30th June, 2001, the total amount due to the Mitsubishi Corporation was Kshs372,316,760. This amount was due on account of an agreement signed in 1992, for financing equipment utilised to rehabilitate the Athi River factory.

Mr. Temporary Deputy Speaker, Sir, as I said, and this should be made even clearer, it is not possible at all to make any progress at the moment without discharging this obligation to Mitsubishi Corporation. It is for this reason that I seek the authority of Parliament for the Kenya Government to assume the Mitsubishi loan. If we are allowed to do so, I feel, we will have paved the way for some progress to be made in respect to transferring the assets to the private sector, and in particular the relevant livestock stakeholders.

Mr. Temporary Deputy Speaker, Sir, with these few remarks, I beg to move.

**The Minister for Agriculture** (Dr. Godana): Mr. Temporary Deputy Speaker, Sir, I thank you for giving me the Floor to second the Motion which has just been ably moved by the Minister for Finance.

Mr. Temporary Deputy Speaker, Sir, I think the story of the KMC is well known to hon. Members of this House and, indeed, the country. In a sense, it is gratifying that after a long and arduous journey, we have reached this point of seeking parliamentary authorization to deal with the single most important impediment to the resuscitation of the KMC; that is the Mitsubishi Corporation debt.

Obviously, hon. Members know that close to four-fifths of this country's land surface is arid or semi-arid. These ASAL areas are inhabited by no less than 5 million Kenyans, who are some of the most marginal in terms of development levels. These 5 million Kenyans depend principally, if not wholly, on livestock and livestock products for their livelihood. When the KMC was well operational before Independence and for some years after Independence, it actually provided a very effective market outlet for those areas. I do remember, as a school child, doing calculations for businessmen from my own areas, who were supplying goats and sheep to the KMC on a very effective system, where they would get their quota to supply 400 goats, say, on 3rd July, 2002. The next quota they would be given was, perhaps, to supply 200 goats exactly 10 days later. When lorries arrived at the KMC, they were sure their animals would find their slot into the slaughterhouse. They would wait over a cup of tea and within two or three hours, the calculations would be done and they would be given their cheques. At the end of the year, local businessmen would be sent surprise cheques in respect of bonus according to the number of animals they had supplied. Those were the good old days. We hope that by this step, we will resuscitate the Kenya Meat Commission (KMC) to operate along those principles.

Mr. Temporary Deputy Speaker, Sir, as the Minister for Finance explained, the factory was fitted with new then state-of-the-art technology for a modern slaughterhouse, thanks to the Mitsubishi loan, nearly nine years ago. The equipment has not been put to use, but we have no doubt that the state of that technology is still fairly good to be competitive even today. As it was, we, indeed, did have some export quota in Europe. I remember that one of the first official acts I had to do as the Minister for Agriculture, in July last year, was to sign and consent to Zimbabwe using, for the sixth year running, our quota, in the European market, of chilled meat export. That is how unfortunate we have become.

The net result of the failure of the KMC, because of mismanagement and our failure to make a bold decision to resuscitate the KMC, has been that locals have no place for a regular take over of animals. Animals whose meat is being eaten in Nairobi are now slaughtered at Dagoretti, Dandora, Kiamaiko, among other places. We only eat the meat. Only God knows where some of the animals are slaughtered; the meat finds its way into hotels. These are the

hard facts. Some of my people supply livestock. We know what pressure and burden they go through. At the peak of the season, for example, after the rainy season, there is competition.

Mr. Temporary Deputy Speaker, Sir, I know that today, the price of goats and sheep is about a third or a quarter of what it was only three months ago. If we had an organisation like the KMC, with a processing and canning plants, it would be possible for livestock to be supplied on a regular basis and, indeed, the price of livestock products, particularly that of meat, would also be stabilised. As it is now, it is only the butchers who are making a maximum kill out of the fluctuations in livestock prices. We all recall what happened during the last drought, when some members of the Maasai community, who could not dispose of their emaciated herds of cattle, had to painfully watch them die, and drive them virtually to the edge of the City suburbs. Indeed, at that time, a proposal was made between the Office of the President, the Ministry of Agriculture and Rural Development, and the Ministry of Finance, to resuscitate the KMC to fulfil one of the original purposes for which it was established.

Mr. Temporary Deputy Speaker, Sir, the KMC was established partly, of course, as a modern slaughterhouse to supply meat to the City, and partly to act as a social safety net in times of drought, so that livestock could be slaughtered in large numbers at the beginning of a drought. Out of the monies made not only would nomads, other pastoralists and ranchers buy themselves food instead of relying on the Government for famine relief supply, but they could also use their savings to restock their *bomas* after the drought.

So, we welcome this decision by the Government. I think all should welcome the Government's decision to write off these debts and start the process of urgently putting the KMC into operation. Let me say that one of the major problems which we have faced, and which we will still face, but which the Ministry is fully committed to dealing with firmly, is that, on account of the situation around our borders - Somalia, Ethiopia, Sudan, Uganda and Tanzania - it has become difficult for us to get a disease-free status. The fact that Rift Valley Fever and other diseases have been increasingly common in this continent of late, has been used by some of the easy markets like that in the Middle East, for the purpose of persecuting countries in the Third World.

For example, as of today, although we are free of Rift Valley Fever, we have not been given a clean bill of health by those markets, and yet we know that countries such as Somalia, Ethiopia and Sudan have already been considered to be Rift Valley Fever-free. We know as a matter of fact that in those countries, there are either no veterinary services worth referring to as such, or whatever veterinary services exist in some of those countries are very remotely comparable to the veterinary services that we have. The question is: What do we intend to do about the situation?

Mr. Temporary Deputy Speaker, Sir, we are in the process of strengthening the Department of Veterinary Services and bringing back some old - some people will call them draconian, but I think they are good - colonial and post-colonial era quarantine and other control mechanisms. On this, I would like to appeal to Kenyans, particularly in the pastoral areas, to be co-operative because it will be in their interest. We will have to monitor more effectively and control the inflow of livestock from across the borders. We cannot have a free-for-all situation. We also have to control the movement of livestock from one district to another. I know that when we start to effect these measures, politicians will start complaining, but I think sometimes we have to swallow some of these bitter pills. If we have to restore the reputation of Kenya as a disease-free source of livestock products, particularly of meat from arid and semi-arid land (ASAL) areas, we will have to be very vigorous, indeed nearly ruthless, in enforcing draconian or very strict control measures.

Mr. Temporary Deputy Speaker, Sir, this, we hope, will assist in price stabilisation in the provision of local and export markets, and in the control of diseases through effective livestock movement controls as well as help us in managing drought better. As I said, I want to emphasise that the livestock sector is the major economic activity and source of livelihood for up to 5 million people who live in ASAL areas. We cannot talk of poverty eradication, or development seriously unless we pay attention to that sector. One of the best ways of doing so is to resuscitate the KMC. After all, we used to be a net exporter of corned beef.

Mr. Temporary Deputy Speaker, Sir, we now import corned beef from countries like Botswana, which we initially helped to establish the Botswana Meat Commission. Even today, we train Botswana's meat inspectors at our Meat Inspection School in Athi River. Botswana, a desert country, whose meat processing plant we helped to establish, and whose skilled personnel in the meat industry we are still training, is the leading corned beef exporter to the European market today. We have the skill, the manpower and the resources. I do not see why we should not provide the financial support to make full use of the capabilities we have.

With those few remarks, may I appeal to hon. Members to support this Motion. I beg to second the Motion.

*(Question proposed)*

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, I will support the Government's proposal to have the loan it guaranteed the KMC to obtain from Mistubishi Corporation, United Kingdom, written off on one condition. While moving and seconding the Motion, the Ministers for Finance and Agriculture did not say when the KMC will be opened. Kenyans want specifics; there are no specifics in the two Ministers' speeches. We are just going to "sanitise" the KMC balance sheet. The House will just be used to sanitise the KMC balance sheet and nothing will happen thereafter. So, when replying to this debate, and before the question is put to vote, I would like the Minister to state when the Government intends to practically open the KMC. When replying, the Minister should also tell us what the Government intends to do about the holding grounds which have been privatised or handed over to ordinary citizens throughout the Republic. This is because animals that come from distant areas need a resting area before they go into the slaughterhouses, otherwise the meat will be of low quality and will not pass the inspection test before being converted to canned beef or for whatever use. We need practical answers.

Mr. Temporary Deputy Speaker, Sir, as I said, the crucial point is that the Minister for Finance should tell the House that in this financial year, the Government has set aside so much money which will be used for the revival of the Kenya Meat Commission (KMC). He should also include finances for paying the farmers who deliver their animals to KMC.

Mr. Temporary Deputy Speaker, Sir, I do not want to say much, but we want to be given fixed dates as to when the Kenya Government, if it gets this okay from the House to sanitise the balance sheet as it were, will open the KMC. If it is just sanitising the balance sheet for the sake of an individual to buy, then the Government should know that we know more than that. Why did the Government start allocating the land around KMC? If you intend to operate an abattoir of that scale, then you do not privatise the land around it. If you go to Athi River today, you will find that, that factory is surrounded by dust-emitting factories. Allright, we have no objection to dust-emitting factories, but first of all, the Government should also control the dust emissions. There are standards to be followed by dust-emitting factories which are close to food factories.

Mr. Temporary Deputy Speaker, Sir, however, the most important thing is that, when replying, the Minister should tell us on which date the KMC will be opened, if at all it will be opened. We also want to know how much money the Government is setting aside in the Vote of the Ministry of Agriculture and Rural Development to revive the plant and for paying the farmers.

**Mr. Munyao:** Mr. Temporary Deputy Speaker, Sir, I stand here to propose an amendment to this Motion at this time because being a member of the Departmental Committee on Agriculture, Lands and Natural Resources, I feel that this matter, which is affecting agriculture, must be referred to that Committee to discuss it so that we can clear quite a few things.

Mr. Temporary Deputy Speaker, Sir, I want to propose an amendment to the Motion, that we delete the word "adopts" which appears on the first line, and inserting the word "resolves" in place thereof. Secondly, I also propose that the words "be referred to the relevant Departmental Committee" be added at the end of the Motion.

Mr. Temporary Deputy Speaker, Sir, therefore, the Motion as amended will read as follows:-

THAT, this House resolves that Sessional Paper No.2 of 2002 on Revival of Kenya Meat Commission laid on the Table of the House on Thursday, 25th April, 2002, be referred to the relevant Departmental Committee.

This way, this House will be given a fair deal because the Departmental Committee will discuss this Paper fully and submit a report to this House.

I beg to move.

**Dr. Kituyi:** Mr. Temporary Deputy Speaker, Sir, actually, I think this is a very nice thing at a time when we are trying to revive the agricultural sector and strengthening parliamentary governance through relevant Departmental Committees. A critical matter like the revival of the KMC and other matters should not be brought to the main theatre of debate without getting a second opinion from our own committees. So, without anticipating the reaction of the Government and giving them an opportunity to enhance the need to get more informed support from this House, it would be in their interests that they will actually refer this matter to the relevant Departmental Committee.

**The Temporary Deputy Speaker** (Mr. Musila): Hon. Members, there is a proposal which I have to put to the House.

*(Question of the first part of the amendment,  
that the words to be left out be left out proposed)*

**The Minister for Finance** (Mr. Obure): Mr. Temporary Deputy Speaker, Sir, the question of KMC has been a matter of national interest for a very long time. I am aware that the stakeholders around the country have been looking forward to an opportunity like this one, when we would pass a resolution in this House to enable the Government to move forward. As I speak, interests and penalties continue to accumulate on loans which have been taken by this organisation. For that reason, this particular Paper has been in this House and I am sure hon. Members have had an opportunity to look and reflect on it. I do not feel that there is need to delay this matter any further, and for that reason, I oppose the amendment.

**Mr. Kibaki:** Mr. Temporary Deputy Speaker, Sir, I thought the Minister would support the idea of debating this matter in the Departmental Committee because trying to bulldoze this Motion through this Parliament is ignoring the fact that we are talking of writing off billions of shillings which will be taken from the taxpayers in order to pay. This phrase "writing off" misleads people. When you talk of "writing off", you mean the money must be paid by the State. When the State pays, it means the money is being taken from the taxpayers' money.

Mr. Temporary Deputy Speaker, Sir, it is unfair for that matter to be decided in this manner. It is only relevant that we should ask the relevant Departmental Committee to look into details of this matter. Hon. Members are not hostile. It is mere pretence to come here and say there is urgency. How long has the KMC been closed? Whoever is in this House, ladies and gentlemen, can we be shy? Pretending that there is urgency does not hold water.

Mr. Temporary Deputy Speaker, Sir, how long - can you and I remember - when the KMC was been closed? Can we remember?

*(Laughter)*

Little children who are in primary school now were not born. There is no such urgency and I am sure that just a week will be enough. The Committee will go into those details, and that certain details and certain questions which require to be answered will be answered in that informal environment and other people who want to propose where slaughter houses should be built will do so. They should not be built around Athi River where there is no holding ground, no access road and there is nothing. In fact, even if it was opened tomorrow, it can never be used unless you bring the livestock by helicopter and land them into the factory. Hakuna holding grounds! You will have to bring the carcasses of the animals into the factory by helicopter. Is that the intention of the Minister? I am sure it is not. Therefore, there is no meat factory that he is going to open tomorrow. There is no urgency. This matter requires to be looked into and I am sure that that is the best way of treating Kenyans. We want the KMC to be opened not necessarily at Athi River. Move the machinery where the animals are. Why do you want to move animals a thousand miles from Wajir, Mandera, Garissa and Marsabit to Athi River? Construct those abattoirs there and move the meat when it is ready and that is what we need.

Mr. Temporary Deputy Speaker, Sir, all I am saying is that all these matters can be discussed in the relevant Departmental Committee and that is why I do not want to take very much time now arguing the case. So, that is the best thing. I am sure it is in the interest of the Minister and any person who wants development. It is not the joy of saying: "I pushed through Parliament this thing and we have got the money". However, it is taxpayers' money. So, it is wrong. So, let us honestly use procedures which are available to us as a Parliament, and let us use the relevant Departmental Committee. Actually, that is what is logical and you will lose no time. So, why the pretence that there is urgency? There is no urgency. Let us do that.

I support.

**Capt. Ntwiga:** Thank you, Mr. Temporary Deputy Speaker, Sir. This morning, when we were debating the Motion about guaranteed coffee minimum returns, the Minister for Agriculture opposed that Motion very strongly. Now, he is supporting the revival of the Kenya Meat Commission (KMC) simply because it affects pastoralists. As I

said in the morning, the Minister is acting discriminatively in the sense that the Ministry of Agriculture does not only deal with pastoralists. It also involves coffee farmers.

**The Temporary Deputy Speaker** (Mr. Musila): Capt. Ntwiga, we are now not debating the amendment.

**Capt. Ntwiga:** Thank you. Let the proposed amendment be referred to the relevant Departmental Committee so that this Minister can come up with ways of writing off co-operative loans owed by coffee farmers. This way, we can revive the whole agricultural sector, and not only pastoralism.

With those few remarks, I beg to support.

**Dr. Omamo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to support the amendment for one reason only. There is a tendency or tentacle that is developing in Kilimo House, which should be chopped off. This tentacle is the tendency of the Minister to go ahead and do things without consultation. Just the other day, Kilimo House came up with another order that Muhoroni and Miwani sugar-cane will be milled in Chemelil without consultation. This Motion is important and consultation with the Departmental Committee on Agriculture, Lands and Natural Resources is important.

With those few remarks, I beg to support.

**Mr. Khamasi:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support the amendment. It is necessary that the Departmental Committee in charge be given an opportunity to quiz this Minister and allow stakeholders to give their input. There is no need to rush this business. From the look of it, it looks simple, but there is a lot hidden in it. We want to know what that is.

Mr. Temporary Deputy Speaker, Sir, there are so many unanswered questions which we need to know and that can only be done if the Departmental Committee sits down with officers of the Ministry of Agriculture. I want to support the amendment and ask the Minister to go back and get answers to the questions which we will be asking him in the next couple of days.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Musila): I beg your pardon; I have to give Mrs. Mugo an opportunity to speak because of gender balance.

**Mrs. Mugo:** We strongly support the amendment. The Committees are in place to look into these kind of serious matters. There is a reason why the KMC collapsed and we want the Committee to identify those problems so that we can avoid them in future.

With those few remarks, I beg to support.

*(Question of the first part of the amendment, that the word to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words to be inserted be inserted proposed)*

*(Question of the second part of the amendment, that the words be inserted be inserted, put and agreed to)*

Resolved accordingly

THAT, this House resolves that Sessional Paper No.2 of 2002 on the Revival of Kenya Meat Commission laid on the Table of the House on Thursday, 25th April, 2002, be referred to the relevant Departmental Committee.

**The Temporary Deputy Speaker** (Mr. Musila): The House has decided that the matter will be referred to the relevant Departmental Committee, but the Motion will come back later. When it comes, we will be adopting the Sessional Paper after the Committee has dealt with the matter. I just wanted to make it clear that the original Motion is there, which is that: "This House adopts the Sessional Paper No.2 of 2002---" The only amendment that has been done is to refer the matter to the Committee, so that it will come back as it was. Is that clear?

Next Order!

THAT, this House adopts the Sessional Paper No.1 of 2002 on the restructuring of the Agricultural Finance Corporation laid on the Table of this House on Thursday, 25th April, 2002.

**The Minister for Finance** (Mr. Obure): Mr. Temporary Deputy Speaker, Sir, considering the spirit of the House, I propose that this matter also be referred to the relevant Departmental Committee.

*(Sessional Paper No 1 of 2002 was referred to the relevant Departmental Committee)*

**The Temporary Deputy Speaker** (Mr. Musila): Next Order!

#### ADOPTION OF 1997/98 PAC REPORT

THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 1997/98, laid on the Table of the House on Tuesday, 23rd April, 2002.

**Mr. Kibaki:** Mr. Temporary Deputy Speaker, Sir, we did not expect this Motion to be discussed today. Therefore, we had not prepared to move it. We will move it next time.

**The Minister for Finance** (Mr. Obure): On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear what the Leader of the Official Opposition; said, that he is not ready to discuss important matters pertaining to this nation? What does that imply? It implies that he is not ready at all to take on the greater challenges of this nation.

**The Temporary Deputy Speaker** (Mr. Musila): Order! Order! There is no debate on that.

*(Motion deferred)*

Next order!

### BILLS

#### *Second Reading*

#### THE CRIMINAL LAW (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Mr. Musila): Is the Attorney-General here?

**The Minister for Finance** (Mr. Obure): Mr. Temporary Deputy Speaker, Sir, I believe you are aware that the Attorney-General has the permission of the hon. Speaker to be out of the country.

**The Temporary Deputy Speaker** (Mr. Musila): Indeed, the Attorney-General is out of the country with the knowledge of Mr. Speaker.

*(Second Reading deferred)*

Next Order!

#### *Second Reading*

#### THE TRAFFIC (AMENDMENT) BILL

**Mr. Angwenyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It looks like the Government is crumbling into pieces. It looks like our party KANU, needs to streamline itself so that each of these Vice-Chairmen do not have to spend their time out there campaigning to be number one among the four. Could you demand that the ruling party, KANU, re-organises itself so that Ministers can be here all the time?

**The Temporary Deputy Speaker** (Mr. Musila): Order! Hon. Members, obviously, whether it is the Government or the Opposition side, I think Ministers or Chairmen of Committees, like it is with the Leader of Government Business, should be ready for items that are listed on the Order Paper because we do not only deal with one issue. They must be ready all the time, whether it is the Chairman of the Public Accounts Committee or Ministers.

You have now realised that we could not deal with one matter for a good reason, and now we are unable to proceed with the Business of the House because these people are not ready. Therefore, if the Government is asleep, it is certainly not alone in this case. I do hope that you will take the cue so that all hon. Members come ready to deal with

whatever is on the Order Paper and not just for one item.

I believe that we have no other business now.

*(Second Reading deferred)*

### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Musila): Hon. Members, it is now nearly 4.35 p.m. and we have to adjourn the House because we are unable to proceed for reasons you know very well. The House, therefore, stands adjourned until tomorrow, Thursday, 4th July, 2002, at 2.30 p.m.

The House rose at 4.35 p.m.