

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 10th June, 1998

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Mr. Obwocha: Mr. Deputy Speaker, Sir, I have not received the written reply to this Question. However, I will ask the Question.

Question No.073

COMPLETION OF NYAMIRA POLICE STATION

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

- (a) if he was aware that the construction of extensions to Nyamira Police Station has stalled for many years;
- (b) if he was further aware that the only cell available in the said police station has collapsed; and,
- (c) if the answer to "a" and "b" above were in the affirmative, what urgent steps the Ministry is taking to ensure that the new buildings are completed this year.

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

(a) I am aware that the construction work in respect of Nyamira Divisional Police Headquarters stalled for some time, but it resumed in 1996 and is still in progress.

(b) I am not aware.

(c) Due to the huge amount of funds needed to complete the entire project, the construction works is being done in phases. Currently, the constructor is concentrating on type "E" Flats in Block 9A and Block 9B. He has promised to complete and hand over the phase by September 1998. A dog section office block is complete and in use.

Mr. Obwocha: Mr. Deputy Speaker, Sir, I think the Minister is fairly old by age and I would assume that when he was finding out about the cell in Nyamira, he must have been told that it was built by the colonialists in 1938. That cell is nine feet by 12 feet. When they lock in more than four people only God can save them from suffocation. The construction of Nyamira Police Station was also one of the projects started by the former Chief Secretary, Mr. arap Leting in consultation with the then Permanent Secretary Provincial Administration and Internal Security, the late Mr. Oyugi. They started it in order to just "eat" money. Could the Minister tell us when they are going to construct a new expanded cell, so that they do not endanger the lives of those suspects who are held there, because they are innocent until they are proved guilty?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, in my answer I said that the construction work is being done in phases. Some phases have been completed and others are in the process of being completed. I would like to assure the hon. Member that when we get to the phase under which the cell falls it will be constructed.

Mr. Ochilo: Mr. Deputy Speaker, Sir, the Question that has been asked by Mr. Obwocha and the answer given by the Minister show that the general state of our police stations and cells is wanting. Could the Minister confirm or deny that generally police stations and cells have not been repaired for a long time and that this needs urgent attention?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, I think that was not part of the Question. My answer with regard to Nyamira Divisional Police Headquarters is that work is in progress. Work on all sections involved will

be completed as I have indicated in my reply.

Mr. Sifuna: Mr. Deputy Speaker, Sir, the Minister has informed this House that the construction of Nyamira Police Station started in 1996 but is not completed to date. Could the Minister tell this House the size of that police station, whose construction work is taking three years before completion? Is he serious! Could he tell this House the main reasons behind delay in the construction of that police station?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, the reason behind the delay is lack of funds.

Dr. G.B. Galgalo: Mr. Deputy Speaker, Sir, can the Minister confirm to the House that for the last five years there has been no construction of police stations in this country. I have in mind my constituency where there is no police station. Could he tell us other police stations that are in the process of being built by the Office of the President?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, I do not think that that question is relevant to this one. I have no record of any new police divisional headquarters being constructed at the moment.

Mr. Obwocha: Mr. Deputy Speaker, Sir, I would like the Minister to be precise in order to satisfy me on this Question. Could he tell this House whether there is a drawing plan for the cell to show that work on it is part of the extension work? If so, how much money has been set aside for work on the cell?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, I do not have the drawing plan for the cell, but so far we have paid over Kshs77 million towards the construction of Nyamira Divisional Police Headquarters.

Mr. Deputy Speaker: The last question, hon. Ojode.

Mr. Ojode: Mr. Deputy Speaker, Sir, the hon. Minister is not answering hon. Obwocha's Question. He has not answered anything. The question is: The project stalled and he has pumped about Kshs77 million into the project. How much money is he going to spend on the remaining work?

Mr. Ndambuki: The project was going to cost the Government a total of Kshs363 million. Out of this, we have paid Kshs77 million. So, there is still a balance and, once we have the funds the whole project will be completed.

Question No.088

RENOVATION OF NKUBU POLICE STATION

Mr. Ita, on behalf of **Mr. Murungi**, asked a Minister of State, Office of the President:-

(a) if he was aware that the buildings in Nkubu Police Station which were built in 1956 are unfit for human habitation; and,

(b) what urgent plans the Ministry has for rebuilding this Station.

Mr. Deputy Speaker: Office of the President!

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

(a) I am aware that the buildings at Nkubu Police Station are old but they are habitable.

(b) Rebuilding Nkubu Police Station will be considered subject to availability of funds after completion of on-going projects.

Mr. Ita: Mr. Deputy Speaker, Sir, the answer given by the Minister notwithstanding, NKubu Police Station was built in 1956. The buildings were temporary built of mud and wattle and roofs are now leaking. The policemen who are safeguarding the security of the people in the area are living in very harsh and inhuman conditions. For the Minister to tell us that a police station that was established in 1956 is going to be repaired or looked into when funds become available--- I think we need more than this.

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

Mr. Deputy Speaker: Yes, hon. Kathangu!

Mr. Kathangu: Ahsante Bw. Naibu Spika. Swali ambalo ningependa kuuliza ni kwamba katika eneo la Meru na vitongoji vyake na pia katika sehemu za Tharaka, Nyambene na kadhalika, watu wengi wamepewa bunduki. Fedha nyingi zinatumiwa katika sehemu za Meru, Tharaka na Nithi ili kuwawezesha Police Reservists waendeleo kulinda mali na nyumba za watu. Rais wa nchi hii alipotembelea sehemu hizo, aliamuru kuongezwa kwa vituo vya police katika sehemu za Tharaka, Meru na Nithi. Kwanza, Rais anatoa pesa za huduma hii wapi ambapo Waziri wake hajui iwapo kuna pesa au la? Pili, kuna fedha ambazo Rais ametumia kununulia bunduki na kuzitoa katika sehemu ya Tharaka. Je, Waziri ana habari au hana habari?

Mr. Deputy Speaker: Bw. Kathangu, tafadhali uliza swali lako.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, I am not aware about the guns. The only thing that I can

assure the hon. Member is that once we have funds, Nkubu Police Station will be rehabilitated. However, at the moment we are not taking on any new projects until we complete the old ones.

(Several Members stood up in their places)

Mr. Ndwiga: Mr. Speaker, Sir, part of the security problems in this country is that the police live in inhuman conditions. They are actually de-humanised. You cannot expect somebody who lives in a mud house to go out and perform his duties diligently. Could the Minister tell this House what plans they have to rehabilitate all police houses in this country? If you see what is in Nkubu now, Mr. Deputy Speaker, Sir, you will also understand why there is a lot of insecurity in that place.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, as I have said, once funds become available, Nkubu Police Station will be allocated funds for rehabilitation.

Mr. Ndwiga: On a point of order, Mr. Deputy Speaker!

Mr. Deputy Speaker: Yes!

Mr. Ndwiga: Mr. Deputy Speaker, Sir, what plans does the Government have to rehabilitate all police stations in the country? Policemen live in animal-like conditions; they are like animals in an orphanage! In fact, the orphanage here is a lot better than some of the police houses!

(Laughter)

Mr. Ndambuki: Mr. Deputy Speaker, Sir, as far as the issue of rehabilitating all police stations in the country is concerned, I do not have any information but I can check and advise the House accordingly.

Mr. Deputy Speaker: Next Question, hon. Emanuel Karissa Maitha!

Question No.060

PAYMENT OF TERMINAL DUES TO MR. KADENGE

Mr. Maitha asked the Minister for Agriculture when Mr. Jackson Charo Kadenge, P/No.04126000/749, who retired on 31st December, 1994, will be paid his terminal benefits.

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

A cheque No.069243 dated 8th September, 1997 for Kshs418,463.45 was paid by the Pensions Department to Mr. Jackson Charo Kadenge on 8th September 1997 through the Kenya Commercial Bank, Treasury Square, Mombasa. This cheque, in respect of pensions gratuity, also included arrears for his monthly pension in respect of the period starting 1st January, 1995 to 31st July, 1997. Mr. Kadenge should now pursue payment of his monthly pension dues with the Pensions Department. In case of any difficulties, he should get in touch with my office for assistance.

Mr. Maitha: Mr. Deputy Speaker, I would like to thank the Assistant Minister for the answer he has given. But what surprises me is the fact that Mr. Charo Kadenge has not received the said cheque up to this moment. I had to, in fact, help him to pay school fees for his two children who joined Form One. Why did it take the Pensions Department over three years to pay him? And where is the said cheque at the moment? Mr. Charo Kadenge has not got it and he has not even got his pension. Why does it have to take this long for him to be paid?

Mr. Wamukoya: Mr. Deputy Speaker, Sir, on the question as to why it took so long, I will not be able to answer. But on the second part of his question where he talked about Mr. Charo not having received the cheque up-to-to-day, I would request the hon. Maitha to ask Mr. Charo to come to my office so that we can work together and find out why he has not received the cheque at Mombasa Treasury Square branch of the KCB.

Thank you Mr. Deputy Speaker.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, we need clear answers. When you tell us that this gentleman was paid through KCB Mombasa Treasury Square, in which account number was this cheque deposited so that hon. Maitha can follow up the matter and advise his constituent?

Mr. Wamukoya: Mr. Deputy Speaker, Sir, when somebody retires, he usually gives his account number where the cheque should be deposited. I presume that this cheque was deposited in an appropriate account number but I do not have that account number. I am suggesting that Mr. Charo goes to the Treasury Square to find out whether or not the cheque is there. After that he can come to our offices.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, the hon. Member has asked a Question that needs an answer.

It is not for Mr. Charo to go and check. It is for the Assistant Minister to tell this House the account number in which the cheque was deposited. If he is not sure, this Question should be deferred so that he can come to this House with a proper answer another day.

Mr. Wamukoya: Mr. Deputy Speaker, Sir, it is the Question that was asked by hon. Maitha that prompted the Ministry to look into why Mr. Charo may not have been paid. The answer I have given indicates that Mr. Charo has been paid. The issue of the account number had not arisen at that time.

Mr. Sifuna: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to continue misleading this House? If this cheque was paid, can he confirm whether the cheque was honoured or not? A cheque takes six months to be stale. Could he tell this House whether the cheque was cleared or not? If it was not cleared, can he write another cheque for Mr. Charo?

Mr. Wamukoya: Mr. Deputy Speaker, Sir, whether the cheque was honoured or not, I do not know.

Mr. Mutahi: Mr. Deputy Speaker, Sir, could you intervene in this matter and direct the Assistant Minister to go and check whether the account where this cheque was deposited had been debited by the same amount? Could he ascertain that it was deposited in the Mombasa account?

Mr. Wamukoya: Mr. Deputy Speaker, Sir, there is no point of dispute here. I can go and check.

Mr. Deputy Speaker: Mr. Wamukoya, hon. Members do not really find your answers satisfactory. So, if you are going to check, make sure you check on all the issues that you have not been able to satisfy them on today and bring an answer to this House as soon as possible at your own convenience.

Question No.065

MEASURES TO SAFEGUARD COMPUTER SYSTEMS

Mr. Achola asked the Minister for Finance:-

- (a) what specific plans he had put in place to safeguard against the collapse of all government computer systems arising from the year 2000 crisis;
- (b) how much the plan in "a" above was likely to cost; and,
- (c) how the plan will be financed.

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

(a) The Government, through my Ministry, has established the year 2000 Compliance Task Force since September, 1997 to investigate, evaluate and offer possible solutions to the year 2000 computer date problem. The deadline for final implementation of the solutions established is February, 1999.

(b) The estimated cost of the project is K£44,141,300, distributed as follows:

- (i) Replacing of Mainframe Computers - K£25 million
- (ii) Mid-Range Computers - K£15 million
- (iii) Micro-Computers - K£13,975,000
- (iv) Operational costs - K£266,300.

(c) The financing of the project will be undertaken by the Kenya Government through the Consolidated Fund. I take this opportunity to advise all Kenyans operating computers and remind them of this problem of the year 2000 compliance and that they should prepare themselves for modifying their computer operations in order to save themselves colossal costs by the year 2000. It is a real problem and Kenyans are well advised. I thank the hon. Member for bringing up the Question.

Mr. Achola: Mr. Deputy Speaker, Sir, I am very appreciative of that answer given by the Assistant Minister; that they are even aware of this problem and that a task force has already been set up since 1997. But the answer to part "(b)" does not give the impression that he has understood the problem. The year 2000 compliance problem is not just replacing mainframes. Could he go ahead and explain to the House what is involved in resolving this problem? It is not just hardware replacement.

Mr. Keah: Mr. Deputy Speaker, Sir, of course, I am a chartered accountant and I know even much more than he does. But we are not here to compete on who has greater know-how than the other. The operational costs of the software will be contained in the figure of K£266,300, but also there is an element within the configuration that I have given in (i), (ii) and (iii) that is, in replacing the mainframe computers. There is an element there of the software development even in the mid-range computers. There is an element of software development as well as micro-computers. All these costs are inclusive of the software costs.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, the year 2000 compliance crisis is a major problem which this Government should not under-play. We are told that planes may crash, telephone exchanges may stop working,

power supplies may stop working and shut down completely. It is a serious problem and it is not achieving the desired attention. Could the Minister explain to us, if they have the actual opportunity costs in terms of what we are likely to lose in terms of revenue either in telephone systems or people being overpaid? Has the Ministry done an assessment of the opportunity costs within the Government and those in the private sector with regard to the costs attributable to the year 2000 bug?

Mr. Keah: Mr. Deputy Speaker, Sir, that is a different question. The Question here is: How much is the plan in "a" above, for the year 2000 compliance going to cost? I have given that cost. But the opportunity costs and all those other things that might happen if we did not comply are not part of this Question and, therefore, I have no information for that.

Mr. Deputy Speaker: Hon. Keah, it has to be a different Question because it is a supplementary question.

Mr. Keah: Mr. Deputy Speaker, Sir, the opportunity cost of what will be lost is a colossal amount of money and it requires extensive research and I do not have that answer right now.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, we know that the Government does have a main frame which was purchased during Permanent Secretary Oyugi's tenure in office. Can the Minister explain the reasons pertaining to the cancellation of the contract of £25 million that was awarded to CAL who do not even contain the ISO standards? Why was this contract cancelled? Can you in future look into the contracts being awarded to this particular company by bodies like DOD, the co-operative movement, all through the sourcing of CAL?

Mr. Keah: That is totally and remotely not associated with this question.

Mr. Achola: I will start by pointing out that hon. Keah's statement that the systems will cost about K£2600,000 is completely wrong. In fact, I do not think that hon. Keah has understood the Question. Despite the fact that he says that he knows more about computers than I do, he is dreaming because he does not. This is a software problem. The cost that he has given here relates to the hardware. Could he go back to investigate and come back and tell us how much it is likely to cost in terms of changing all the software that the Government has? We do not need main-frames; he is answering the wrong question.

Mr. Keah: That information can be obtained but I have given him the total package of the total cost which is what he asked for, that is, both the cost of the hardware and the software. I am of course, aware of the fact that this is a software problem but it is equally a hardware problem. It is not just a question of changing the software and putting it into the main frame or into the computer hardware. It is really both. If he does not appreciate that, then he can come to me for a bit of advice.

Dr. Kituyi: Mr. Deputy Speaker, Sir, the Assistant Minister is usually very eloquent but he is out of his depth. The year 2000 problem is a statistical and logical problem which affects operating systems and software. It has nothing to do with main-frames. Once computer main-frames are out-dated, they are replaced by others. Why does he tell us about the cost of replacing the main frames and the cost of new micro-computers when all we wanted was some measures to deal with the problem of operating systems and software, which is the problem of the year 2000? It has nothing to do with the cost of new computers.

Mr. Keah: Mr. Deputy Speaker, Sir, with all due respect to Dr. Kituyi, I insist that it is both. Our analysis within all the Government Ministries shows that we will need the hardware as well as the software.

Mr. Deputy Speaker: Next Question, hon. Galgalo!

Question No. 139

NUMBER OF TRADE BANK DEBTORS

Mr. Deputy Speaker: Since Mr. Galgalo is not here yet, we will pass over that Question for now. Next Question!

Question No. 087

DISTRIBUTION OF CITY COUNCIL VEHICLES

Mr. N. Nyagah asked the Minister for Local Authorities since Nairobi City Council recently purchased four mechanical shovels and ten tippers, if they could be distributed on constituency basis to keep the City and estates clean.

The Minister for Local Authorities (Prof. Ongeri): Mr. Deputy Speaker, Sir, I beg to reply.

The four mechanical shovels and ten tipper lorries recently, purchased by the Nairobi City Council cannot be distributed on constituency basis for the purpose of keeping the city clean because they are not adequate for combination and distribution. In order to adequately cover the eight constituencies, the council will require ten mechanical shovels and 190 trucks of various types. At the moment, the Council has only six mechanical shovels, and 24 trucks covering eight constituencies. These mechanical shovels and trucks are inclusive of the new and old equipment.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, I pity the Minister and I would want him to listen to what I am going to tell him. The mechanical shovels were bought from a company which is a subsidiary of Kwanza Motors belonging to Mr. Geoffrey Asanyo. These were secondhand. They are still stationed at the NCC depot at industrial area. I would like him to go and confirm what I am saying. The NCC has given out a contract worth Kshs7,500 an hour for 300 hours to a company in Nairobi. They have not quantified the garbage at Dandora estate. Mr. Minister, would you go back and find out from your chief officers why old shovels were purchased by the Council and why a contract through single sourcing was awarded to this company at Kshs7,500 per hour for 300 hours?

Prof. Ongeri: Mr. Deputy Speaker, Sir, the hon. Nyagah knows extremely well that his Question asked, verbatim: How many shovels and trucks can be allocated to his constituency. I think he has got the answer.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, I am very specific. I have quoted the number of shovels and tippers. From the answer that the Minister has given me, I am telling him that it is not possible for all the constituencies to be cleared of garbage. We have a crisis with garbage management in Nairobi. We want Nairobi to be what it was many years ago. When we bring up this Questions here, we are trying to help the Government to find out the problem. If you remember, it was because of the same purchase of Kwanza Motors that the Town Clerk was suspended. Now we are back at it. The purchase was done during the time when the Council was dissolved in 1997. We are urging you to look at the management problem of garbage collection within Nairobi. I am within my rights to ask this Question. Can he kindly give me an answer?

Prof. Ongeri: Mr. Deputy Speaker, Sir, the hon. Nyagah knows fully well that the NCC is adequately addressing the issue of garbage collection in the city of Nairobi. There is, as you are fully aware a move to have the NCC commercialize the services of garbage collection in the city. This has taken place in the central business District. We intend to move to Westlands and the Industrial area. I believe this action alone will in effect reduce the dumping of garbage in most of these areas. As far as garbage collection is concerned, he is fully aware of my own interest in the matter, that I have gone to various dumping sites. I have even stood on the heaps of garbage to be able to measure the depth of the problem and I am fully aware of this. I will be addressing the issue adequately.

Mr. Keriri: Mr. Deputy Speaker, Sir the Minister has not commented on the point made by hon. Nyagah regarding the trucks bought by the NCC that are stashed somewhere. Can the Minister tell us why the second hand shovels were bought through single sourcing at Kshs15 million and why they are not operational?

Prof. Ongeri: Mr. Deputy Speaker, Sir, all the equipment purchased by the NCC at that time, including the equipment that we got from grants from friendly donor countries are in the process of being rehabilitated. I want to assure the hon. Member that it is one of the issues that I have discussed extensively with the relevant departments, including a long meeting this morning without even anticipating this Question. This meeting was fixed a month ago where I discussed fully about the operations of the environment department which deals with garbage collection, including the issue of drainage and sewage system in the city, which includes his constituency.

Mr. Parpai: Mr. Deputy Speaker, Sir, when the Minister talks of rehabilitating the equipment at Dandora is he admitting that they bought second hand equipment in the guise that it was new?

Prof. Ongeri: Mr. Deputy Speaker, Sir, I am sure that the hon. Member would appreciate the fact that when an equipment is bought on the basis of a tender, it obviously must be new. It could not have been old and it has served its useful period and it is now undergoing the normal mechanical rehabilitation process.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, I wish the Ministers would listen to us; we would give them a lot of help. The machines were old, they have not been used, the council meeting at the Nairobi City Council has complained about it and we want the Minister to go back and check. Let me double in as the Shadow Minister for Health.

Last week, I had a meeting with the Director of---

Mr. Deputy Speaker: Hon. N. Nyagah, just ask your question!

Mr. N. Nyagah: I want to build it up so that I can ask him.

Mr. Deputy Speaker: Well, we do not have the time.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, from last week's meeting with the Ministry of Health officials, they said that the problems of most people living in Korogocho and Kiambio are respiratory related. That is as a

result of the smells and the fumes coming from the garbage. We know that the City Council has already privatised the collection of this garbage. The Provincial Commissioner Nairobi, is on record as having complained last week that these people are spilling the garbage on the roads and blocking them. Could the Minister ensure that we have people at the Dandora dumping site to supervise the dumping of this garbage, so that it is not done within the Estate and, we will remember him for many years to come?

Prof. Ongeri: Mr. Deputy Speaker, Sir, the hon. Member wants to take advantage of what does not belong to him. He already knows that we are looking at a possible creation of a new dumping site near Dandora to be able to incinerate the garbage extremely well. We are also dealing with the issue of solid waste management for the purposes of making this City much cleaner. The hon. Member is fully aware that we are, in fact, rehabilitating all the drain and sewerage systems within the City. There are about four main trunk sewerage systems which are discharging effluent to Dandora area and many other smaller sewerage systems. All these are being rehabilitated in order to remove permanently the problem that has been there before.

Question No.134

INTRODUCTION OF NAIROBI-MALABA
PASSENGER TRAIN

Mr. Sifuna asked the Minister for Transport and Communication:-

- (a) when the Kenya Railways Corporation would introduce daily passenger train from Nairobi to Malaba; and,
- (b) whether he could direct

[**Mr. Sifuna**]

the Kenya Railways Corporation management to schedule the passenger train to be stopping at Nyanga Railway Station to serve the people of Bumula Constituency.

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

(a) Kenya Railways Corporation currently runs a weekly train to Malaba from Nairobi which is considered sufficient for the present level of demand. The Corporation will increase this frequency when there is demand and economic justification.

(b) The existing weekly passenger train to Malaba stops at all stations between Eldoret and Malaba, including Nyanga. The stoppage times at Nyanga are; Saturdays, at 7. 16 hours on the way from Eldoret and on the same day at 17. 32 hours, on the way from Malaba.

Mr. Sifuna: Mr. Deputy Speaker, Sir, arising from that misleading reply from the Assistant Minister, during colonial days, we used to have a daily train from Nairobi to Malaba and the people were few those days. Now, we have more people and travelling by train is the only cheapest means to a common mwananchi.

Mr. Deputy Speaker, Sir, at one time, in 1983, I moved a Motion in this House and it was answered by the then Minister for Transport and Communications, hon. Kosgey, who accepted that there was demand and they would start to increase a daily passenger train to Malaba and that they had ordered some engines from South Africa. To date, we do not have a daily train. Could the Assistant Minister direct Kenya Railways to establish a daily passenger train because there is a very high demand for a train from Nairobi to Malaba?

Mr. Obure: Mr. Deputy Speaker, Sir, as I said, there is a weekly train on this route and we said that it is because of the low level of demand. I am being made aware by hon. Sifuna that there could be a high demand for increasing the frequency of this train, and particularly starting a daily train. I will ask the Kenya Railways to explore this possibility in order to serve better the people travelling on this route.

Mr. Sifuna: Mr. Deputy Speaker, Sir, while thanking the Assistant Minister for the reply that he is going to direct the Kenya Railways to establish a daily train, could he also instruct the Kenya Railways, to look into the possibility of putting lights in First, Second and Third Classes of the train? If you travel in those Classes, it will be as if you are travelling in a grave. Could he make sure that we have lights in the train?

An hon. Member: Travelling in a grave?

Mr. Obure: Mr. Deputy Speaker, Sir, we know that we have had problems in the past at the Kenya Railways which includes the problems of capacity and so on. But we also appreciate that tremendous improvement has been made. We are striving all the time to improve services and most certainly, sentiments expressed by the hon. Sifuna will be conveyed to the Kenya Railways and we hope that what he is asking for will be provided.

Dr. Kituyi: Mr. Deputy Speaker, Sir, while appreciating the statement by the hon. Assistant Minister,

that they are trying to improve the railways services, for the past one year, Third and Second Class wagons on the Malaba Route have not had any lights. If you seek the proud gentlemen who have been working in the railway services for decades, you will find elegant old men walking around in rags because the Railways Corporation cannot give them new uniforms. The linen is not worth calling linen for a Gikomba eating place. Could the Assistant Minister tell us what kind of improvement they have put in place to justify his claim that they have been trying and they are improving?

Mr. Obure: Mr. Deputy Speaker, Sir, as I said, we acknowledge that we have had problems in the past but I want to assure this House that the new management at the Kenya Railways is addressing these problems and, in fact, a number of improvements have already been put in place. The hon. Members have brought to my attention the conditions of service on this particular route and I have said that I will convey these sentiments and, I am confident that the Railways management will address this problem.

Mr. Deputy Speaker: Hon. David Musila's Question.

Question No.236

MODERNIZATION OF MWINGI TELEPHONE EXCHANGE

Mr. Deputy Speaker: Mr. Musila not there? Question stood over for the moment. Hon. Orengo's Question.

Question No.158

NEW UNION FOR KENYA FERRY
SERVICES EMPLOYEES

Mr. Ndwiga, on behalf of **Mr. Orengo**, asked the Minister for Labour:-

(a) what was the position of the unionisable employees of Kenya Ferry Services Limited who resigned *en masse* from the Transport and Allied Workers Union and applied to join the Dock Workers Union.

(b) what were the constraints or hindrance for the said employees to join the Trade Union of their choice since the Kenya Ferry Services Limited is owned by the Kenya Ports Authority, thus providing a rational basis for the Dock Workers Union to represent them.

The Assistant Minister for Labour (Mr. Ethuro) Mr. Deputy Speaker, Sir, I beg to reply.

(a) The unionisable employees of Kenya Ferry Services Limited have neither rescinded their resignation from Transport and Allied Workers Union nor secured membership in the Dock Workers Union.

(b) Constitutional limitations on the part of the Dock Workers Union pose the main hindrance to industrial presentation of the said employees.

Mr. Ndwiga: Mr. Deputy Speaker, Sir, it is apparent that the Assistant Minister has not been given the right information. When the Kenya Ferry Services Limited was acquired by KPA, all members of Kenya Ferry Services Union resigned from Transport and Allied Workers Union. Now, workers for Kenya Ports Authority are all represented by Dock Workers Union. The former employees of the Kenya Ferry Services Workers Union would like to be represented by the much bigger and stronger Dock Workers Union. Why is the Ministry and the Assistant Minister making it difficult for these employees to be represented? These employees have no union, and yet it is their constitutional right.

Mr. Ethuro: Mr. Deputy Speaker, Sir, the Ministry is fully informed of what has been happening. On 23rd June, 1994 these employees resigned from TAWU. According to the constitution of TAWU it is the only one empowered to oversee the interests of all workers employed by tour operators, petrol stations, road and allied transport, ferry services among others. The constitution of the Dock Workers Union does not allow or empower it to represent the said employees. But, we are willing to consider and review the collective bargaining agreement to accommodate those interests.

Mr. Ndwiga: Mr. Deputy Speaker, Sir, you cannot expect TAWU to stop representing these employees, because they are getting income from them. It is not the union which decides who to represent. Workers decide which union should represent them. It is most ridiculous that the Assistant Minister for Labour is telling this House, that a union will be asked to decide whether or not to represent these people. Former employees of Ferry Services Limited want to be represented by the Dock Workers Union, and that is their right. It is not negotiable.

Could the Assistant Minister be a little bit more serious and tell this House whether he is going to actually implement that?

Mr. Ethuro: Mr. Deputy Speaker, Sir, the days of authoritative rule are over. When a dispute is reported to the Minister, he appoints an investigator to determine proper industrial action. That was done. On the basis of the findings, the Minister recommended that TAWU is the right body to represent the interests of the employees of the former Kenya Ferry Services Limited. This was communicated to the relevant parties. We believe that it is not the responsibility of the Ministry to order the union to represent the workers, it is up to the workers to decide which union can best represent their interests.

Mr. Ndwiga: Mr. Deputy Speaker, Sir, the situation is that - and the Assistant Minister acknowledges - all former workers of Kenya Ferry Services Limited resigned from TAWU. So, they are unrepresented. The constraints are that, the Ministry does not want to allow the Dock Workers Union to represent the former employees of Kenya Ferry Services Limited. These people are unrepresented. Could the Assistant Minister facilitate the representation of the former employees of the Kenya Ferry Services Limited by the Dock Workers Union? These workers prefer to be represented by the Dock Workers Union which is willing to represent them. So, where is the problem?

Mr. Ethuro: Mr. Deputy Speaker, Sir, if former employees of the Kenya Ferry Services Limited would like to be represented by the Dock Workers Union, it is up to them to raise the dispute with the Minister, then we will handle the issue in the normal way. So, the Member should advise them to do so.

Mr. Maitha: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that the Kenya Ferry Services Limited has even protested to the Minister about this matter? Is he aware that there has been some correspondence on this matter?

Mr. Ethuro: Mr. Deputy Speaker, Sir, from the beginning, I thought I was very clear, that the Ministry of Labour is aware of the dispute. I even quoted the exact date when it was reported to us. I subsequently enumerated the steps that we took as a Ministry to investigate and determine the dispute. On the basis of the findings that were given to us, we made recommendations and it is only TAWU which has the mandate to represent the former employees of Kenya Ferry Services Limited. Unless that constitution is changed, there is nothing the Ministry can do. But, there is a normal procedure for handling trade disputes. We are always ready and willing to arbitrate where possible.

Mr. Ndwiga: Mr. Deputy Speaker, Sir, this Question has been brought to the House because [Mr. Ndwiga]

former employees of Kenya Ferry Services Limited have petitioned the Ministry. While appreciating the fact that the Ministry has in the past intervened in such situations, the employees have petitioned the Ministry. The Assistant Minister rightly says that if they petition the Ministry, it would find a solution. Could he confirm that he is going to take some action, since they have now petitioned the Ministry?

Mr. Ethuro: Mr. Deputy Speaker, Sir, if you look at the Question, both parts "a" and "b" have no provision for the petition.

Mr. Deputy Speaker: Hon. Ethuro, this is a supplementary question. It could not have been in the original Question. So, could you confirm or deny?

Mr. Ethuro: Mr. Deputy Speaker, Sir, if the dispute has been referred to the Ministry, the onus is on us to resolve it. We would do so if it has been reported.

Mr. Deputy Speaker: Mr. M.M. Galgalo's Question for the second time!

Mr. M.M. Galgalo: Mr. Deputy Speaker, Sir, I apologise for coming late.

Question No. 139

NUMBER OF TRADE BANK DEBTORS

Mr. M.M. Galgalo asked the Minister for Finance:-

(a) to state the amount of money owed to the former Trade Bank Limited which has not been collected by the official receiver; and,

(b) to table a list of those debtors and the amounts owed.

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

(a) The total loans yet to be collected as at 31st March, 1998 amounted to Kshs7.9 billion.

(b) Under the provisions of the Banking Act, the Minister as well as the bank management are required to observe strict confidentiality. It is therefore, not possible to table the list of these debtors as this would be a

breach of the law which this House established.

Mr. M.M. Galgalo: Mr. Deputy Speaker, Sir, there had been other cases of such financial institutions being laid on the Table of this House, for example, the case of Rural Urban Credit Finance Company. Why is it impossible for the Assistant Minister to similarly lay this list on the Table of the House?

Mr. Keah: Mr. Deputy Speaker, Sir, I would like to stick to the law. In any case, two wrongs do not make a right.

Mr. Deputy Speaker: Mr. Musila's Question for the second time!

Question No.236

MODERNISATION OF MWINGI TELEPHONE EXCHANGE

Mr. Deputy speaker: Mr. Musila is still not here? This Question is dropped.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

NON-REMITTANCE OF FUNDS TO NHC

(Mr. Kajembe) to ask the Minister for Local Authorities:-

(a) Is the Minister aware that house (plot) allottees at Mikindani, Chaani and Miritini site and service schemes funded by the World Bank to give shelter to the low income groups have been given 14 days notice to repay their loan balances in full to the National Housing Corporation (NHC)?

(b) Is he further aware that the allottees have regularly repaid their loans to the Mombasa Municipal Council and that it is the Council which has failed to remit the same to the NHC?

(c) If the answers to "a" and "b" above are in the affirmative, could the Minister prevail upon the NHC to withdraw the said notice and order the Council to sort out the matter with the NHC, instead of victimising innocent allottees?

Mr. Deputy Speaker: Hon. Kajembe is not here? His Question is dropped.

(Question dropped)

REALIGNMENT OF SULTAN HAMUD-BACHUMA
GATE ROAD

(Mr. Mboko) to ask the Minister for Public Works and Housing:-

(a) Is the Minister aware that the Sultan Hamud and Bachuma Gate Road re-alignment is leaving out all markets between Kiboko and Mito Andei in Kibwezi Constituency?

[Mr. Mboko]

(b) Is he further aware that the road re-alignment will adversely affect the river sources on which over 250,000 inhabitants of Kibwezi Constituency depend for domestic water if these sources dry up?

(c) Since the road re-alignment will also adversely affect the economic well-being of Kibwezi residents, whose average turnover amounts to about Kshs350 million, could the Minister explain why the original road cannot be retained?

Mr. Deputy Speaker: Mr. Mboko is not here? The Question is also dropped.

(Question dropped)

MOTIONS

BANNING OF HARMFUL BREWS

THAT, whereas the Government admitted in an answer to a Question by Private Notice on 18th November, 1993, that the chemical components of the Cantata brew is harmful to health in that it contains the following ingredients, namely:-

Alcohol - 12.4%;
 Volatile Acid - 0.4%;
 Total Solid (Tartaric Acid) 2.9%;
 Sulphur Dioxide 50.4 PPM;
 Copper 1.2 PPM;
 Iron 5.4 PPM;
 Organophilic (?) taste Normal;

and given the fact that many people, particularly in Central and Eastern Provinces, have died due to consumption of this and other brews known as Kamata, Kulta, Sorghum, Medusa pound and Teachers' wine with similar chemical components; and noting that the consumption of these brews causes a period of insanity and anti-social behaviour; this House urges the Government to ban the production, sale and consumption of these brews and others with similar chemical components with immediate effect.

Mr. Deputy Speaker: Hon. Members, the next order is the Motion to be moved by hon. Michuki, but I have received information that he is not in a position to move it this morning. Therefore, we shall proceed to the next order.

REHABILITATION OF DYKES IN YALA SWAMP

THAT, in view of the fact that Yala Swamp Reclamation and Development Project in Siaya and Busia districts was initiated by the Government of Kenya to increase food production and that area One comprising 2300 hectares had been reclaimed from the swamp and transformed into farmland and that the designs and plans for the reclamation of the remaining 17,000 hectares had been approved by the Government for implementation, this House urges the Government to:-

- I. repair the dykes and rehabilitate area One and end the reflooding of this area;
- II. implement the reclamation of the remaining part of the Yala Swamp and open up the area for agricultural settlement by the indigenous people of Siaya and Busia; and
- III. extend irrigated farming to the adjacent locations of Usonga, Alego, Yimbo, Bunyala and Samia in order to increase food production in the country.

(Motion dropped)

Mr. Deputy Speaker: Hon. Aringo is not here either? This means we cannot debate his Motion, and so we will proceed to the next order.

NULLIFICATION OF PLOT ALLOCATIONS IN LUGARI FOREST

THAT, in the light of massive fraud evidenced in the allocation of plots in the Lugari Forest leading to the exclusion of most priority squatters from accessing a livelihood while benefitting many people who could normally not have been a target for the allocations, this House urges the Government to cancel the said allocations and set up a transparent mechanism through which the allocation exercise will be handled.

(Motion dropped)

Mr. Deputy Speaker: Hon. Kituyi is not here either, and so we will not debate this Motion. We will move on to the next order.

PROVISION OF SECURITY TO MEMBERS OF PARLIAMENT

THAT, this House urges the Government to provide armed security for all Members of Parliament, free housing, government vehicles and fire arms licences, particularly during this period of high insecurity being experienced in the country.

Mr. Deputy Speaker: Hon. Nyagah! Hon. Nyagah is not here either!

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, in normal circumstances we would have started with hon. Michuki's Motion. I cannot blame the other hon. Members for not moving their Motions because hon. Michuki did not give us an advance notice of his inability to be here this morning to move his Motion. Under the circumstances we shall have to interrupt our business. Therefore, this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 10.05 a.m.