

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 13th October, 1999

The House met at 9.00 a.m.

[*Mr. Temporary Deputy Speaker (Mr. Poghisio) in the Chair*]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.221

ELECTRIFICATION OF JUA KALI SHEDS IN MUMIAS TOWN

Mr. Osundwa asked the Minister for Vocational Training:-

- (a) when the Ministry will supply electricity to Jua Kali sheds in Mumias Town;
- (b) how much money has been set aside for this project; and,
- (c) whether he is aware that artisans operating in those sheds incur heavy expenses as they are forced to ferry their products for finishing touches very far from their workshops, thereby making their products more expensive.

The Minister for Vocational Training (Mr. Kones): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Jua Kali sheds in Mumias Town will get a three-phase electricity installation and supply in the course of this financial year; that is, 1999/2000.

(b) An amount of Kshs369,827 has been earmarked for this project. This will be paid to the Kenya Power and Lighting Company (KPLC) through the Butere-Mumias District Development Committee (DDC) once the Exchequer releases are issued.

(c) The Government is aware of the constraints that the artisans are experiencing, but once power installation and supply is made available, the operational costs will be reduced significantly.

Mr. Osundwa: Mr. Temporary Deputy Speaker, Sir, I believe what the Minister has given is the correct position. But this project stalled in 1993 because the Ministry paid only part of the estimated cost. Now, the Minister has told me that the money that has been earmarked for this project is Kshs369,827. Should it be found that the estimates are higher than this amount, could the Minister promise that his Ministry will pay the estimated cost in full, so that the project can take off?

Mr. Kones: Mr. Temporary Deputy Speaker, Sir, what happened in 1993 was that the then Ministry of Research and Technology gave Kshs250,000 to the DDC, Kakamega. That was intended to complete the project. But in the meantime, there was an escalation in cost and the amount was not able to complete the project. This time round, we made an estimate and gave a provision in case of any slight change in the cost. So, the amount should be enough. But in case it is not enough, we will add to the amount and make sure that the project is completed this time round.

Mr. Mwakiringo: Mr. Temporary Deputy Speaker, Sir, we have had problems with the DDCs not paying the respective people. We know that the moment the money is sent to the DDC, their priorities are normally wrong because they either pay those they owe in terms of petrol, for them to run. Why can the Ministry not pay directly to the KPLC and just inform the DDC for quick implementation of the project?

Mr. Kones: This is a DDC project. It is the DDC who requested for this money. So, we cannot bypass the DDC and pay the KPLC. However, what we will do is to give an Authority to Incur Expenditure (AIE) to the DDC, but inform the officer who is responsible to the Ministry that the money is there. It is up to him to make sure that the money is released to the KPLC.

Question No.445

EMPLOYMENT OF WOMEN IN THE
ADMINISTRATION POLICE

Mr. Otula asked the Minister of State, Office of the President what the Ministry's policy concerning the recruitment and employment of women in the Administration Police Force is.

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

The original mandate in the recruitment of administration police was male based, mainly because the functions were considered to be operational in nature. Therefore, the recruitment of women was overlooked.

Mr. Otula: Mr. Temporary Deputy Speaker, Sir, that is a very unfortunate answer to this House! We have the regular police who recruit women even today. In most cases, we do not see the administration policemen going on patrols. What is the difference between the Administration Police and the regular police, in terms of women recruitment?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I said that the original mandate tended to overlook women. But as it is now, we already have 25 women in the Administration Police. It is our intention to recruit more women in the Administration Police.

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, could the Minister comment on the issue that in the past, recruitment into the Administration Police has been carried out on tribal lines, and that certain areas of this country have not had recruits in this force in the last three years?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, we have not recruited in the last two years. Last year, when we recruited, there was a fair tribal balance.

Mr. Shill: Mr. Temporary Deputy Speaker, Sir, we know that women are capable and they can do good work. They have been employed in the military service and the police force, and some of them are even Permanent Secretaries. I am not satisfied with the answer given by the Minister. Could he tell us, or admit that the Government was very biased against women, especially in recruitment into the Administration Police? What was the original mandate of the Administration Police? Why was it biased against women?

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Shill, I think the Minister has answered that.

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I do not think I need to reply because I have already explained that.

Mr. Otula: Mr. Temporary Deputy Speaker, Sir, the Minister has said that they intend to recruit women in the next few months. Could he tell this House the number they intend to recruit in the next recruitment, and what percentage will be given to each district?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, the details are being worked out and I cannot give them out at the moment.

Mr. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir. That is a very pertinent question. While we agree that the Minister may not have the details now, could he undertake to bring those figures to this House?

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Ndwiga, you stood on a point of order, but now you are asking a question. What is your point of order?

Mr. Ndwiga: Is the Minister in order to tell this House that he does not have the facts when he knew he was going to answer this Question and the issue of district balance would feature? Could he now bring that answer to this House?

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Ndwiga, you had better leave it, because it is not a point of order. Next Question, Mr. Kaptan.

Question No.335

DEBT/LOAN POSITION OF KCB

Mr. Kaptan asked the Minister for Finance:-

- (a) why the profit margin of Kenya Commercial Bank dropped during the last financial year;
- (b) what the debt/loan profit portfolio of the bank is; and,
- (c) if he could table a list of loanees who owe the bank loans exceeding Kshs10 million.

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

(a) The drop in the profit margin of Kenya Commercial Bank during the last financial year was mainly because---

(Mr. Oloo-Aringo consulted loudly with Mr. Sunkuli)

Mr. Temporary Deputy Speaker, Sir, could I have the indulgence of hon. Oloo-Aringo? He is completely interrupting me.

The Temporary Deputy Speaker (Mr. Poghisio): Proceed, Mr. Minister.

The Minister for Finance (Mr. Okemo): Mr. Temporary Deputy Speaker, Sir, the drop in the profit margin of Kenya Commercial Bank during the last financial year is due to a variety of reasons. First, the increase in the provision for bad and doubtful debts. Secondly, the increase in administrative costs. Thirdly, the increase in the cost of deposits arising from rapid rise in interest rates. Fourthly, slow growth in income, leading to lower levels of business activity for the bank.

(b) Loans and advances to the customers of the bank stood at Kshs48.4 billion as at 31st December, 1998, out of which Kshs9.6 billion was non-performing.

(c) It is not possible for me to table a list of loanees who owe the bank loans exceeding Kshs10 million as doing so will be in contravention of the Banking Act, which protects access to information relating to customers, as provided for under Section 3(i) of the Act. This provision prohibits disclosures of financial affairs of any person unless through a court order, or unless the customer gives his consent in writing.

Thank you.

Mr. Kapten: Mr. Temporary Deputy Speaker, Sir, that answer is absurd. The Minister should be open and give us good reasons why the bank is not performing. The reason given why the Minister does not want to disclose the list of loanees who owe the bank over Kshs10 million is not because the law prohibits it, but because most of the Ministers and chief executives of parastatals are the ones who owe the bank a lot of money. Can the Minister tell us what this section actually says? I have the Banking Act with me here and the section which he has quoted does not talk about prohibition of disclosure of people who owe the bank money. Can he look at the Act and tell us which section he is referring to? The Banking Act is here.

(Mr. Kapten passed over the Banking Act to Mr. Okemo)

Mr. Okemo: I will start with the first remark, Mr. Temporary Deputy Speaker, Sir. I think I have adequately explained why the bank did not perform well. If the reasons are not satisfactory to the hon. Member, because I gave four reasons, could you, please, allow me to ask the hon. Member to specify which of those four reasons he does not accept?

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. Minister! You have been asked a supplementary question with regard to part "c", and not the reasons.

Mr. Okemo: Mr. Temporary Deputy Speaker, Sir, if you look at the Act - maybe, he is looking at a different Act from the one I have looked at it is very clearly specified that no disclosure on customer information can be given without a written consent of the customer.

Mr. Kapten: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have the Banking Act here, and I have given it to the Minister. I want him to point out Section 3(i), which is there, and which prohibits that disclosure of information. Can you, please, go ahead and show us this section?

(Mr. N. Nyagah passed over the Banking Act to Mr. Okemo)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. Nyagah!

Mr. Okemo: Are you looking at the current Act? I maintain that Section 3 (i) of the Banking Act clearly prohibits disclosure of information, unless consent is given by the account holder. That is the law.

Mr. Ndwig: On a point of order, Mr. Temporary Deputy Speaker, Sir. Kenya Commercial Bank is a publicly quoted company, and this House has a responsibility to the Kenyan public. We shall not accept the answer from this Minister that he cannot disclose the list of defaulters who owe the bank more Kshs10 million, while he has told this House that some of the reasons why the bank did not make profit is because of increase in the provision for bad and doubtful debts. Therefore, we maintain that the Minister ought to table that list. The Minister is hiding under the Act, but it has been proved to him that the Act does not prohibit him from doing that. Could he tell this House

what other reason is prohibiting him from disclosing why Kenyans are losing money through this bank?

Mr. Okemo: Mr. Temporary Deputy Speaker, Sir, I do not know what language to use, but I will go further to say that it is an internationally accepted banking practice to maintain confidentiality between a customer and the bank; so, Kenya is no exception.

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, we have had a precedent here in the past, where a former Minister for Finance tabled a list of those people who owed the National Bank of Kenya. There is no difference between that former Minister and the current Minister for Finance because both are from the same Government. At this juncture, could the Minister read out the actual Act that prohibits him from disclosing the names?

Mr. Okemo: Mr. Temporary Deputy Speaker, Sir, I read the Act. If anybody else is interested in reading it, he is free to do so and come back here to ask the question.

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. I asked the Minister to read the actual Act, as opposed to referring us to it.

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Okemo, go ahead and read it.

Mr. Okemo: Mr. Temporary Deputy Speaker, Sir, why are these hon. Members afraid to read the Act? Let them read it.

The Temporary Deputy Speaker (Mr. Poghismo): Order! It is very plain and sometimes, it gets that hot. Mr. Minister, could you read the Act?

(Applause)

Mr. Okemo: Mr. Temporary Deputy Speaker, Sir, I am not sure that, this Act is the latest edition of the Act because the Act has been revised many times. So, I will bring my version of the Act and read it before this House, but not this one because I am not sure about it.

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think it is important for the benefit of this House, to know some background as to how this matter arose. In the early days when Parliament was more free than it later became, it was quite common practice for hon. Members to come here and make cases of malpractices in the banking industry, and they would support their allegations with some evidence. During the Sixth Parliament, in order to hide what was going on in some of those institutions, an amendment was brought to this House, saying that you could not disclose certain information to the public. In my understanding, this was meant for the employees---

The Temporary Deputy Speaker (Mr. Poghismo): Order! Mr. Anyona, what are you getting to?

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I want to make my point of order by explaining the background.

The Temporary Deputy Speaker (Mr. Poghismo): That is not a point of order.

Mr. Anyona: It is a point of order, Mr. Temporary Deputy Speaker, Sir. I want to raise a point of order by asking the Chair---

The Temporary Deputy Speaker (Mr. Poghismo): Order! Mr. Anyona, we only have limited time for Questions.

Mr. Anyona: It is a point of order!

The Temporary Deputy Speaker (Mr. Poghismo): It is!

Mr. Anyona: There is no limitation of points of order.

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Anyona, you will stop arguing with the Chair. I just want to say this: Mr. Minister, the imputation that the Act of Parliament here might be old and outdated gives a very bad impression on what is kept in this House. Even for me, as the Chair, I know what the Standing Orders say, but I have to read them, sometimes to make sure that every one follows them. So, I would say that if there is a particular Act that hon. Members want you to read, go ahead and read it. You talked of Section 3 of the Act; then go ahead and read it.

Mr. Okemo: Mr. Temporary Deputy Speaker, Sir, I hope that the amendments are also there! Mr. Kapten, could you show me exactly the Act you are referring to, because I cannot trace it?

The Temporary Deputy Speaker (Mr. Poghismo): Order! I will agree with the Minister in one respect; if this Act has not been amended and he has the amended one, then he will give us the time when he will bring it to this House. Yes, Mr. Minister.

(Applause)

Mr. Okemo: That is all I had asked the hon. Member to do; to give me the opportunity to bring the amended

Act, and I will read it to this House.

The Temporary Deputy Speaker (Mr. Poghisio): This Question is, therefore, deferred.

(Question deferred)

Mr. Murathe: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister should give us a time frame within which he will come back here and answer this Question. It is a very important Question.

The Temporary Deputy Speaker (Mr. Poghisio): Order! The Question has been deferred and he will definitely answer it.

Next Question, Mr. Ayoki.

Question No.337

UPGRADING OF KOMBWEA TELEPHONE EXCHANGE

Mr. Ayoki asked the Minister for Information, Transport and Communications:-

(a) if he is aware that the sub-telephone exchange at Kombewa Division cannot cope with the telephone demands in the area; and,

(b) if he could consider installing a telephone exchange with a capacity to cope with the telephone demands of this region.

The Assistant Minister for Information, Transport and Communications (Mr. Mokku): Mr. Temporary Deputy Speaker, Sir, I wish to request this House that I answer this Question today in the afternoon because the answer I have is not satisfactory.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Mokku, it is not for you to decide when to answer the Question.

The Assistant Minister for Information, Transport and Communications (Mr. Mokku): I request the Chair!

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Ayoki, have you been informed of that?

Mr. Ayoki: Mr. Temporary Deputy Speaker, Sir, I have not been informed about deferring the Question because I have not even received the written reply. Could the Assistant Minister be specific and tell us when he will bring the written reply and also answer the Question?

Mr. Munyao: On a point of order, Mr. Temporary Deputy Speaker, Sir. If you look at this Question, it is No.337. Last week, the Chair made a ruling on the tendency of Ministers trying to request the Chair to defer Questions--- Is the Chair satisfied that an able Minister who wants to work for this country, will have no time to get the right reply for this Question because it has been on his desk for more than three months?

The Assistant Minister for Information, Transport and Communications (Mr. Mokku): Mr. Temporary Deputy Speaker, Sir, I will give the reply of that Question today in the afternoon. I request the hon. Member and the House that I be given time to reply in the afternoon because the answer I have is not satisfactory.

Mr. Ayoki: On a point of order, Mr. Temporary Deputy Speaker, Sir. This Question will not be on the Order Paper in the afternoon. So, how will he manage to answer it in the afternoon? Could he be specific and tell us when he will answer it?

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Mokku, could you answer this Question tomorrow?

The Assistant Minister for Information, Transport and Communications (Mr. Mokku): Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Okay, you will answer it tomorrow. Next Question, Mr. Muchiri.

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, before I ask my Question, I would like to request you to make a ruling today in this House on what action will be taken against Ministers who do not give the written answers in advance. As I am standing here, I have not received the written answer of the Question. However, I will ask the Question.

Question No.195

WATER SHORTAGE IN KASARANI

Mr. Muchiri asked the Minister Local Government:-

- (a) if he is aware that the residents of Mwiki, Kahawa West and Kasarani in Nairobi, for several years now, have been suffering due to lack of water; and,
 (b) what is he doing to ensure adequate water supply to the residents of these areas.

The Assistant Minister for Local Government (Mr. Kiangoi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware.

(b) The Government and the City Council of Nairobi, have already constructed a 900 millimetres diameter pipeline from Kiambu to Kasarani and a storage tank at Kasarani with a capacity of 11,000 cubic metres at the cost of Kshs76 million. Another pipeline of 700 millimetres diameter to supply bulk water to Mwiki and surrounding areas, up to Njiru, is under construction at a cost of Kshs86.6 million. This water project will be commissioned within the next four months. Once this project is completed, water reticulation in the area will improve drastically.

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, since the Assistant Minister is aware that the residents of Kahawa and Kasarani have no water, could he authorise the contractor to put a T-joint for the residents of Kasarani, so that they get water instead of travelling for miles to fetch it? The tenants are running away from that area, and landlords are losing rents?

Mr. Kiangoi: That is why I am saying that in four months' time, the project is going to be completed. After completion, water will be supplied to the area. The hon. Member should be patient because the residents of that area will get water.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I highly doubt what the Assistant Minister is telling us. I do not know whether he is aware that the contractor who is on site - and I visited that place yesterday - is digging trenches using jembes. The tractors have now been removed from the site. What is the Assistant Minister going to do, to ensure that the project will be completed in time, and the contractor uses the right machinery to dig the trenches and to put the pipes?

Mr. Kiangoi: I may not be aware of what the contractor is using but the contract provides that it must be complete within four months from now, and if he does not complete it, he will be held responsible.

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, the water crisis in Nairobi is a perennial problem. Can the Assistant Minister explain to us what the Ministry intends to do, because they receive 178,000 litres of water from Ndakaini Dam, of which 128,000 litres is lost before it gets to Kabete water storage tank, and 20,000 litres is lost within Nairobi and the Nairobi City Council is only able to supply 50,000 litres of water? What will the Government do to ensure that a contract is given to somebody to supply water to those people who live beyond the Kabete storage tank, so that they are given water legally as opposed to their piercing the storage tank?

Mr. Kiangoi: Mr. Temporary Deputy Speaker, Sir, if the hon. Member wishes to put that as a substantive Question, I am prepared to research on it and I will bring in a substantive answer.

Eng. Muriuki: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has said that this contract is going to be over in four months, and another hon. Member has pointed out that the contractor is using jembes. When you see a contractor using jembes instead of machines, it means that he has not been paid his money and he is only keeping people on site so that he is not thrown out of that contract. Can the Assistant Minister confirm, out of the Kshs36 million contract and the Kshs86 million, how much has not been paid?

Mr. Kaingoi: I think the hon. Member has just expressed his opinion about this matter. The position is that we have no evidence that the contractor has not been paid. So, I will not answer the other part of his question.

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Kiangoi, the hon. Member wants to know how much money has not been paid?

Mr. Kiangoi: Mr. Temporary Deputy Speaker, Sir, the hon. Member has said that when you see a contractor using jembes, it means that he has not been paid. But I am saying that we have no evidence that the contractor has not been paid.

The Temporary Deputy Speaker (Mr. Poghismo): Order, Mr. Kiangoi! The question was substantive. How much money has not been paid?

Mr. Kiangoi: Mr. Temporary Deputy Speaker, Sir, since it was not part of the Question, I do not have exact figures that I can give to this House, that so much has been paid and so much has not been paid. But what I know is that the contractor has been paid up-to-date.

Mr. Gitonga: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since the Assistant Minister has accepted that these people have gone without water for a very long time, is he going to put some interim measures in place for the next four months, before the water is supplied, so that these people can get water before that time?

Mr. Kiangoi: Mr. Temporary Deputy Speaker, Sir, that is why, in the first place, I requested the hon. Member to be patient for four months so that the contract can be completed. They have said that people have gone without water for many years and we are saying that the contract provides that it must be completed within four months. If it is not completed within four months, some other measures will be taken to give the residents water. But our position is that it must be completed. The Ministry is serious that, that project must be completed within the given time.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is totally misleading this House. When we say that the contractor has not been paid and that is why he is not able to do the work, we are not guessing. Is the Assistant Minister expecting an angelic action to happen, that the contractor will finish this work with the kind of machines he is using? Can he tell the House how much money has not been paid to this contractor to enable him complete this project?

The Temporary Deputy Speaker (Mr. Poghio): Order, hon. Members! I think the Assistant Minister has said all that he has. Contracts are contracts and I do not want us to dwell on that for too long. I think he has exhausted the answer. The contract will end in four months' time and after that, maybe, we can do something.

Mr. Katuku: There is a very pertinent issue here, that the project will be completed in four months and yet we know that the City Council is very notorious. Before four months elapse, what other interim measures do you have to supply water to the residents of this area?

Mr. Kiangoi: Mr. Temporary Deputy Speaker, Sir, we should not act on guesswork. We have given what the contract provides and within that period, water will be supplied to the residents of this area. Can we not wait for four months?

Question No.313

RELOCATION OF NDUNDA BRIDGE

Mr. Ndwiga asked the Minister for Roads and Public Works:-

- (a) why the Ndunda Bridge on River Ruringazi is such a fatal accident-prone spot,
- (b) considering that he had promised to re-design and relocate the bridge in 1995, what has delayed the relocation; and,
- (c) when the relocation will be implemented.

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Ndunda Bridge was a fatal accident prone-spot prior to the repair works put in place in December, 1996. This was mainly due to over-speeding.

(b) My Ministry shelved the relocation plan of the bridge after safety measures that were put in place were found to have effectively cut down the accidents.

(c) My Ministry does not have plans to relocate the bridge.

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, this is perhaps the most ridiculous answer that has ever been given in this House. The safety measures that the Assistant Minister is talking about--

The Temporary Deputy Speaker (Mr. Poghio): Mr. Ndwiga, can you be kind to the Assistant Minister?

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, he has been very unkind to my people. My people are dying because of this bridge; even last Saturday, some people perished in this bridge. It is actually a ridiculous answer because--

The Temporary Deputy Speaker (Mr. Poghio): Mr. Ndwiga, I think the Question can give you an opportunity to interact so that you can get the correct answers. But when you start from that point, what do you expect from the Assistant Minister?

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, I really do not expect any good answer from this Assistant Minister. Ndunda Bridge has been a killer and it is a bridge that I pass through every week. The safety measures that the Assistant Minister is talking about are bars which are put on the side of the road. Up to, and including, last Saturday, motorists had to use alternative routes because a lorry was overhanging on this bridge. I say this is a ridiculous answer because in a previous answer given to this House, the Minister said they had set aside money to relocate this bridge. They accepted that it was an accident-prone bridge, and that they were going to relocate it. What has caused the change of heart? Could the Assistant Minister explain?

Eng. Rotich: Mr. Temporary Deputy Speaker, Sir, I think the hon. Member said that he does not expect much. I do not know what he wants me to tell him. I do not need to prove anything. Certain safety measures were put

in place and if they do not solve the problem, then we move to the next stage of finding money to relocate the bridge. However, at the moment, the measures we have taken have solved the problem.

Mr. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister really in order to say that safety measures were put in place while in answer to the same Question in 1995, the Ministry said they were going to put in place the measures he is talking about as temporary measures, prior to relocating the bridge? Is this Assistant Minister in order to continue misleading this House and wear a smile on his face?

The Temporary Deputy Speaker (Mr. Poghio): Mr. Assistant Minister, by the way, the "b" part of the Question says that: "Considering the Minister had promised to redesign and relocate the bridge in 1995". What is your information on that?

Eng. Rotich: Mr. Temporary Deputy Speaker, Sir, I read the Question clearly, and I read the answer he is talking about. It was in 1995. However, we have certain solutions that will resolve the problem; one of them is relocation and the other is controlling the speed, which we have done. First, we have erected speed bumps on the approaches to the bridge. Secondly, we have cleared the site so that one can see the front very clearly. We have installed guard rails which are 80 metres long on concrete pillars, and we have installed warning signs on the road on the approaches to the bridge.

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, I think the Assistant Minister does not seem to understand why we are asking for relocation. All those things he has said were done as the first step while awaiting relocation. The problem with this bridge is that there is a sharp corner at the end of the road, where the motorists approach the river before you get to the bridge, and this is the problem. It is not the guard rails and the clearing of the site. So, could the Assistant Minister undertake to visit the said bridge? This Question has appeared in this House three times. Therefore, it must be very serious. Could the Assistant Minister undertake to visit this bridge and form his own opinion?

Eng. Rotich: Mr. Temporary Deputy Speaker, Sir, while undertaking to visit the site, I wish to inform the hon. Member that I am not new in that area. I have worked in that area and I liked the site very well, but I undertake to visit the site again at a time convenient to both of us.

QUESTION BY PRIVATE NOTICE

RENOVATION OF NYAYO NATIONAL STADIUM

Mr. Kathangu: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Home Affairs, Heritage and Sports the following Question by Private Notice.

(a) How much money is the Ministry getting from the sale of the portion of Nyayo National Stadium that has been hived off and currently being developed for Kobil Quick Saver Stations?

(b) Could the Minister consider renovating the dilapidated stadium from those proceeds or other sources?

The Assistant Minister for Home Affairs, Heritage and Sports (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Ministry is not getting any money from the alleged sale of the portion of land next to the Nyayo National Stadium. The land in question, which is currently being developed by Kobil Quick Saver Petrol Station, was not hived off but it is outside the stadium area.

(b) Carrying out renovations on the dilapidated stadium using proceeds from the sale of the portion of Nyayo Stadium does not, therefore, arise.

Mr. Kathangu: Mr. Temporary Deputy Speaker, Sir, if you heard what the Assistant Minister replied to part "b" of the Question, he said the renovation cannot be done because there are no proceeds from the sale of that land, and yet the Question asks: "Even from other sources". Can he clarify that?

(Loud Consultations)

Mr. Sumbeiywo: Mr. Temporary Deputy Speaker, Sir, I think there are consultations in that corner which are too loud for me.

The Temporary Deputy Speaker (Mr. Poghio): Order! Order, Mr. Oloo-Aringo. Proceed!

Mr. Sumbeiywo: Mr. Temporary Deputy Speaker, Sir, yes, it is true that the Ministry has been allocated funds during this financial year to renovate the dilapidated Nyayo Stadium. The rehabilitation will include the pitch, floodlights and the track.

Mr. Kathangu: Mr. Temporary Deputy Speaker, Sir, in 1990/91 financial year the Kenya Football

Federation (KFF) had indicated to the Ministry that they wanted to develop hostels for sportsmen and women in this country. What happened to the portion because it is the one that had been set aside for the hostels? The Assistant Minister is saying here that this land did not belong to Nyayo National Stadium. Does he know whose land this was?

Mr. Sumbeiywo: Mr. Temporary Deputy Speaker, Sir, the portion of triangular land between Aerodrome Road and Lang'ata Road was for many years used as a parking lot for cars during functions at Nyayo National Stadium. The Ministry's assumption was that it is a road reserve. Apparently, it appears that the piece of land has been allocated to a private developer. We do not have the name of this developer as has been asked by the Questioner. The developer has taken advantage of the on-going Lang'ata Road construction to acquire the land or the plot from the Commissioner of Lands. As I said earlier on, the Department of Sports has been allocated funds to make some minor alterations and maintenance work in the current financial year.

Mr. Mwiraria: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister aware that the petrol station is being developed by the same company that is developing the road, and is it possible that it is being paid for by the City Council?

Mr. Sumbeiywo: Mr. Temporary Deputy Speaker, Sir, I am not aware of that one.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, there is a chain of petrol stations in that area, hardly 50 metres apart. They are about four. So, the necessity for another petrol station is really questionable. However, is the Assistant Minister satisfied that instead of using that land to develop facilities supportive of Nyayo Stadium, that facility should be given to a private developer? In which case, can the Ministry place an objection and have that land back, so that it can be used to develop facilities for Nyayo Stadium?

Mr. Sumbeiywo: Yes, Mr. Temporary Deputy Speaker, Sir. We have tried as a Ministry to apply for this plot but when our application arrived at the Commissioner of Lands' office, the plot had already been allocated. We will continue to appeal to the Commissioner of Lands so that he gives us the land. I agree with hon. Anyona that there are too many petrol stations along that road, and we will continue to appeal to the Commissioner of Lands to allocate this land to our Ministry so that we can develop the women's sports facilities in that area.

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of what the Assistant Minister has said, would this Parliament not be in order to ask, through the Chair, that this matter be referred to the Committee of Parliament dealing with land, so that they can go into it and find out how the land has been allocated and make a recommendation that this land be given to the Ministry? Would that not be in order?

Mr. Sumbeiywo: Temporary Deputy Speaker, Sir, that may not be possible at the moment because the land has already been allocated to a developer and a title deed has been issued to the allottee.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. Ndwiga! I think it is about time we took the House business very seriously. You cannot move on to the Dispatch Box without being offered the Floor! In any case, I think there is a very interesting situation at hand where somebody has been allocated that land. I think for both sides to say that the Ministry is still appealing to be allocated the land, or to say that we can still cancel the transaction, those are very complicated things. I would rather we look at Standing Order No.18 Section (2), which states that:

"Any Member who wishes to raise a matter under the provisions of this Standing Order shall give notice of the matter in writing to Mr. Speaker."

This is now under the Motion of Adjournment. I think it can come and then that can be discussed at that time. But from a Question, right now, it will involve more than what a Minister can handle, and I think it may even go to another Minister rather than this Minister.

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, most stadia in this country are in a state of national shame and embarrassment. What is the Ministry's policy towards the maintenance of stadia countrywide? It is not only Nyayo National Stadium that is in a dilapidated state. All the stadia in this country are in a dilapidated state. What is Ministry doing to maintain national stadia to international standards?

Mr. Sumbeiywo: Mr. Temporary Deputy Speaker, Sir, if the Questioner wants to get the correct answer, he should ask a substantive Question.

Mr. Murathe: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has declared that certain amounts of money have been set aside for the renovation of that stadium, and he is not telling us how much money. Is he in order?

The Temporary Deputy Speaker (Mr. Poghisio): Why do you not just ask the question?

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, is he in order? He must tell us how much money has been set aside for the renovation of that stadium.

Mr. Sumbeiywo: Mr. Temporary Deputy Speaker, Sir, the amount of money that has been set aside is

K£500,000.

Mr. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to tell this House that they are appealing to the Commissioner of Lands about the allocation of this portion of land, while we know that this Ministry does not do anything about situations where land and sports facilities are being grabbed? A good example is Moi Stadium in Embu; we have made appeals to this Ministry to petition the Assistant Minister to stop the allocation of public facilities in Embu---

The Temporary Deputy Speaker (Mr. Poghismo): Order! Mr. Ndwiga, next time you stand on a point of order, let it be a point of order. Ending with a question does not make it a point of order!

Mr. Kathangu: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister said that a lot of money has been allocated for the renovations of the stadium this year. But the Armed Forces have been using this stadium about five times a year. When you put 1,000 men with their lorries and tanks on tracks and pitches which were meant for 120 pounds, which is the weight for every player and sportsman using the stadium--- Right now, as we speak in this House - I am from the stadium for Moi Day celebrations, 2,000 armed men were there. Today, another 2,000 armed men came in to prepare for Kenyatta Day. Is the Assistant Minister saying that we shall be allocating money for renovations every year for the Armed Forces to use the Nyayo Stadium while we have prepared the Uhuru Park specifically for national days?

Mr. Sumbeiywo: Mr. Temporary Deputy Speaker, Sir, I think that is outside my portfolio because the celebrations are not under my Ministry. Let me correct what hon. Kathangu has said. The artillery and machines are always paraded at Uhuru Park and not at Nyayo stadium.

Mr. Kathangu: On a point of order, Mr. Temporary Deputy Speaker, Sir. All I want to know from the Assistant Minister is whether is he going to allocate money for renovations after the Armed Forces have destroyed the stadium every year?

Mr. Sumbeiywo: Mr. Temporary Deputy Speaker, Sir, that stadium has not been damaged because of the Armed Forces practice; it is because of the time it has taken since it was constructed.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. On the same note, and in the spirit of collective responsibility, could the Assistant Minister tell us why they allowed a toilet to be demolished and a petrol station built along Haile Selasie Avenue? That was a public toilet!

The Temporary Deputy Speaker (Mr. Poghismo): Order! That is a frivolous point of order!
Next Order!

MOTIONS

AMENDMENT TO WILDLIFE CONSERVATION AND MANAGEMENT ACT

THAT, while appreciating the Government efforts in promoting tourism, which is a major foreign exchange earner in this country; realising that most of the forests and national parks are located within the proximity of farms; and further taking into account the provisions of the Wildlife (Conservation and Management)(Amendment) Act, 1989, that provides *inter alia*, that the Government is not liable in paying compensation for property/crops destroyed by wildlife, this House urges the Government to introduce amendments to the Act in order to:-

- (i) raise compensation of any human death caused by wild animals from Kshs30,000 to Kshs3,000,000; and,
- (ii) compensate persons whose crops or property are damaged or destroyed by wild animals.

Mr. Magara: Mr. Temporary Deputy Speaker, Sir, on behalf of Mr. Kiunjuri, I would request that the Motion be deferred for 30 minutes because hon. Kiunjuri has had a double puncture in Thika.

The Temporary Deputy Speaker (Mr. Poghismo): Okay, Mr. Kiunjuri's Motion has been deferred.

(Motion deferred)

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

(Mr. Oloo-Aringo stood up in his place)

(Applause)

INTRODUCTION OF PARLIAMENTARY
SERVICE COMMISSION BILL

Mr. Oloo-Aringo: Mr. Temporary Deputy Speaker, Sir, first of all, I must draw your attention to the Order Paper. I have complied with Standing Order No.41, which allows me to amend the Motion, and Mr. Speaker has approved the amendment. Therefore, I move the following Motion as amended:-

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled the Parliamentary Service Commission Act to provide support services to Parliament for the purpose of ensuring the full and effective exercise of the powers of Parliament and to promote the welfare of Members of Parliament and the members of staff employed in Parliamentary Service of the National Assembly, and for matters connected therewith and incidental thereto, and further, that a Select Committee be constituted to study the modalities of a Parliamentary Service and draft the aforesaid Bill and the regulations and rules that would facilitate the full implementation of the Parliamentary Service Act, 1999; and that, the

Committee be composed of the following Members:-

The Hon. F.P. Wambua, MP
The Hon. N. Magara, MP
The Dr. Hon. A. Ali, MP
The Hon. T. Seii, MP
The Hon. S. Leshore, MP
The Hon. Ochilo-Ayacko, MP
The Hon. G. Kapten, MP
The Hon. P. N. Ndwiga, MP
The Hon. K. Murungi, MP
The Hon. P. Oloo-Aringo, MP
The Hon. J.N. Angwenyi, MP
The Dr. Hon. M. Kituyi, MP
The Hon. A. Kathangu, MP
The Hon. S.R. Shakombo, MP and
The Hon. M. Waithaka, MP.

Mr. Oloo-Aringo: Mr. Temporary Deputy Speaker, Sir, in the course of our consultation, hon. Sunkuli and hon. ole Leshore proposed that we include hon. A.M. Badawy and hon. J.D. Muturi in the list of the proposed Members of the Select Committee, so that the ruling party can have more Members in the Committee.

The Minister of State, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker. I would like to disassociate myself from the statement the hon. Member has made.

Mr. Oloo-Aringo: Mr. Temporary Deputy Speaker, Sir, I am sure that the Minister will not be, very nervous if I say that I discussed that matter with him. However, for him to be secure, I think it would be better to avoid saying that.

(Laughter)

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, the hon. Member should be honest. I just asked him to bring in an amendment in accordance with the normal rules governing Select Committees of the House. So, he was to substitute some of the names he had listed down with some other names from the Government side of the House.

Hon. Members: But that is what he has done.

The Temporary Deputy Speaker (Mr. Poghiso): Proceed, Mr. Oloo-Aringo!

Mr. Oloo-Aringo: Mr. Temporary Deputy Speaker, Sir, I want to say once more that this is a procedural Motion. I have brought it to this House under Standing Order No.95, which explains how a public Bill---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. Oloo-Aringo! You have read out the first 15 names and then proposed to add two more. The discussion seems to be that these two names should be added to the 15 names, which the Speaker had actually approved. So, I just want to bring it to your attention that you can bring an amendment to change those names and include the two names from the ruling party. Just include them together with the 15 names that you initially read out.

Mr. Oloo-Aringo: Mr. Temporary Deputy Speaker, Sir, there are problems in the ruling party; its Members cannot agree on the names. Therefore, I suggest that we limit the number to the original 15, so that the House can proceed with its business, which is important.

(Applause)

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Oloo-Aringo, I did not get what you said. Could you come again, please?

Mr. Oloo-Aringo: Mr. Temporary Deputy Speaker, Sir, I have said that there is a small problem in KANU, which I think is normal. I do not think the House should be held back by the ruling party's own problems in selecting its nominees to the Committee. We are ready to proceed with this Motion.

Hon. Members: Proceed, Mr. Oloo-Aringo!

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to raise two issues here. One, my understanding from the very beginning was that this matter should not be treated as partisan, but there should be complete agreement as to how to proceed with it in order to overcome various obstacles on the way. Now, this Motion was supposed to be, if you like, co-sponsored by all the political parties represented in this House. Therefore, it was expected that these parties would be represented in the Committee proportionately. Right now, that is not the case. I have raised this matter with hon. Oloo-Aringo outside this House before. I really do not know what is going on.

Secondly, I would like to seek the guidance of the Chair for the sake of the House and the importance of this matter, that we do not put the cart before the horse. I would like the Chair to rule in accordance with the provisions of Sections 45 and 47 of the Constitution of Kenya. I would like the Chair to guide the House and confirm that, before we proceed with this Motion, we are not in conflict with the provisions of the Constitution.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, hon. Members! As it is, the Motion before the House, on the 15 hon. Members proposed to form the Select Committee, is okay. I presume that the normal formula for selecting Committee Members of this House has been used. I think we should stick to those names, without any more changes.

(Applause)

That matter has already been discussed with Mr. Speaker, who has given consent to it. There may be a few amendments to be made to the representation of political parties in that Committee, which will go along with what we normally do in Select Committees. So, I think hon. Oloo-Aringo should proceed.

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have raised constitutional issues with respect to Sections 45 and 47 of the Constitution. I want the Chair to confirm that we are in compliance with the provisions of those two sections before we proceed with debate on the Motion.

The Temporary Deputy Speaker (Mr. Poghisio): Go on, Mr. Oloo-Aringo.

Mr. Oloo-Aringo: Mr. Temporary Deputy Speaker, Sir, there are three stages which must be fulfilled to achieve the statutory autonomy of Parliament. The first stage is the amendment of the Constitution, which is provided for in the Constitution of Kenya (Amendment) Bill, 1999. I would like to say that this House has already approved that this Bill be tabled in this House. I am glad to report that after a technical workshop held by the majority of hon. Members from a cross-section of the House in Mombasa, we have now produced the Constitution of Kenya (Amendment) Bill, 1999, which will be presented to the Government Printer for publication this evening. Under Standing Order No.95, that decision is an order to publish in the Kenya Gazette; there are no two ways about it.

Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to thank the Attorney-General for availing an expert draughtsman to work with us. We have, therefore, had contributions from the Office of the Attorney-General in the final Constitution of Kenya (Amendment) Bill, 1999, which will be published this week, and mature in 14 day's time for this House to determine the whole question of the autonomy of Parliament.

(Applause)

Mr. Temporary Deputy Speaker, Sir, the second stage is to implement the provision of that constitutional amendment, which includes the creation of the Parliamentary Service Commission. Therefore, the second stage will involve the enactment of a statute by Parliament to implement the provisions of the Constitution which will create the the Parliamentary Service Commission. When the Parliamentary Service Commission is created, it will be for Parliament what the Public Service Commission (PSC) is for the Executive and the Judicial Service Commission is for the Judiciary so that the three arms of Government will be genuinely autonomous in the management of their affairs.

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

[Mr. Speaker took the Chair]

This will be the first act of liberation of this House from control and domination by the Government. Therefore, the Motion before this House seeks provision of this House to introduce the Parliamentary Service Bill to create the Parliamentary Service Commission. The Motion also seeks to establish a Select Committee.

Mr. Speaker, Sir, we arrived at this after listening to the hon. Members when we were drafting the Constitution of Kenya (Amendment) Bill, and across the board, hon. Members wanted to broaden the Parliamentary reform to be an all inclusive undertaking by this House. If anything, my good friend, hon. Sunkuli, was most eloquent on this particular point. This reflects his views that we must include the whole House, members of the staff and the whole country so that Kenyans can say the kind of Parliament they want in this country. Kenyans want a Parliament that is autonomous and supreme in exercising its power. We do not want and we are running away from a Parliament that is emasculated by the Executive. We are also running away from a Parliament that is dominated and controlled by the Executive. For example, we want Parliament, like Parliaments all over the Commonwealth, to control its staff. At the moment, the Clerk is a civil servant who is employed by the PSC, which is appointed by the President who is the Head of the Executive. The Clerk cannot be royal to this House!

Mr. Speaker: Order, Mr. Oloo-Aringo! Just a matter of procedure which was raised in my absence by hon. Anyona, this Motion is absolutely important for this House and the country and I think we must get it right throughout. Hon. Members will recall that there was a Motion that was passed by this House to introduce an amendment to Section 45 of the Constitution of Kenya. So, the intention of that Motion was that the Bill be brought here and we amend Section 45 so that we create an avenue for the establishment of a Parliamentary Service Commission. Hon. Members will remember that the very first Motion to come to this House was the one which is now being debated. I think we did talk to hon. Oloo-Aringo and other hon. Members and my advice was, taking into account Section 45 of the Constitution of Kenya, it would be unlawful to pass a Bill that contradicts the Constitution. Therefore, the Constitution needs to be amended first and the House gave consent to the hon. Member. It was our further discussion with the hon. Member that if the amendment of the Constitution fails, then by that very fact, this Motion of introducing a Parliamentary Service Commission Bill will *ipso facto* fail, because it entirely depends on the amendment of the Constitution. My understanding was, and has been throughout that the hon. Members proceed with due speed and diligence to bring before this House an amendment of the Constitution to facilitate the passing of a Bill to create the Parliamentary Service Commission. As a matter of guidance, I would like to hear from the hon. Member, and taking into account what we had discussed, how he envisages this Motion being passed in the present form without the Constitution being amended. Will it be lawful or will it contradict the Constitution? I would like to hear this from the hon. Member. It is important that we do get him right.

Mr. Oloo-Aringo: Thank you, Mr. Speaker, Sir, for your words of wisdom and clarification. This House has already given me leave to introduce the Constitution of Kenya (Amendment) Bill, 1999. I also explained earlier on that we did form a technical committee and involved consultants including experts from the office of the Attorney-General (AG) and we sat in Mombasa to look at the proposed amendment to the Constitution. The Constitution of Kenya (Amendment) Bill is ready for publication. I thank the experts from the office of the AG and some of the most qualified legal draughtsmen in the country plus an expert who was donated to us by friends of this Parliament. Together, we have come up with a Bill which is as good and lawful as any to run the institution of Parliament.

(Applause)

Mr. Speaker, Sir, this Motion here is simply seeking leave to introduce the second part of the reform process - the Parliamentary Service Bill, which will then operate those parts of the Constitution which we have proposed to amend. The third stage is that this Committee, because it is all inclusive will go into the drafting of the regulations and the rules which will operate both the Act and the Constitution. Personally, I thank the AG for what he has done by

giving us the guidance. He has given us his staff who are very qualified. They draft all the Bills including Government Bills. So, we have no less experts than the experts from the AG. Even within the walls of this House, one of the most qualified draughtsman is hon. Kiraitu Murungi. He has been a very good Member of our Committee. We have also brought in a cross section of hon. Members so that the Bills which come to this House are not partisan.

Mr. Maore: On a point of order, Mr. Speaker, Sir. While supporting the entire spirit, I would like to say that I do not think that hon. Oloo-Aringo is in order to expound on the details of the matter before the House; instead, he should expound on the details of the amendments that should have preceded the matter before the House.

Mr. Speaker: Order, hon. Members! As I said earlier on, it is a matter of great moment and we, as a House, are in joint action to do our things within our rules and the Constitution. I think when hon. Anyona rose on a point of order and pointed out Section 45 of the Constitution, he probably had also in mind the provisions of Standing Order No.40(2) which say:

"Before giving notice of Motion the Member shall deliver to the Clerk a copy of the proposed Motion in writing and signed by himself; and the Clerk shall submit the same to Mr. Speaker."

Standing Order No.40(3) which is the most important states:

"If Mr. Speaker is of the opinion that any proposed Motion:-

(a) is one which infringes, or the debate on which is likely to infringe, any of the provisions of these Standing Orders; or

(b) is contrary to the Constitution, without expressly proposing appropriate amendment of the Constitution."

Now, as I have said before, I have held meetings with the hon. Member, and I have advised him about the provisions of Section 45 of the Constitution and the Standing Order No.43. That, first, he must put the Constitution in place so that this Motion, then, has the legs upon which to stand on. That is why I was telling the hon. Member, and let us all be open minded about this; that there is no contest among any of us. I believe that this is a matter that the House, as a whole, has expressed its interest on. And I think, from what I could gather, without me pre-judging the issue, it is something - if I take into account the Motion for the introduction of a Bill to amend the Constitution - that has a widespread support across the House. But that does not mean that we close our eyes to the law. So, hon. Oloo-Aringo, and any other hon. Member for that matter, because this is a matter before the House, and there was a valid point raised which we must surmount to, because we do not have to do anything that is wrong; how do you propose that we go over this thing? Do you have a way out?

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. There is a little matter that has not come out clearly. You see, in seeking leave of the House to prepare to introduce a Bill for the Act establishing a Parliamentary Service Commission, it is an undertaking on the part of hon. Oloo-Aringo and those of us who are supporting this Motion that such a Bill will not be brought into this House before the House has amended the relevant parts of the Constitution. Consent is being sought to start preparing something anticipating an amendment to the Constitution

Mr. Speaker: Do you envisage, Dr. Kituyi, putting into the Motion that, "subject to the Constitution being changed, this House, then, gives that power?"

Dr. Kituyi: Mr. Speaker, Sir, I will move that amendment in due course.

Mr. Speaker: Order! Let us get it right. I do not know whether may be, in his wisdom, the Mover would like to take that direction. He can help us by doing that, because we cannot place the Motion before the House if it is unconstitutional.

Dr. Kituyi: We can do it.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. Before this Motion was put on the Order Paper, did it go through your office? Did you, or anybody else approve it?

Mr. Speaker: Yes, indeed.

(Laughter)

Order! Indeed, I did approve it, and I have explained the circumstances. I did explain exactly how it came about.

(Loud consultations)

Order! Could we listen, because this is a matter that concerns all of us? When, first of all, this Motion came and was approved by me, subsequently, I looked at the Constitution, and other hon. Members did look at the Constitution and we found that the way it was, it was against the Constitution and, therefore, hon. Oloo-Aringo was

advised accordingly by the Chair that it is absolutely important that he brings a Motion to amend the Constitution first before he pursues this Motion. And we did agree with the hon. Member. As a result of my advice, which I am actually enjoined to give to any hon. Member, the hon. Member proceeded correctly to introduce a Motion to amend the Constitution, whose leave this House gave. It was a clear understanding, and the hon. Member was told by me explicitly that this other Motion to introduce a Parliamentary Service Commission Bill is totally dependent on the constitutional amendments going through the House so that it would become legal.

I do not know when we gave this leave; it was quite a long time. But you see, of course, the mechanism of introducing a Bill and amending the Constitution is not a light issue. I am sure, the hon. Member, and other hon. Members, have been addressing themselves to this issue. It was my understanding that throughout, we would pursue this matter by passing the Constitution amendments and, then, this Motion. But as I have indicated, the Standing Order says that it is unlawful if you do not expressly request for a constitutional amendment. If the hon. Member, or any other hon. Member can find a way in which they can make it fit into the Standing Order No.43, we will then be within the laws. So, all we are asking is: Let us get within the law.

Mr. Oloo-Aringo: On a point of order, Mr. Speaker, Sir. Where there is a way there is a will.

Mr. Speaker: Well, it is the other way round; where there is a will there is a way.

Mr. Oloo-Aringo: Mr. Speaker, Sir, let me put it this way; that I can bring that amendment immediately to read out as follows:-

"THAT, this House, subject to the passing of the Constitution Amendment Bill 1999, do grant leave to introduce a Bill for an Act of Parliament entitled the Parliamentary Service Commission Act to provide support services to Parliament for the purpose of ensuring full and effective exercise of the powers of Parliament and to promote the welfare of Members of Parliament and the Members of Staff employed in the Parliamentary Service of the National Assembly and for matters connected therewith and incidental thereto."

Mr. Speaker, Sir, it will resolve the issue once and for all.

(Applause)

Mr. Speaker: Yes, could I hear hon. Anyona?

Mr. Anyona: Mr. Speaker, Sir, this is a matter which we all agreed on, and it will not be right to proceed the wrong way. Until that Bill, which we are told has been drafted has actually been passed by this Parliament, it is of no consequence at all. Now, I do not even think that you can create a qualification in this Motion, because it means that when Parliament passes it, the Motion will proceed and you will already be in conflict with the Constitution. Why do we not simply ask the hon. Member to bring the Constitution Amendment Bill to this House, which we will pass quickly and, then, pass this other Motion to create the mechanism?

Mr. Speaker: Mr. Oloo-Aringo, please, could you make an approach to the Chair?

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Mr. Angwenyi, how do I discuss with Mr. Oloo-Aringo if you are on a point of order?

(Laughter)

(Loud consultations)

Mr. Speaker: Order! We are still in business.

*(Mr. Speaker and Mr. Oloo-Aringo
consulted each other)*

The Minister of State, Office of the President (Mr. Sunkuli): On a point of order, Mr. Speaker, Sir. May I consult with the Chair?

Mr. Speaker: Order! Order! May I guide the House. It is out of order for a hon. Member to stand on a point of order and request to approach the Chair. You are at liberty to do so.

*(Hon. Oloo-Aringo and hon. Kapten stood up
in their places)*

I have two hon. Members standing. Why are you standing, the two of you?

Mr. Oloo-Aringo: Mr. Speaker, Sir, I am still convinced that we have found a solution. But in the interest of this Bill, and in our commitment to give Parliament its constitutional power, I request that we adjourn for one hour for us to come back after agreeing on all the terms that we are proposing in terms of the amendment.

Mr. Speaker: Mr. Oloo-Aringo, instead of one hour and in order to give everybody a chance to agree, why do we then not defer it to next Wednesday, so that you can consult with the Chair and hon. Members on both sides of the House so that we get a way from the confusion and come and proceed without hitches?

Mr. Oloo-Aringo: Mr. Speaker, Sir, I know Kenya very well. Many things can happen in one week. I suggest that we postpone debate for one hour. We ask you to subject yourself to the will of the House.

Mr. Speaker: I have no problem in sorting out this issue. Honestly, I will like it sorted out amicably and in the best way possible.

The Minister for Tourism, Trade and Industry (Mr. Biwott): On a point of order, Mr. Speaker, Sir. The matter is very clear. It is a question of procedure and sequence. You have advised that the best procedure is to have the Constitution amended first. That procedure is very clear, and perhaps, the best thing to do is to follow exactly your advice. We should have this Motion withdrawn and then we consult as to how the Constitutional amendment will be brought to the House, so that we will have this procedure right. There is no point in being clumsy on an issue that is a very clear.

Hon. Members: Nooo!

Mr. Speaker: Order! Order, hon. Members. There is no point in being agitated. As hon. Members can see, this is a matter about the House. It is not a matter about the Government, the Opposition or an individual hon. Member. Matters pertaining to the management of the House ought generally to be approached by all hon. Members of the House with clear minds and ultimately to get the best for the House. The question of withdrawing the Motion, I think, is going too far away. The better approach is to have it deferred. There will be no any short cut. What happens if within the hour you will not have finished? What happens to the other debate anyway that must proceed after this? This House owes to itself, in matters of moments like this one that particularly touches on the management of their own House, to get it right and do it without acrimony. So, if we get our footing right, we shall proceed on firm ground. This is all I am asking, that we proceed on firm grounds. Mr. Oloo-Aringo has suggested we adjourn for one hour. Mr. Kapten, what is your view?

Mr. Kapten: Mr. Speaker, Sir I agree that this is a very important matter and it is a matter which touches on the Constitution. Hon. Members have been waiting for this Motion for quite some time. I believe if we can have one hour so that we can consult, we will come out with a solution. Leaving it up to next Wednesday, as hon. Oloo-Aringo said, many things can happen within this time. I request that we adjourn the House or defer the matter for one hour and then we come back after consultations.

Mr. Speaker: Order! Order! You know in the end the matter is even now not before the House because I have not proposed it. It will ultimately now depend on my dictatorial powers here.

(Laughter)

I want us to sort this thing out in the best possible way. As far as I am concerned, we cannot progress when there are legal impediments in front of us. Therefore, the best thing is to get the legal hurdles out of the way so that we can proceed with due speed and diligence. If I have to defer this Motion for that very good reason, it follows that the next Motion on line will be called to be debated. I do not know how I can come in the middle of that Motion and tell the hon. Member then moving that Motion that: "You must stop now". I do not have any reason to do that. Can we agree, therefore, to postpone this issue. Those hon. Members, who can assist, including hon. Sunkuli who is responding on the Government side and the parties leaders who are present, can proceed to some place and hammer out this thing, then the matter can always come back to the House. Is that agreed?

Hon. Members: Yes.

Mr. Speaker: Very well. Then for that reason, therefore, the matter is deferred for now with the request that the hon. Mover and Leaders of the various sides of the House proceed forthwith, and seek consultations with the Chair as to the best way of making this Motion capable of coming to the House. So, I defer that issue.

(Motion deferred)

CONSERVATION AUTHORITY

THAT, in view of the historical and cultural significance of the Mombasa Old Town; considering the fact that the area is a centre of tourist attraction in Mombasa Island; and bearing in mind that property developers may soon invade the area, this House calls upon the Government to immediately establish Mombasa Old Town Conservation Authority as a parastatal body under a specific Act of Parliament so as to make the authority independent from the National Museums of Kenya.

Mr. Speaker: Who is the next hon. Member since Mr. Maitha is not here? The next Motion is by Eng. Muriuki!

(Loud consultations)

Order, hon. Members. As far as we are concerned now, we have two Motions listed after hon. Oloo-Aringo's Motion. Is Mr. Maitha here? If he is not here, then Eng. Muriuki is present. So, will he proceed with his Motion.

(Motion dropped)

Eng. Muriuki: Thank you, Mr. Speaker, Sir. I can see that Mr. Kiunjuri is around. Maybe, he can move his Motion.

Mr. Speaker: Mr. Kiunjuri's Motion was deferred at his own request. Will you proceed?

Eng. Muriuki: Mr. Speaker, Sir, can I also request deferment for 20 minutes? I will be ready by then to move my Motion.

Mr. Speaker: Obviously we cannot do that. Are you prepared or do I defer your Motion?

Eng. Muriuki: Mr. Speaker, Sir, I will go ahead and move my Motion. I have a few notes here. I had some other notes which I would have wished to include in my Motion, but I will proceed. I hope there will be quorum.

DEVELOPMENT OF OL KALOU DISTRICT HEADQUARTERS

Eng. Muriuki: Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, noting that Nyandarua District has its headquarters located in Nyahururu town which is in Laikipia District, noting further that Ol Kalou Town designated by the Government over five years ago to be the future headquarters of Nyandarua District, this House recommends that the development of Ol Kalou District Headquarters be included in the Development Budget for the Financial Year 2000/2001.

Nyandarua District is one of the seven districts in Central Province and among the five of the oldest districts in Central Province with a population of 460,000 which is just about one and a half percent of the population of this country.

[Mr. Speaker, left the Chair]

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

The decision by the Government to move the headquarters from Nyahururu town to Ol Kalou was made in early 1990s---

QUORUM

Mr. Mkalla: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum in the House.

The Temporary Deputy Speaker (Mr. Poghishio): Certainly, we do not have quorum. Can the Division bell be rung?

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Poghisio): Order! We have quorum now. Eng. Muriuki, you can proceed.

Eng. Muriuki: Thank you, Mr. Temporary Deputy Speaker, Sir. The District Commissioner for Nyandarua District is the only DC in this country, who is a squatter in another district. At the moment the DC for Nyandarua District actually resides and squats in Laikipia District, Rift Valley Province. I can see the former PC for Rift Valley knows that fact accurately. As we all know, for various reasons there is no need to create new districts. For example, Nyahururu being a major town could easily end up in another district within the Rift Valley Province where it rightfully belongs. For that reason, the landlord of the premises where Nyandarua District headquarters administration falls is in the Rift Valley Province. Like any other landlord, he could get rid of his tenant.

Mr. Temporary Deputy Speaker, Sir, the people of Nyandarua District numbering about 460,000 are making a very simple request, that, they would like to have their district headquarters developed at Ol Kalou Town which is strategically located within the district. Such development should be put in the normal Government Development Expenditure budget.

Mr. Temporary Deputy Speaker, Sir, we have had various districts being designated as important or significant, because they produce commodities for export like cash crops, promote tourism and so on. But Nyandarua District participates in the growth of the economy of this country by providing food security. The district is very well known for producing horticultural crops, except that we have a few problems with access roads. At the moment, the district produces 120 million litres of milk on average per year out of the marketed maximum of 350 million litres in a year. This is about 40 per cent of the total milk produce. Since the district is underdeveloped, the country is now forced to import powdered milk to supplement what the district produces. The district produces horticultural crops, fruits, potatoes and---

QUORUM

The Minister of State, Office of the President (Maj. Madoka): On a point of order, Mr. Temporary Deputy Speaker, Sir. Again we note there is no quorum in the House.

The Temporary Deputy Speaker (Mr. Poghisio): Indeed, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Poghisio): We have a quorum now. You may proceed, Eng. Muriuki.

Eng. Muriuki: Thank you, Mr. Temporary Deputy Speaker, Sir. I hope the quorum is maintained. I was highlighting on how important Nyandarua District is in provision of food for the country.

I would also like to bring to the attention of the House how important the district is as a strategic horticultural production area. Later on, I intend to move another Motion to look at the rural access roads within the district, to support the serious need of establishing Ol Kalou Town as the headquarters of the district. If you look at the forward budget which goes up to the year 2001, twenty five district headquarters are included in the forward budget with a total of---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Will those who are consulting do so in low tones so that we can listen to the hon. Member on the Floor?

Eng. Muriuki: Thank you, Mr. Temporary Deputy Speaker, Sir, for your indulgence. In the forward budget for the development of district headquarters, there are total of 25 district headquarters with a total budget of Kshs1.5 billion for the next three years. It is worth noting that Ol Kalou is not included in those 25 district headquarters. At the same time, of late after creation of the new districts, the people of the new districts are asked to hold Harambee in order to build the offices for their headquarters and residential houses for the Government officers. Since other districts are catered for in the Government Budget, we are requesting that the Ol Kalou District headquarters also be included in the Budget and be developed through this budgetary allocations.

Mr. Temporary Deputy Speaker, Sir, we are requesting that provision of water and sewerage services be undertaken by the relevant Ministries. We are also requesting that the roads in the township be done by the relevant Ministries. For example, there is a road which connects Nakuru, Ol Kalou and Njabini, within the district, code named C59, which the Government has committed itself to develop. We are requesting that, that work be hastened. I would also like to note that already, about 100 acres of land have been set aside within the town boundaries for the purpose of the proposed development of the district headquarters.

With those few remarks, I beg to move, and ask hon. Githiomi to second the Motion.

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, in supporting this Motion---

The Temporary Deputy Speaker (Mr. Poghismo): Order! Mr. Githiomi, I would like you to bring back Eng. Muriuki. I do not remember hearing him reading that Motion the way it is.

Eng. Muriuki: Mr. Temporary Deputy Speaker, Sir, I read it out. But I will oblige and read it again.

Mr. Temporary Deputy Speaker, Sir, I beg to 'propose' the following Motion:-

The Temporary Deputy Speaker (Mr. Poghismo): Order! You do not propose!

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

THAT, noting that Nyandarua District has its headquarters located in Nyahururu Town which is in Laikipia District, noting further that Ol Kalou Town was designated by the Government over five years ago, to be the future headquarters of Nyandarua District, this House "recommends" that the development of Ol Kalou District Headquarters be included in the Development Budget for the Financial Year, 2000/2001.

I beg to move.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Eng. Muriuki in order to change the wording of the Motion so that instead of asking this House to "resolve", he has asked this House to "recommend"? That is what he has read!

The Temporary Deputy Speaker (Mr. Poghismo): He is supposed to read what is in the Motion as published in the Order Paper!

Mr. Munyasia: He did not stick to the text. Could he be asked to change that word?

Eng. Muriuki: I apologise. The original version of the Motion was as I read it out. However, I will again oblige and read the Motion with that correction.

The Temporary Deputy Speaker (Mr. Poghismo): Do you have what is in the Order Paper today?

Eng. Muriuki: Yes. I will read it again.

Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-THAT, noting that Nyandarua District has its headquarters located in Nyahururu Town which is in Laikipia District, noting further that Ol Kalou Town was designated by the Government over five years ago, to be the future headquarters of Nyandarua District, this House resolves that the development of Ol Kalou District Headquarters be included in the Development Budget for the financial year, 2000/2001.

I have already made my remarks. With those few remarks, I beg to move, and request hon. Githiomi to second the Motion.

Mr. Githiomi: Thank you, Mr. Temporary Deputy Speaker, Sir.

In supporting this Motion, I would like to say that for all practical purposes, Ol Kalou Town is the headquarters of Nyandarua District. We have no District Commissioner (DC) in Ol Kalou Town at the moment. Our DC is based in Nyahururu. One wonders why the DC has to be in Nyahururu, while his headquarters is actually supposed to be in Ol Kalou.

The leaders of Nyandarua were not consulted when the Government made this decision, to make Ol Kalou the headquarters for Nyandarua District. Indeed, I was a Member of Parliament and nobody consulted us on whether we wanted Ol Kalou to be the district headquarters. That being the case, we welcome the idea of Ol Kalou to be the district headquarters. Now that the residents of Nyandarua want the headquarters to be at Ol Kalou, and the DC is not there, we want the district headquarters to be built by the Government. The residents of Nyandarua are not ready to put up a district headquarters. But since the Government wanted the district headquarters to be at Ol Kalou, we request the Government to include in the Budget, enough funds to build a district headquarters at Ol Kalou.

Most importantly, as residents of Nyandarua, we would like to request that, the road that connects Ol Kalou and Nairobi be done fast. The Road C69 that connects Ol Kalou, Njabini and Nairobi should be done. It is not important to build a district headquarters without proper communication network.

The people of Nyandarua have had a very raw deal from the Government. We are now happy that the Government is ready to put up a district headquarters at Ol Kalou. That would mean that the Government will give us adequate water supply at Ol Kalou. The residents there are suffering from lack of water supply. Sometimes, they go all the way to Malewa River to fetch water to sustain the town. There are two important issues that we would like the Government to deal with. First, we want Road C69 to be tarmacked. I thank the Government for undertaking to tarmac the road through the Arab Bank. We hope that the Government will implement the project. We had suggested earlier that, we wanted the Government to do the road in three portions. One portion was to cover the stretch between Ndunduri and Ol Kalou. The other portion was from Ol Kalou to Ndunyu Njeru, and the last one was from Nyunjeru to Njabini. This is the only way that, that road will be completed. The agreement has already been signed by the

Treasury. I urge the Minister of State, Office of the President, Maj. Madoka to ensure that, that money is not misappropriated. The money should go into this project. We expect that by probably another two months, tenders will be awarded and contractors should be on site. On the water project, we would like that co-ordination.

In all national days, celebrations in Nyandarua District are done at Ol Kalou. Indeed, we are not asking too much because the Government has already adopted Ol Kalou as the district headquarters. All we are saying is that since the leaders of Nyandarua District were not consulted, and me being one of them since I was in Parliament, we cannot afford to put up a district headquarters through the harambee system. Even if we wanted, it would not be possible. This is because the agricultural produce in Nyandarua District is going to waste due to lack of communication facilities. There are no roads. I wish one day Maj. Madoka would go to Nyandarua and survey those roads. We live like wild animals! We have no roads! We want the headquarters to be built immediately. We want Nyandarua County Council offices to be at Ol Kalou. We want the DC to be at Ol Kalou. We want all that goes with a district headquarters to come to Ol Kalou. In any case, they can shift immediately. In case of the DC, we have a District Officer (DO) at Ol Kalou. So, while you are preparing funds to construct the district headquarters, which should be done quickly, you can start by shifting the DC to Ol Kalou. We have every office in Ol Kalou because every Department of Government is represented. The Government should start by shifting the whole District Headquarters, and all that goes with a District Headquarters, to Ol Kalou. That is where the District Headquarters is supposed to be.

We are not saying that, we do not need Nyahururu in Nyandarua District. When Nyahururu was curved off and moved to Rift Valley Province; we were also not consulted as leaders. Indeed, the people of Nyandarua have a big stake in Nyahururu Township because they have heavily invested there. We are also saying that, taking the district Headquarters to Ol Kalou Town does not mean that we do not need Nyahururu. We still need Nyahururu in Nyandarua District because our people have heavily invested there in form of schools. There are a lot provincial schools there which will not take as many students from Nyandarua District, because now, they are in Rift Valley Province, like Nyahururu High School. Those schools were constructed with funds from the residents of Nyandarua District. So, we are saying, that although we want the district Headquarters to be put up in Nyahururu Township; we also want Nyahururu Town to be part of Nyandarua District. As I said, leaders were not consulted, it was a decision of the Government. I do not know who advised the Government because there is supposed to be a DDC and indeed, we have one in Nyandarua District. That issue was supposed to be brought before the DDC so that we could brain- storm and agree whether we really wanted this district Headquarters to be in Ol Kalou or not, and whether we wanted Nyahururu to be part of Laikipia District and not Nyandarua District. It is only the Government that knows why they chose Nyahururu to be part of Laikipia District.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Githiomi, who is supposed to be seconding the Motion that we have before us, which says that Ol Kalou should be developed because the DC is in Nyahururu which is outside the district, is now saying that they want Nyahururu to be part of Nyandarua District. Is it the same as this Motion? Has he not gone off? Is he really seconding the Motion moved by Eng. Muriuki?

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, I think the hon. Member is not in touch with the realities on the ground. I am saying that because at the moment, the district---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. Githiomi! The issue at hand is the Motion that has been moved within the parameters which are given here to us. That is what you are supposed to be seconding. I support the hon. Member that you cannot introduce new dimensions to the Motion that are supposed to be seconding.

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, I am only saying that the District Headquarters of Nyandarua is at Nyahururu Town. I was also saying that the leaders of Nyandarua were not consulted when Nyahururu was curved off and transferred to Rift Valley Province. I think the two are relevant because the DC at the moment is in Nyahururu and we want him to move to Ol Kalou, where we want the Headquarters to be located. I think I was building my case and I was saying that had we been consulted, we would not have allowed Nyahururu to go to Rift Valley Province because that was not approved by the leaders of Nyandarua District through their DDC. So, I do not think that I am being irrelevant.

That not being the case, Mr. Temporary Deputy Speaker, Sir, we are saying that a lot of district headquarters all over the country have been built through funds from the taxpayer. So, we cannot understand why the people of Nyandarua should be called upon to contribute funds to build the district Headquarters. We are saying that, we are also taxpayers as Nyandarua residents. We are Kenyans and this Government should remember us when it comes to putting up the district Headquarters. We are also saying that funds to put up that district Headquarters should come from the Exchequer. We have no way of raising those funds, as I had said before, because our agricultural produce normally goes to waste because of lack of a good road network.

Mr. Temporary Deputy Speaker, Sir, you are aware that the dairy industry today is not stable and all hon. Members here know how the Kenya Co-operative Creameries (KCC) went. It went sour. At the moment, the only way

that we can raise funds in Nyandarua District is through agricultural produce and the dairy industry, which has gone haywire. We are saying that, our people cannot afford to put up this district headquarters. The Government, through the Minister of State, Office of the President, who is here, should start thinking of how they are going to put up the district Headquarters because that is what the people of Nyandarua want. I hope the Minister has heard what I have said. Indeed, he is telling me to sit down because he has approved that he is going to raise funds through the Exchequer to construct the district Headquarters.

With those few remarks, I beg to second.

(Question proposed)

Mr. Maundu: Thank you, Mr. Temporary Deputy Speaker, Sir. I take this opportunity to support my colleague in raising what I consider to be a very important matter, in view of the fact that so many districts have been established and created in this country, where the basic criteria is questionable. Most of the districts that have been created from the late 1980s and 1990s towards the new millennium are districts whose purpose and intent was to carve a niche, create ethnic imbalance, create tension amongst people who once lived together harmoniously and ultimately, create certain political mileage for those who wanted these districts.

Mr. Temporary Deputy Speaker, Sir, you realise that the same problem that Ol Kalou is facing in terms of establishment and funding is the same problem that other districts are faced with. In fact, the creation of the headquarters of this particular district is very strange. Yes, a designated area has been given as the district headquarters and yet, the DC does not reside in that designated district headquarters. What is the intent and purpose of creating districts when there is no adequate survey and adequate facilities to make sure that, as soon as the district is established, DCs and other departmental heads and other facilities required for the proper management of a district are available? Even with my colleague, I am not so sure that sooner than later, Nyahururu will not be changed to be the district Headquarters when a modicum of establishment of the district Headquarters in Ol Kalou is being implemented. The criteria for the establishment of districts and the creation of boundaries for provinces, or even locations and sub-locations must be established for all to know.

Mr. Temporary Deputy Speaker, Sir, it is not a question of when the President visits a province and when he is convinced that, the leaders are so excited about his visit that he decides to reward them with a district like Teso District.

(Applause)

We must accept to do public things in a manner which is transparent, open and not subject to questions by the people who are expected to benefit from those districts, for example, Bomet and Teso districts. The creation of those two districts was done through a telephone call. There was no other purpose of creating those districts, other than to create a collision course among leaders in that region. What would have been a reason to create a district with a few locations and sub-locations? We saw it in the public domain; the war was intense and people fought for several months before some semblance of peace was restored. When the war was going on to arise, then the boundary carving came to the fore. So, we would like to ask this Government to establish criteria and decide, once and for all, the parameters upon which a district will be established.

Mr. Temporary Deputy Speaker, Sir, I would like to comment on equipment of districts. We know that districts that have been created out of this particular confusion, have suffered immensely. There are districts where certain infrastructures in the name of district headquarters have been established, but to-date, they have never been completed; for example, the Makueni District Headquarters project. It is a white elephant project. There are tall buildings at Makueni District Headquarters; we have a five-storey building for the office of the District Commissioner and heads of the departments. I recall some time back, in an effort to white-wash and claim that, there were many development projects in Makueni District, there was a move to establish that district. But the irony of it was that there was no water and electricity. The DC was supposed to be on the fifth floor of the five-storey building. That meant that for his natural calls like relieving himself, he had to go to an external toilet. He would take about 30 minutes from the block and back. What is all this? We must accept that we have done some things extremely in a manner which is not in accordance with the expectations of Kenyans. It is sad that buildings in Makueni District Headquarters are deteriorating. There is an administration block of about 35 rooms, a certain police-line of about 30 buildings and Makueni District Headquarters. All these buildings are not habitable to-date. The contractor who was supposed to complete those buildings was paid well in advance and he abandoned the project. So, the Office of the President is now in chaos, trying to salvage a situation like this. I think the Government should now come up with a clear policy; what is going to happen to those facilities/investments where money had been utilised to establish districts'

headquarters that are now white elephant projects. The Government should consider completing those buildings or put in place, a system whereby those projects can be disposed of to the residents of those areas to use them for commercial purpose. As far as I am concerned, and I am sympathetic to my friend, in the next Budget of the next millennium, this Government will not allocate any single penny to Nyandarua District. This is because that is how things are; it is a far cry from a Government which is transparent. We must accept that in establishing and equipping those districts, we should be far ahead.

In the case of supplying essential facilities like electricity to Makueni District Headquarters, they took a line 30 kilometres away to the office of the District Commissioner and supplying electricity to not more than 20 shops in a place where there are more than 150 shops. They ignored all the residential areas for the purpose of developing that district. One wonders whether the district is the DC alone. If it is so, then we can house some of those DC. But if the creation of a district is seen as development of people in that region and for the purposes of making them economically viable, then the Government should make sure that facilities like electricity are availed. In the case of Makueni District, the electricity should be provided to the market areas and the environs of the district headquarters, in order to serve all the people there. This will give meaning to creation of a district. Like most of the districts, I know Ol Kalou District Headquarters will face the same problem. There are no facilities for water available to the residents in the district. In case of Makueni District, there is a borehole which is about 10 kilometres away, but the KPLC has refused to supply that borehole with electricity, so that people of the district can get water. So, I think there is a case for us to say that the Government has not been very serious in establishing district headquarters in this country. The concept of Government about the establishment of district headquarters is absolutely wrong because it does not take into account the development of people within those particular districts.

The other aspect that the Government must consider is the establishment of inter-linking communications between districts. The idea of divide and rule in order to make sure that certain districts do not have connection with other districts for the purposes of disseminating information and commerce is something that has contributed to lack of development in some parts of this country. We want to urge the Government to establish viable communication links in terms of telephones and passable roads so that people in this country can communicate within their own regions in order to develop this country. In fact, the establishment of districts can be seen to a greater extent as an impediment of development in this country. This is because we have had a district focus system which, if you have a good district in terms of support, you would be more likely to receive a few goodies than other districts. But if you are seen to be resistant, you would go to the Rift Valley at the whims of certain power barons and you remain there for some time. If the climate seems a little favourable, you will be returned to where you are bound to belong. At the end of the day, you will find that a district is established somewhere along the line. So, we should be able to guarantee that districts once established are made viable for the development of the people.

The other aspect that we need to look at is the creation of DCs as the agents of development in this country, because that has created a big problem. Most of the DCs are not administrators. In some areas, they are either KANU chairmen; that is, chairman of the party that seems to have employed them and they do things at the whims of those that have sent them to those particular districts. More often than not, we have seen the transfer of DCs from certain districts because they are seen to align themselves with forces that are not in agreement with the powers that be and, therefore, they are transferred or punished for it. The role of the DCs as agents of co-ordination of development in this country must be reassessed once again. The political roles that DCs seem to play today should be stopped.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support.

Mr. Kamau: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion.

For a long time now since the creation of Nyandarua District, it has been treated by the Government as an extension of other districts. Nyandarua District has always been seen as an extension of either Nyeri, Murang'a or Kiambu district. This time round, Nyandarua wants a clear identity. We want to be identified as a district and given good services by the Government. Nyandarua District is a totally neglected district in terms of roads and other facilities.

However, touching on this Motion, we are seeking a budgetary allocation from the Government to build Ol Kalou District Headquarters. I would wish to say this: Sometimes, in 1990, the Government and then the KANU chairman of Nyandarua District took people to Nyahururu Town and it was resolved that it was not the district headquarters. It was moved to Ol Kalou. However, the Government did not put into consideration one fact; that Ol Kalou is a district without any sewerage services or toilet, even for a DC, water and so on. It was just a town that the Government decided to make a district headquarters, without actually giving any consideration whatsoever. That notwithstanding, because my understanding is that provincial boundaries are subject to an Act of Parliament, maybe, the Government needs to come out clearly and state exactly where Nyahururu Town is in terms of boundary. All along, Nyandarua people thought Nyahururu Town was in Nyandarua District. In 1990, all things changed and

Nyahururu Town was placed in Laikipia District. We were left without a district headquarters. Today, the DC, Nyandarua District, is a squatter in Rift Valley because he actually resides in Rift Valley. Not only the DC who lives in Rift Valley, but the divisional police boss, is also housed in Nyahururu Town. All the facilities that are required to administer a district are in Nyahururu Town.

Therefore, it is high time that this Government considered Nyandarua as a district that requires facilities just like other districts. But as other hon. Members have just said, most of the districts in this country are created for political reasons. The idea of making Ol Kalou the District Headquarters for Nyandarua District was brought about politically in one sense. In 1990, the Government wanted to carve out a constituency for Mr.G.G. Kariuki, who was the KANU Chairman, Laikipia District and who was very famous then. But all that has been done and we do not need to cry over it as the inhabitants of Nyandarua District. The Government should allocate money in the Budget for the construction of the Ol Kalou District Headquarters.

Mr. Temporary Deputy Speaker, Sir, the people of Nyandarua cannot be asked by the Government to conduct Harambees in order to construct their District Headquarters. I do not know how much a District Headquarters would cost, but I do not want to forget that the Nyandarua people have already built a District Headquarters at Nyahururu. In actual sense, we have got a very expensive building in Nyahururu Town which houses the District Headquarters. Therefore, what the Government needs to do is to compensate the people of Nyandarua District by putting up another building to house the Administration in Ol Kalou. That notwithstanding, I do not know how the Government intends to solve some of these issues, for example, Nyahururu Primary School which is registered under Nyandarua is in Nyahururu District. We also have the Nyahururu High School which is in Nyahururu Town but also registered under Nyandarua District. Therefore, the Government needs to do a lot to resolve the issue of Nyahururu as the District Headquarters for Nyandarua District *vis-a-vis* Ol Kalou. How are we going to make sure that Nyahururu High School is going to remain in Nyandarua District when it is actually in Laikipia District?

Mr. Temporary Deputy Speaker, Sir, personally, I come from a division called Ndaragua in Nyandarua District. Between us and Ol Kalou, we have got what we call the Lake Ol Bolosat. So, all along, we have been using the Nyeri-Nyahururu-Ol Kalou Road for communication. Therefore, I am urging the Government that as much as we agree that Ol Kalou should be made the District Headquarters, let the Government also consider that Ndaragua Division cannot communicate with the District Headquarters if the Government does not rehabilitate Road D388. This is the only way we can communicate with the District Headquarters but this road has not been maintained for over 35 years. I cannot remember the last time that this road was maintained by the Government. As the Member for Ndaragua, I would like to urge the Government to consider allocating funds for the maintenance of this road, so that the people of Ndaragua Division can also communicate with their District Headquarters in Ol Kalou.

Mr. Temporary Deputy Speaker, Sir, the Government should also note that what we require in putting up the District Headquarters in Ol Kalou is not just the House of the DC, but Ol Kalou needs piped water! Incidentally, Nyandarua has always been treated as an extension of Rift Valley Province. You will find that Nyandarua District has provided water to people in Naivasha, Nakuru and as far as Baringo. But Ol Kalou Town which is some few kilometres from the source of River Malewa cannot be provided with water. So, we are asking the Government to consider allocating funds for the purposes of pumping water from the source of River Malewa to Ol Kalou Town. I do not see how we are going to have a District Headquarters without water.

Mr. Temporary Deputy Speaker, Sir, the other problem which is facing Ol Kalou Town is lack of sewerage. I do not know how the residents of Ol Kalou Town are surviving right now because they do not have any sewerage. We have seen smaller towns having sewerage services. So, the Government should consider allocating funds for the construction of a sewerage system.

Mr. Temporary Deputy Speaker, Sir, all the roads in Nyandarua District are in a pathetic state. Nyandarua District has not benefitted from a single kilometre of tarmac road. When we talk about the road between Gilgil and Nyahururu towns, that road was purposely built to connect the two towns. When we talk of the road between Nyahururu and Nyeri, that road was purposely built to connect the towns. But there is no single inch of a tarmac road in Nyandarua District. The only road which we used to think we had in Nyandarua District was the Magumu-Njabini Road which never survived for even one year after its construction! In fact, the hon. Member for Kinangop is here and he can confirm that. The Government should consider making that road a murrum road rather than the way it is now. I am sure the Government thinks that there is a tarmac road there. It would be better to make that road a murrum road because there is no tarmac at all. Somebody was paid money for the construction of that road, but the work done on it was shoddy. So, let us be considered as a district when other districts are being considered. But we should not be seen as a pariah district. We have an identity and we need to be identified as a district and not as an extension of other districts.

With those few remarks, I beg to support.

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. W. Morogo): Thank

you, Mr. Temporary Deputy Speaker, Sir. I intend to take a few minutes to support the Motion. In supporting this Motion, I will just advise my friends to simply request for this Headquarters to be moved to Ol Kalou without creating other issues. It is a known fact that the intention of the Government in creating the districts, was to take services closer to *wananchi*. One way of doing so is by the DCs and district headquarters being within those districts themselves.

So, I do not think the Government should find any difficulty in moving the district headquarters from Nyahururu to Ol Kalou. In fact, I do not know what the hon. Minister in charge will say, but I do not see any problem in that. However, the issue on which I want to disagree with my colleagues is the tendency to talk as if they are blaming Nyahururu Town for being in Rift Valley. This is because it is a known fact that Nyahururu Town was ever in Rift Valley. In fact, if anyone should be quarrelling, it should be us because Nyahururu Town was hived off from Rift Valley Province in a manner which we did not understand. So, we do not want to go back to those issues. It was in Rift Valley and then taken to---

Mr. Khamasi: To where?

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. W. Morogo): It was taken to Central Province. Alright! It is still there. By the way, my colleague does not know; I will beg him to listen and I will tell him what happened. All that I am saying is that if we were to go back to claim and reclaim and so on, it will create a lot of confusion and unnecessary ill-feelings among the people. All we know is that people need services. The Government has agreed to give the services and let us accept matters the way they are and have the Government bring these services to the people. Otherwise, if that is what we want to follow, then people will ask: "Why was it taken away from Rift Valley Province before, and nobody was consulted?" We know Kijabe was in Rift Valley Province and presently it is not there. So, we should not create these issues.

Mr. Temporary Deputy Speaker, Sir, however, I agree entirely with the hon. Members of Parliament from the constituency and the district that the district headquarters should go to Ol Kalou because that is where the services can be provided better. That is the location which is closer to the people. That is the location where the people of Nyandarua District can be more comfortable with in requesting for their services. I think the DC can also, by living there, understand and feel the problems of the people much better than when he was in Nyahururu, although I know it is not very far from Ol Kalou.

Mr. Temporary Deputy Speaker, Sir, in supporting the Motion, I know that there are many other districts which need to have district headquarters put in place because they were created recently. In my own district, we do not have a headquarters because the DC is still occupying offices which belong to the DO. However, I know we are trying to take the initiative because of cost-sharing but that does not mean that the Government should not assist us. So, I am only saying that the hon. Members perhaps, should take up their issue because they have the right to do that. It is also true that services should be provided from the nearest point which, in this case, is in Ol Kalou. However, I would just advise them not to open up other issues which can kind of create some bad feelings and raise issues which are not necessary at the moment.

With those few remarks, I support.

Dr. Omamo: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to thank the Mover of the Motion for what he has said. I happen to come from a relatively new district and when the Mover of the Motion spoke, it was as though he was talking about Nyando which is my new district. My old district was also split. Instead of Siaya it is now Bondo.

Mr. Temporary Deputy Speaker, Sir, I would like to say a few things. In my own observation, as a Kenyan, I have seen development in this country taking place, but not uniformly; not at the same time and again not in a planned manner. Sometimes it is planned in a certain area but in other areas it is not planned at all. However, when development is planned and effected, it is a planned development. If development is effected but is not planned, it is also unplanned development. I can take the example of my own district which is Nyando. We were lucky when His Excellency the President toured our province and gave us that new district as a result of a Presidential decree. We were very lucky.

Mr. Khamasi: It was unplanned!

Dr. Omamo: It was unplanned but it is development!

(Laughter)

Dr. Omamo: It was unplanned but it is development and when development is unplanned, it is now for you to plan it further and that is what we are doing in Nyando. I would like to persuade my colleague, hon. Madoka, who is looking at me that whenever a new district is created, please insist that the person to go there first should be the DC. The DC should go there first and others should follow. We have got a saying in my mother tongue which states:

"That person who comes from your mother's house very early in the morning and comes back there

late in the evening and stays up to late at night; make no mistake, that is your father."

(Applause)

The DC is the engine that drives the district and he should be there. The DC for Nyandarua should be within Nyandarua. He should be at Ol Kalou. He should not be at Nyahururu if it is outside the district. He should be at Ol Kalou and whether it is planned or not, let the development of the district headquarters go on with the DC on the spot.

Mr. Temporary Deputy Speaker, Sir, knowing Ol Kalou and Nyandarua areas, what does the DC lack at Ol Kalou? There is space at Ol Kalou for him to build the structures required. Believe me, that area is very good. There is room, rainfall is adequate and even before we do all sorts of pumped water projects, roof catchments can be effected to sustain the new DC. There is no reason whatsoever of having the DC of Nyandarua staying at Nyahururu. It is not right at all. A friend of mine, the hon. Member across the Floor, has eloquently spoken about some of the districts being given land while others are not. I wish he was in my own mind. He would have burnt. He would have burnt himself to ashes because I happen to know that in our own country, a lot of development and lots and lots of benefits have gone to *wananchi* by that kind of method. That kind of method has given a lot of benefits to *wananchi*. Let me cite a few examples. There was a time in Kenya when there were Nyayo hospitals and wards. If you did not get them at that time, where are they now? Can you get them?

Mr. Temporary Deputy Speaker, Sir, they might not have been as a result of over planned development but they were built. There were provinces that got several Nyayo Wards and there were others, and I happen to know them because I come from one of the districts in Nyanza Province, which did not get any, and yet Nyayo Wards were built for treating human beings not treating rabbits and dik-diks. No, no, they are for treating human beings. Nyanza Province deserved Nyayo Wards. But because it was not said, nobody made a decision at that particular time and it passed.

Mr. Temporary Deputy Speaker, Sir, as a country, we have got to realise that sometimes when one is a Head of State, he has to take what we call "Presidential Baraka" to the people he rules. When you are lucky to get the Presidential Baraka, you should be thankful to the Almighty God.

I would give the example of famine-relief supplies. Sometimes you have to suffer hunger deserving famine-relief but you do not get it, but other people get it. But because you do not get it, you suffer hunger here on earth. Some people think that prayers will help them. No, no; you suffer hunger here on earth and you think you will feel all right in Heaven. In Heaven people do not eat! You have got to get food here on earth because people do not eat in Heaven! I would like to support this idea; that you accept what you get. If you do not get it here on earth, bad luck; let us pray that you get it some other time.

The other very good point which was raised by my friend about Ol Kalou District, is that, Ol Kalou District qualifies for excellent super structure and excellent road infrastructure because it is one of the few districts in Kenya where we have a hope of creating a viable internal or national tourist industry. I have spoken about this before and I will repeat it again and again.

With these remarks, I would like to support the Motion.

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Mr. Temporary Deputy Speaker, Sir, I would like to support this Motion. I am supporting it immediately after the hon. Dr. Omamo has spoken and it gives me some pleasure. This is because, although he did not give us the benefit of the vernacular version of the saying, maybe, he should get the English one--- He said that, if it behaves like a duck, acts like a duck, then it must be a duck.

Mr. Temporary Deputy Speaker, Sir, I think the issue of provision of administrative services to our people is very crucial and provision of those services at a point where people can access them cannot be overemphasised. This is why I support the building of the District Headquarters at Ol Kalou. I also happen to know that part of the country and I know my friend, En. Muriuki might think that, since I come from Turkana we do not do anything else there but the Rift Valley. I think there is great potential there and the provision of those services to the residents of Ol Kalou, and the new district, will be extremely important. It is high time Government officials took seriously Presidential directives so that when a directive has been issued, somebody somewhere should be taking note of that and implementing it. We should not be waiting to come to this Parliament to move Motions on things that are purely administrative by definition. I think it is a wrong precedent and an abuse of this institution; that, if the Executive has taken decision and the same Executive is not implementing the decision, I think something is wrong somewhere! I am saying this because I know many other districts that have been created and then not even a DC has been posted there. I agree with hon. Members that, if need be, the DC should be the first person to be posted there, even if it means living in a makeshift tent, so be it. This is because he will realise the urgency and the importance of constructing a district headquarters immediately.

I would also like to appeal to the Office of the President that, when we create a new district, the onus is on the Office of the President to actually provide accommodation facilities and everything else. This habit of taking it back to the people to do Harambee is being a bad employer. This is because I believe every employer should actually accommodate his own officers. This is important. Although I appreciate that the resources are limited, I think the basic thing is that the employer should cater for the needs of his employees. In this case, it should be the DC, Departmental Heads and all the other people who would have to be provided for. I believe the financial allocations to the Office of the President should be adequate to take care of this issue.

Mr. Temporary Deputy Speaker, Sir, the other point that I wanted to make is that, I hope our friends from the other side of the House are appreciating the fact when these districts are being created, it is because the demand from the residents dictates that we provide for those services. I am sure if we are talking of a district in the Rift Valley, everybody would be up in arms saying that it is a political district. So, let us forget this kind of wording that causes more emotions than the reality. The reality is that, some of these places require new districts.

For example, I come from Turkana District, which has an area of 77,000 square kilometres and we have a population of about 500,000 people. Some people believe that this is a small population which cannot be provided with a district. We had Lokitaung Sub-District during the colonial time. It was again made a sub-district at Independence and also in 1994. For how long will Lokitaung remain a Subdistrict? When the OCPD for Turkana was actually saying that Lokitaung, during the colonial times--- So, the criteria for the creation of new districts--- I appreciate that democracy is the first factor, but then there are other considerations, particularly the vastness of the area. Security should also be considered because we have to travel 500 kilometres from Kibish to Lodwar to the District Hospital. Surely, does that not negate the whole essence of creating a new district so that, even geography itself should dictate the location of that particular district? Some of those areas should be able to have more than one district so that people can actually access the services that are required.

Mr. Temporary Deputy Speaker, Sir, it is important to realise that for the economic development of our country and for people to feel the presence of the Government, it is important that Government services are taken closer to the people. They should not incur any extra cost in getting them. Selfish political considerations, like locating a district where we come from, should not be enough. It should be a question of equi-distance; which is the most central place to locate this particular district so that everybody can go there?

We have places like Kapedo in Turkana, which is easier to access from Nakuru which is the Headquarters of the Rift Valley than Turkana where Kapedo belongs. At some point, we may have to look at the boundaries of these districts so that we can harmonise them with the real objective of proximity, accessibility and cost-effectiveness. This is because there is no point spending two days on the way to go to Turkana from Kapedo when it is easier to travel for one day to Nakuru.

Mr. Temporary Deputy Speaker, Sir, I am not giving up our land, but all I am saying is that, at some stage, and maybe, if we split Turkana District, then we would be able to access most of these areas in a better way so that we can have another headquarters in a place like Lokori and another one in Lokitaung. Therefore, we will be properly represented and we will actually make services available to our people.

With those remarks, I beg to support this Motion.

The Temporary Deputy Speaker (Mr. Poghisio): I would now like to call upon the Government to respond.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I wish to give the official Government response to this Motion. In doing so, I will be extremely brief, because the Motion is very clear.

Mr. Temporary Deputy Speaker, Sir, the Government recognises the need of having Ol Kalou Town as the District Headquarters for Nyandarua District. It is not true that the people were not consulted. There was enough consultation, and it was agreed that the District Headquarters be put up at Ol Kalou Town. In agreeing to do this, there are many factors which have, obviously, to be taken into account. Some of these factors include accessibility, availability of water, electricity, and others. Indeed, the Government's intention has all along been to bring services closer to *wananchi*. We will continue to do so where we feel that there is need of bringing services closer to *wananchi*. So, in consultation with the local people, we will establish these headquarters.

However, it has to be appreciated that these are expensive facilities to create, but when it is a question of serving *wananchi*, we will do our best. I also agree that it is the Government's responsibility to put up these headquarters. There is, really, no need to go to the *wananchi*, to ask them to provide funds for putting up these headquarters. In the past, it has been necessary to do so because of pressure from the *wananchi* themselves. We wanted to wait for funds to be available, but the *wananchi* decided to raise funds to put up these headquarters.

QUORUM

Mr. Khamasi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not think that there is a quorum in this House.

The Temporary Deputy Speaker (Mr. Poghisio): Definitely, there is no quorum. Could the Division Bell be rung?

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Okay, proceed, Maj. Madoka; there is quorum now.

The Minister of State, Office of the President (Maj. Madoka): Thank you, Mr. Temporary Deputy Speaker, Sir. As I said, it is the responsibility of the Government, once the area residents have agreed on the location of the district headquarters, to put up the necessary infrastructure to accommodate the officers based in the district. And, of course, when we have the district headquarters in place, all other Government officers will also move into it. So, all those facilities will be provided.

As the Official Government Responder, I would say that we support the Motion and will do our best to include in the Development Budget for the financial year 2000/2001 the development of the district headquarters in Ol Kalou.

The Assistant Minister for Local Government (Mr. Affey): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the Motion. While supporting this Motion, I would also like to highlight certain facts pertaining to where I come from, as a province, which will encourage the Minister of State, Office of the President, Maj. Marsden Madoka, to create more districts in the Province.

We have said that the creation of these new districts is basically meant to bring Government services closer to the people. We are now talking about districts being split into two and locations being upgraded into district status. While I support this Motion, I would like to appeal to the Minister that the only one Province in this country since Independence which has not been split into more districts is the North-Eastern Province (NEP). There is an urgent need now for the Government to consider creating more districts in the NEP. Since Independence, the people of NEP have tripled, or even, probably, are five to ten times the population they were when NEP was created as a Province. No district has been carved from the larger NEP, and the rate of population has continued to increase. People have settled more in towns; locations have expanded.

We have complained about insecurity, and unless the Government services goes closer to the people and we have more police posts and military facilities, especially in the NEP, we will continue to complain about security menace. It is even now more important to create new districts following the collapse of Somalia as a state. It is difficult for the DC in Wajir to respond to crises within the constituencies in the District. It difficult for the DC to travel from Wajir District Headquarters to Wajir South Constituency, which I represent in Parliament, to respond to security crises. It takes me, as the area Member of Parliament, seven days to tour the Constituency while coming from the district headquarters. But if Habaswein Sub-District were elevated to a district status, then, probably, it would have taken me three days, which in itself are very many days. I know for a district like Lugari, the Member of Parliament takes fairly 20, or 30 minutes to tour his people, while I take about eight days. It is these disparities that we people from the NEP continue to complain about.

Mr. Temporary Deputy Speaker, Sir, what we require for that Province is the creation of more districts. These days, appointments and employment opportunities come on the basis of the districts. We have a Province that has not been split since Independence while we have another province that has been split ten times since Independence. The Government projects in the budget are allocated according to districts. We are ready to support our own headquarters and put facilities in place even if the Central Government cannot do that. We want the creation of more districts so that people continue to benefit from the opportunities that come with the creation of a district.

The Habasweine Sub-District was established as a location during the colonial times. It has a very big police post, enough ground water and I know if we create a district there, Government offices will be established and NGOs will move in to assist people. We can even have a marketing outlet for the livestock in the district. At the moment, we have Wajir District Headquarters servicing the entire Wajir District. Wajir District alone measures 60,000 square kilometres which is probably one of the largest districts in Kenya; it is not the biggest, but probably the second largest district after Turkana District.

It is my appeal that while we appreciate insufficient resources, again we should be fair to all the regions in this country when we are creating these districts so that they can be in competition with the rest of this country. As I said, three districts for that Province are not sufficient. We have encouraged our people to disregard the nomadic lifestyle and settle down. Today, all the locations are bursting with people, and so, the question of low population does

not exist. We have the necessary prerequisites in terms of population, land mass and un-tapped resources. I am sure if we create these districts, we will be able to tap these resources and assist this country fight poverty because the established districts will tap and harness our own resources. We have lumped together three districts under one Province while other provinces have 10 to 20 districts. This is not fair after all this time of Independence.

Mr. Temporary Deputy Speaker, Sir, it is my view that that Province need to be split into more districts. We require two more districts for each of Mandera, Wajir and Garissa districts. So, we will have a total of ten districts in that Province. Then we will justify the existence of those districts when they are created, because now there are a lot of doubting "Thomases". They wonder: "Why do we create for you new districts and you do not have the necessary population"? We have the population required to establish those districts.

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

Mr. Waithaka: Mr. Speaker, Sir, I rise to support this Motion. From the outset, I would like to make it quite clear that this problem has not arisen because a new district has been created in Nyandarua. A new district has not been created in Nyandarua. All that happened is that there was a dispute as to the boundary between Central Province and the Rift Valley Province. Because somebody somewhere wanted to extend his "kingdom" from Baringo to Nyahururu, they took Nyahururu and made it part of Koibatek District, Baringo Central Constituency. That is the issue at hand. If a new district was not created, why are we having a problem of a district headquarters? This is a problem which was created by somebody who feels comfortable annexing land in Central Province. However, that is not the issue at hand. The issue is whether we want the development of Ol Kalou as the District Headquarters for Nyandarua included in the budget and I am supporting that.

I would like to say a few things about Nyandarua. Nyandarua is a peculiar district as my colleague, the Member for Ndaragua said. At the moment, the DC is a squatter in somebody's district. He does not stay in his district. He squats in Laikipia District. We do not even have a court of law. People from North-Eastern Province may think they are the only people who are suffering. There is no court of law or even a district magistrate in the whole of Nyandarua District. I am sure you have a district magistrate in your district. You may think this is funny, but it is the truth. You may think that Central Province has everything, but there is no court of law in Nyandarua District. I am saying this as a person who has been practising in those courts.

If you have to file a succession case when your parents have died, you either go to Laikipia or to Nakuru District and not in Nyandarua. It is costing our people a lot of money. This issue of bringing services closer to the people of Nyandarua is a distant dream. If these people were serious about taking services closer to the people, first and foremost, they would have brought a Bill to this Parliament to amend our Constitution to abolish the provincial boundaries. The biggest problem in this country as far as Provincial Administration is concerned is the provincial boundaries.

Even when you want to refer to Kikuyus, you refer to them as the people of Central Province, forgetting that we have Kikuyus in North-Eastern Province and in the Rift Valley. We want to do away with the provinces. If you want to deal with the people of North-Eastern Province you call them by what they are called, but not as the people of North-Eastern Province. If you want to refer to the Kikuyus, you refer to them as such. If you want to refer to the Luos, you call them the Luos and not the people of Luo Nyanza and so on. Some of these problems are as a result of provincial boundaries. If these provinces are done away with, then we shall create districts. If we abolish the provincial boundaries we can create this kind of a scenario. I wish the Minister was here. Let us consider a town like Naivasha; Naivasha Division, Viuviu Division, Kinangop North Division and Kinangop South Division will create a very comfortable district with headquarters in Naivasha without regard to which province it is in because there will be no province.

If this district headquarters is moved to Ol Kalou, Nyahururu will be an idle place. The people of Nyandarua and Nyahururu in particular, are resisting the annexing of Nyahururu town to Koibatek District because they have invested heavily there. If a district headquarters is removed, it means that those who have invested in terms of residential houses will suffer loss. Those houses will not be rented because the DC will move with all his personnel and those houses will be left vacant. The investment will be rendered null and void. When people are planning, you do not plan to go to Ol Kalou as your district headquarters.

So, Nyahururu would have been a district headquarters for a constituency in Laikipia covering Ng'arua, Rumuruti and then Nyahururu divisions. That would create one district whose headquarters would be at Nyahururu, and people would not have to travel all the way from Ng'arua to Nyahururu, to Nyeri and then to Nanyuki, in order to see their DC. I think, these people who talk about taking services closer to the people are not really serious. It is not fair that for a person to get in touch with his or her DC, they have to pass through two provinces. For example, for a person to travel to Nanyuki from Ng'arua, he or she has to go to Nyahururu first, then go to Nyeri and take another matatu to Nanyuki. To travel from my constituency Kinangop, you have to first of all travel to a place called Soko Mjinga which is in Kiambu, in order to get another matatu to go to Naivasha. Then from Naivasha you have to travel to Gilgil, to Ol

Kalou, then to Nyahururu. If that new district is created with its headquarters at Naivasha, people from my constituency, from Maela and Mai Mahiu would go to Naivasha, and we would have actually taken services closer to the people. Ol Kalou would then remain a district headquarters for Ol Kalou, Ndongori, Wanjohi and the rest. That would become another district. So, when they talk about taking services closer to the people, it is actually not all the people of Kenya, but taking services closer to the people of the Rift Valley. That is why so many districts have been created in the Rift Valley. It appears that people in other parts of this country do not deserve these districts except people in the Rift Valley. We have been complaining for a long time. We wonder which people they refer to when they talk about taking services closer to the people. We would like that anomaly to be rectified, so that we cease referring to particular people as the people of the Rift Valley, North Eastern, Nyanza or Central provinces.

Mr. Temporary Deputy Speaker, Sir, one of the problems we are facing - and I support hon. Omamo - is that, the biggest impediment in having Ol Kalou District headquarters developed, is because the DC Nyandarua, has refused to move from Nyahururu to Ol Kalou. He was supposed to have been directed to do so the time the President declared Ol Kalou the district headquarters for Nyandarua. The DC for Nyandarua was supposed to be in Ol Kalou the following day. I wonder whether his persistent refusal to go to Ol Kalou amounts to insubordination of the President. He should go there even if there are no houses. He could even construct a makeshift structure and stay there. At the moment, what he only does is to preside over public functions. For example, during the last Moi Day celebrations he went to Ol Kalou and then drove back to Nyahururu. This is wrong.

Mr. Temporary Deputy Speaker, Sir, there is what we call transfer of funds, which are to be remitted to the Local Authorities. Nyandarua County Council will get their five per cent from the Budget and yet Nyandarua County Council is located in Nyahururu Town which is in Laikipia District. So, they may use that money to develop Laikipia District and Nyahururu in particular, which will eventually be part of Baringo Constituency or Koibatek District. These are some of the anomalies that are there. We therefore strongly urge the Government to have budgetary allocations for this town and the district headquarters for Nyandarua, so that some of the problems that we face are solved.

Mr. Temporary Deputy Speaker, Sir, we have serious security problems in Nyahururu. This is because the OCPD Nyandarua is in Nyahururu. The OCPD Laikipia, is in Nanyuki. The OCS Nyahururu Police Station is in essence senior than the OCPD Nyandarua, because Nyahururu Town is under the OCS Nyahururu Police Station whereas the offices of the OCPD Nyandarua and the offices of OCS Nyahururu, are in the same compound. The OCS Nyahururu cannot take command from the OCPD Nyandarua. There is a serious problem when dealing with a DO or an OCS in a town like that one. Even when there is civil unrest, there is a problem in knowing who to deal with. You may end up dealing with a very junior person such as a DO or an OCS to make decisions, whereas, just behind him there is the OCPD who is senior than him.

With those few remarks, I beg to support.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghio): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, 13th October, at 2.30 p.m.

The House rose at 12.30 p.m.