

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 7th October, 1999

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

The Annual Report and Accounts of the Kenya Pipeline Company for the year ended 30th June, 1996, and the Certificate thereon by the Auditor-General (Corporations).

(By the Minister for Energy)

The Annual Report and Accounts of the Industrial and Commercial Development Corporation for the year ended 30th June, 1996, and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of the Industrial and Commercial Development Corporation for the year ended 30th June, 1997, and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of the Rift Valley Textile Company for the year ended 30th June, 1996, and the Certificate thereon by the Auditor-General (Corporations).

(By the Minister for Energy, on behalf of the Minister for Tourism, Trade and Industry.)

ORAL ANSWERS TO QUESTIONS

Question No.115

PUBLICATION OF REPORT ON DEVIL WORSHIP

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

(a) whether he is aware that Kenyans are still waiting for the publication of the Commission's Report on Devil Worship in the country; and,

(b) what the findings of this report are and why it has taken so long to publish.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I beg to seek your guidance on this Question because it had been asked and I had answered it. According to the requirements of the Standing Orders, six months have not elapsed since the Question was asked. What was remaining for this Question, and what I undertook to do was to table the Report on Devil Worship, but not to answer the Question afresh. So, I do not know whether it is a question of continuing from where we left last time or starting afresh.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. I am the one who sought a Ministerial Statement during the last sitting and it was never given. So, the claim by the Minister is not right.

Mr. Deputy Speaker: If you look at the HANSARD properly, you will find that the Minister did commit himself to table a copy of the Devil Worship Report in the House. So, we should ask the Minister when he is going to table that Report in the House.

Mr. Sifuna: On a point of order, Mr. Deputy Speaker, Sir. When you go to the ruling by the Speaker in the HANSARD, he did direct the Minister to bring the Report and lay it on the table. At the same time, the Speaker deferred that Question because there were some more supplementary questions which were to follow after laying the Report on the Table. This is the reason why this Question is coming up again.

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

Mr. Deputy Speaker: Order, Dr. Ochuodho! Hon. Sifuna stood on a point of order and it must be responded to first. Well, if you look at the Question, its import is really the production of the Report which will then deal with part two of that Question. So, in my view, in order to make progress, we should find out from the Minister the specific date when he is going to lay that Report on the Table. I will then give hon. Members the opportunity [**Mr. Deputy Speaker**]

to ask him questions after they have read that Report. By so doing, we will be able to find out more from him than if we were to pursue this Question in the absence of that Report.

Mr. Anyona: Mr. Deputy Speaker, Sir, my understanding of this Question is that it is about the publication of the Report and not necessarily the laying of the Report on the Table of the House. I think the Minister should tell us what the word "publication" means. Does it mean that it is made into a Sessional Paper or it is laid on the Table of the House? I suppose it depends on the terms of reference of the Committee that went into this Commission. That is the most important issue!

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, to answer what hon. Anyona has just said, I did indicate, of course, in my answer which is in the HANSARD, that the Government published the Report by giving it to the people who were meant to consume it. But we had reached a point, as hon. Sifuna has said, where the House wanted the Report to be tabled. I will table the Report next week, on Wednesday afternoon.

Mr. Raila: Mr. Deputy Speaker, Sir, while we are on this, there are several other commissions that have been set up by the Government to investigate various matters of which reports have not been published. Public money has been spent in forming those commissions. Can we get a clear confirmation from the Minister that this Government will make it a policy, that each and every commission that has been set up to investigate any matters that involve expenditure of public funds, will have its report published and that such a report shall be tabled and debated in the House?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, in so far as the Commission's findings are of a nature capable of being published, I do undertake to do that. But the hon. Member must also accept that there are others which even the House may wish to read in camera.

Mr. Deputy Speaker: Order, hon. Members! We will now revert to Question 115. The Minister has undertaken to table that Report in this House on Wednesday in the afternoon. I am undertaking that after the Report has been tabled and hon. Members have had an opportunity to read it, they will be accorded an opportunity to ask questions arising from that Report. Next Question, Mr. N. Nyagah!

Question No.128

LIFTING THE BAN OF THE CIVIL SERVANTS UNION

Mr. N. Nyagah asked a Minister of State, Office of the President, why the Government has failed to implement the Resolution of the House made on 13th October, 1993, to lift the ban on the Kenya Civil Servants Union.

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

The Government is considering instituting industrial representation for civil servants. Due to reasons touching on management of the former Kenya Civil Servants Union, the Government may not find it useful to re-establish the Kenya Civil Servants Union in its original form.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, you will remember that on two occasions, on 13th October, 1993, a Motion was passed through this same Parliament about the reinstatement of the Kenya Civil Servants Union, which was agitated by hon. Anyona. On 9th July, 1997, again a Motion was passed by this same House and it was brought forward by me. Can the Minister explain to this House why the Government finds it so necessary not to go by the resolutions of this House, and as to whether it is not true that there are various officials of the Kenya Civil Service Welfare Association who have vowed to oppose any move to lift the ban? Indeed, they have extremely vested interests in the assets and all the properties that belong to the Kenya Civil Servants Union.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, that is a very important matter that the hon. Member is raising, because in the first place, the import of the resolutions of the House is to afford civil servants industrial representation. It is exactly what the hon. Member is saying that there is a matter that needs to be investigated about the management of the former Kenya Civil Servants Union. Indeed, currently, the Permanent Secretary, Secretary to the Cabinet and Head of the Civil Service, is investigating matters that touch on misappropriation of assets and mismanagement of the former Kenya Civil Servants Union, so that another union that would be started does not inherit the problems of the

former Kenya Civil Servants Union.

Mr. Anyona: Mr. Deputy Speaker, Sir, one thing we want to be categorical about is the fact that civil servants have a constitutional right to be represented by a union of their own choice. Whether it is the old Civil Servants Union or a new union, that is a matter entirely that should be left to them to decide. But in the wisdom of this Parliament also; this Parliament has twice on two occasions passed a unanimous resolution supported by the Government that the Civil Servants Union should be revived. If there are problems of the kind the Minister is talking

[Mr. Anyona] about, can he now make a categorical undertaking that one way or the other, the civil servants of this country whom we want to be efficient and productive will be afforded an opportunity to form a union that will represent their interests and take away this conflict of interest between civil servants and the Government?

Mr. Sunkuli: Precisely, what I have said, Mr. Deputy Speaker, Sir, is that in one form or another, there will be industrial representation for civil servants. As the hon. Member has stated, indeed, everybody has constitutional rights and even the Government has constitutional rights to govern. We want to make sure that when a civil servants' union is formed, it will not be faced with the same problems that the original one had.

Mr. Deputy Speaker: Yes, Mr. Sifuna, and you had better make sure that it is a point of order.

Mr. Sifuna: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Minister in order to mislead this House that civil servants have no union and yet when you look at their payslips, especially police officers, they are being deducted Kshs50 per month as union dues? Where does this money go to?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I do not know whether that is a point of order or not, because the House is aware that civil servants have no union.

Mr. Keriri: Mr. Deputy Speaker, Sir, since the Minister has admitted that this is a very important matter, can he tell this House how long it will take for the Government to allow civil servants in one way or the other, as he says, to form their own union?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, of course, this must be done in the context of the current Civil Service Reform which is going on in the country. The Government intends to undertake serious measures which will affect civil servants and one of them will be to give them a union.

Dr. Ochuodho: Thank you, Mr. Deputy Speaker, Sir. I very much admire the arrogance of the Minister in answering this question! However, the whole purpose of having a union is to have collective bargaining power. At a time when the Government is considering retrenching members of the Civil Service; they need the union now more than before.

Mr. Deputy Speaker, Sir, I need your guidance. Who is supreme, is it this Government or Parliament? When Parliament so adequately discusses an issue and takes a decision, who is the Minister to think otherwise? **Mr.**

Sunkuli: Mr. Deputy Speaker, Sir, I do not know what answer I can give to that arrogant question! But the hon. Member knows that the House is supreme. Our duty is just to implement the resolutions of the House in the best way we understand.

(Laughter)

Mr. Kombo: Mr. Deputy Speaker, Sir, the Minister has just talked about the Civil Service Reforms and under this programme, everyday, we are reading or hearing about civil servants being retrenched. These civil servants are being retrenched without being represented, because the Government is the prosecutor, the judge and jury. When will they give the union? Can the Government consider putting on hold the retrenchment programme until civil servants can be represented?

(Applause)

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the Government is currently undertaking the Civil Service Reforms. As I said, the hon. Member should not see this union as a short-term measure, but as a matter for the future. The civil servants who are going to remain should serve the Government on terms that are favourable to them. They will also have the chance to be represented by a union.

Mr. Wamae: Mr. Deputy Speaker, Sir, this is a very important matter for this nation. Could the hon. Minister consider allowing civil servants to have their own union even before finalising with the old union? Whether there is restructuring or not, it is their right to have their union. When will they have their union? Why are you sitting on it?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the hon. Member can see I am not sitting on it. But the Civil Service Reforms must be seen in the right context. We cannot remove the union out of context, because it is part and parcel of

the changes that the Government is bringing within the Civil Service.

Mr. Raila: Mr. Deputy Speaker, Sir, one would think that the retrenchment would be the more reason why the union should be made to function now, because this is one of the issues that the union should actually negotiate with the Government. The right to belong to a union is a fundamental right which is enshrined in the Constitution. It is not the discretion of the Government. So long as there is an employer and an employee, there is a right to have a union. Can the Minister tell this House why the Government thinks that it is necessary to put the cart before the horse, in other words, to retrench first before you have a union?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I never actually spoke of retrenchment, I talked about the Civil Service Reforms which is much larger than retrenchment because it does include harmonisation of the Civil Service salaries and so on. We do not want to put new wine in old wine skins. Let us see this in the context of the future Civil Service that we want, which will be trim, efficient and well paid.

Prof. Anyang'-Nyong'o: I hope the House heard the Minister say that the Head of the Civil Service is discussing with the union on preparations for restoring some kind of union for the civil servants. How can the Head of the Civil Service be discussing with people who are not there to represent themselves? If the Head of the Civil Service was going to find a way of dealing with problems of the old union, it is imperative that officers of that union must be there first to discuss this with him. Can the Minister clarify to this House exactly what the Head of the Civil Service is doing to restore the union?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the hon. Member did not hear me well. I said that the Head of the Civil Service is investigating matters concerning the assets of the former Kenya Civil Servants Union.

Mr. Mugalla: Mr. Deputy Speaker, Sir, as a leader of workers in this country, I would like Parliament to know that our Government does not recognise the freedom of association which is entrenched in our own Constitution. Our Constitution says very clearly: "The workers shall have a right to join and form any union of their own choice." Since the banning of the Kenya Civil Servants Union, the Government has used every time---

Mr. Deputy Speaker: Mr. Mugalla, ask your question now!

Mr. Mugalla: Now, my question here---

Hon. Members: Let him continue!

Mr. Deputy Speaker: Order! Hon. Members, your Standing Orders say that: "Questions shall not be used as a pretext for a speech."

Hon. Members: But give him time to ask his question!

Mr. Deputy Speaker: Order! Hon. J.J. Mugalla has made a very beautiful speech so far. I want him to ask an equally beautiful question.

Mr. Mugalla: Mr. Deputy Speaker, Sir, my question is: How long will the Government go on discussing the issue of the Civil Servants Union?

Mr. Sunkuli: Not very long, but I have just said here that the Government does realise that it is important that civil servants are unionisable and we are putting in place the mechanism to do so.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, 19 years have gone by since this union was banned. I have some quotation I want to make from a letter from the Office of the President which was written by Mr. C.A. Mbaka, MBS, for the Permanent Secretary, Secretary to the Cabinet and Head of the Public Service where he gave some certain reference dated 20th August, 1996. In this letter, the former Secretary-General of the union requested for an appointment with the Permanent Secretary, Secretary to the Cabinet and Head of the Public Service on matters relating to the formation of the Kenya Union of Civil Servants. It states:

"Your request is receiving attention and you will be advised in due course when the necessary consultations are finalised. In the meantime, it would not be prudent to form the union."

The other letter that has come from the Secretary-General, written on the 25th July, 1997 quotes, and I will read only one paragraph:

"I am at the moment making the necessary consultations after which I will no doubt get in touch with you by post."

Mr. Deputy Speaker, Sir, I will table these two documents.

(Mr. N. Nyagah tabled the documents)

Here is a Question where the Government is not interested in any manner to reinstate this union. One, there are civil servants who have already tampered with the property of the union, namely, the Nature House. Can the Minister tell us when and how the Head of the Public Service and his team will re-constitute this union? Secondly, whom will you be dealing with because there are those members that existed in the former union?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, that, of course, has been overtaken by events because the decision has been made. We are going to have an industrial representation for civil servants. The hon. Member does in fact, raise the point which we are currently looking into, that is, matters pertaining to assets, including Nature House.

Mr. Deputy Speaker: Next Question!

Question No.319

MISAPPROPRIATION OF FUNDS
BY KISUMU MUNICIPALITY

Prof. Anyang'-Nyong'o asked the Minister for Education:-

- (a) whether he is aware that there has been misappropriation of public funds in Kisumu Municipality and that this has adversely affected the education system in the Municipality;
- (b) whether he is further aware that the M.M. Shah Primary School and the Victoria Primary School are badly hit by mismanagement and misappropriation of funds; and,
- (c) what the Ministry has done following several memoranda and letters of complaint that it has received from parents on these matters.

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

(a) I am aware that some schools in Kisumu Municipality do not satisfactorily account for the money levied on parents for various projects. However, although there was a slight decline in performance in the Kenya Certificate of Primary Education examinations in 1998 which was 332.37 compared to 1997 which was 332.67, this is attributed to the expansion of the Municipality and consequent increase in the number of primary schools. The situation is not adverse.

(b) Investigations by my Ministry reveal that there is evidence that not all books of accounts have been satisfactorily kept for monies levied on parents for projects by M.M. Shah and Victoria Primary Schools. Examples are improper entry of tuition allowance paid to teachers by Victoria Primary School's management and failure to follow accepted Government procedures in the maintenance and construction of new buildings by M.M. Shah Primary School's management.

(c) I have instructed officers in my Ministry to liaise with the sister Ministry of Local Government with a view to instituting conclusive investigations, consequent to which appropriate action will be taken against the officers and heads of schools concerned.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I asked this Question before we went on recess and the Ministry promised that they would institute investigations into what is happening in the education system in Kisumu Municipality. It is very disappointing that the answer being given now is the same promise to investigate. This is something which should have been undertaken during the last three months. Is the Assistant Minister aware that the Director of Education in his own Ministry is directly involved with the Provincial Director of Education in Nyanza and the Municipal Education Officer in Kisumu to protect corruption and fraud in the education system in the municipality? The headmasters who are involved in this fraud go around boasting that they can pay a plane ticket for the Director of Education and host him in Kisumu when he goes there to do the same investigation the Assistant Minister is talking about, so that nothing is done. The Director of Education boasts that the Minister, Assistant Ministers and the Permanent Secretaries are all in his pocket. Between him and the PDE in Nyanza, nothing can happen to change the system in Kisumu Municipality. Given that state of affairs, what kind of investigation is the Ministry capable of doing to ensure that what is going on in Kisumu is corrected?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I am not aware that the Director of Education is involved in corruption with the officers in Kisumu. Secondly, if there is anything of that kind, we are going to take very drastic actions against the officers concerned. What I am aware about is that when the Question was asked last time, the answer was not adequate and because you flashed evidence to the Minister who was answering the Question, consequently, the Question was deferred for further investigations. We have done investigations and come up with the report we have given you. We are accepting that there is a problem at the headquarters. However, we are asking the Ministry of Local Government which is the agent of the Ministry of Education and which employs the Municipal Education Officer and his deputy to do the investigations and the needful because as agents and employers, they are the ones who are going to take action.

Mr. Wanjala: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm or deny that, he is not in the pocket of that officer?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, in whose pockets can I fit because I look big?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I think it is important when a Question like this is asked, that the Government goes straight to the point. The Kisumu Municipal Education Officer is called Mr. Kisengo. Parents in Kisumu Municipality know that, this fellow is messing up education system. Even the teachers, in order to remained posted inside the core of the municipality, have to pay that fellow. When they are being transferred to the periphery of the municipality, they can buy their way back. Any parent or teacher who raises his or her voice, is severely punished by that fellow. How are you going to do investigation, if you do not, first of all, suspend that fellow until such time that he is acquitted of these accusations? I had provided the Ministry with many documents and parents have gone to the Ministry to make presentations. So, it is not as if the Ministry does not have the facts, but it has been pocketed by Mr. Kisengo. And this fellow here, can fit in the pockets of Mr. Kisengo.

Mr. Deputy Speaker: Order, Prof. Anyang'-Nyong'o! We do not have "fellows" here, but hon. Members. So, will you refer to hon. Dr. Wamukoya as the "hon. Member?"

Dr. Wamukoya: Mr. Deputy Speaker, Sir, could he withdraw and apologise?

Mr. Deputy Speaker: Order! Order! I have just ruled that he refers to you as hon. Assistant Minister or hon. Dr. Wamukoya.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the Assistant Minister for Education, Science and Technology, hon. Member of Parliament, I do apologise. But I hope that the hon. Member will not fit into that pocket for too long!

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I do not think he has apologised, because with my little education, that apology was unconditional. Anyway, I will forgive him.

Mr. Deputy Speaker, Sir, I also want to say that, the Municipal Education Officer and his deputy fall under the Ministry of Local Government. I have done what I could within my powers, and asked the Ministry of Local Government to investigate and take the necessary action. What else do you want me to do?

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

Question No.398

ALLOCATION OF BONDENI PRIMARY SCHOOL LAND

Mr. Maitha asked the Minister for Education, Science and Technology:-

(a) if he is aware that Bondeni Girls Primary School's plot was irregularly acquired by a private developer;

(b) if he is further aware that the same developer has issued a notice of eviction to the school; and,

(c) what immediate action he is taking to cancel the said allocation and revert the ownership of the plot to the school.

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

(a) I am not aware.

(b) I am not aware.

(c) Bondeni Girls Primary School's plot has not been allocated.

Mr. Maitha: Mr. Deputy Speaker, Sir, I am surprised by the reply given by the Assistant Minister. This is because I have with me here, various letters written to the Ministry of Local Government from the Parents Teachers Association (PTA). The first letter is addressed to hon. William ole Ntimama when he was the Minister for Local Government. The recent letter which includes a PDP, the PTA complained about the grabbing of their land by Mr. Ali Korane who was then the DC, Mombasa. That land was later sold by the town treasurer to a tycoon in Mombasa. Let me read one of these letters. This letter is addressed to the Minister for Local Government, Prof. Onger, Jogoo House; It says:-

"Fully developed school's plot grabbed and title deed on paper surveyed by powerful Mombasa nominated MP, business tycoon, Plot No.106 Section 7, Mombasa island. It is the trend of the above named business tycoon cum politician to grab away public and institutional land and premises meant for public utility, such as public toilets, car parks and now schools' plots."

I have the letters with me here. Could the Assistant Minister, while I beg to table these documents---

Mr. Deputy Speaker: Wait a minute, where is the PDP?

Mr. Maitha: Mr. Deputy Speaker, Sir, it is attached here. Could I now table these documents? Since the PTA has complained to the Government Ministries and nothing has happened, could the Assistant Minister promise that, by giving him these documents, he will investigate the matter and stop the grabbing of that plot?

(Mr. Maitha laid the documents on the Table)

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I think it is only right that we put this Question in its proper perspective; the plot on which Bondeni Girls Primary School stands is different from the one hon. Maitha is talking about. This plot which hon. Maitha is talking about, belongs to the Municipal Council of Mombasa. They wrote a letter to the Minister requesting whether they could sub-divide it and give it to individuals which consent was given. So, the plot was sub-divided and given to individuals. So, this is a different plot from where Bondeni Girls Primary School stands. The only thing I know is that the houses which stood on that plot, were occupied by some of the teachers at Bondeni Girls Primary School as tenants. That plot does not belong to that school. What I would like to request hon. Maitha to do is to give me the following; and I will take the necessary action. I would like him to furnish me with the name of the said developer, a photocopy of the said notice of eviction and the title deed that encompasses the two plots; that is, Bondeni Girls Primary School and that plot which he claims has been grabbed.

Mr. Maitha: Mr. Deputy Speaker, Sir, I have here, a PDP where the PTA have shown that the whole land belongs to them. They have even written letters explaining that this land belongs to them and their school teachers were living in those houses. If primary school teachers are living in those houses and they have not been evicted by the council, then that is proof enough to show that, that plot which was illegally sub-divided belongs to that school. The PTA has been complaining that their land has been alienated and grabbed for a long time. Therefore, I do not need to give the name of the developer because the PTA has written severally to your Ministry and you have not helped them. Could you now help them?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, the PTA has not written a letter to me. The hon. Member said clearly, that they wrote letters to the Ministry of Local Government. I have not received any letter from them to this effect.

Mr. Raila: On a point of order, Mr. Deputy Speaker, Sir. It is the second time that the Assistant Minister is trying to refer the matter to another Ministry. We all know that once a Question has been asked, it becomes a property of the House, and there is also collective responsibility on the other side of the House. Is the Assistant Minister in order to try to evade answering question on the grounds that he is not aware, when he actually accepted to come before this House and answer the Question?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I do not think I am trying to evade the Question or transfer it to the Ministry of Local Government. I am answering it effectively, as regards Bondeni Girls Primary School. In other words, the question on the other plot which belongs to the Municipal Council of Mombasa could be referred to the Ministry of Local Government, for appropriate action. All that I am saying is: I want evidence to show that the plot on which Bondeni Girls Primary School stands is the same plot on which the teachers' houses are?

Mr. Anyona: Mr. Deputy Speaker, Sir, I do not know what the Assistant Minister is hiding or running away from. Bondeni is a municipal school. The land on which it stands and that on which these teachers were living also belongs to the municipal council. He cannot then come here and say that this plot is separate from where these houses are, if he does not have the proof. He is coming here to ask hon. Maitha to give him the proof. Can he be compelled to give us an answer that makes sense?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, part "a" of the Question says: "Is the Minister aware that Bondeni Girls Primary School's plot was irregularly acquired by a private developer?" I am saying that it was not. The plot is intact!

Mr. Deputy Speaker: Order! Let us put to rest once and for all this business of questions being asked here and Ministers telling the House that the matter at issue belongs to another Ministry. Looking at this paper, letters were written in 1995 and in 1998. Quite frankly, the Teachers/Parents Association is a voluntary organisation. The people in the Ministry of Local Government and in the Ministry of Education are full time employees of the Republic of Kenya and so, they ought to follow-up these matters to their logical conclusion. So, Mr. Assistant Minister, I do think the hon. Member has discharged his responsibility by raising this matter in the House. Do kindly follow it up with your counterpart in the Ministry of Local Government so that we can bring this matter to an end.

Question No.453

REHABILITATION/STAFFING OF
SCHOOLS IN CHAMGIWADU ZONE

Mr. Ayacko asked the Minister for Education what he is doing to reconstruct, rebuild and re-staff

schools that were destroyed and abandoned by staff in Chamgiwadu zone of Rongo Division following the tribal clashes of 1997.

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

My Ministry has ensured balanced staffing in Chamgiwadu Zone of Rongo Division, Migori District and as of now, there is actually an over-staffing of five teachers in the zone. Under the Dutch/GoK Textbook Project, my Ministry has allocated Kshs511,280 for purchase of textbooks to be distributed to schools in Chamgiwadu zone. As regards the renovation and rebuilding of the damaged physical facilities and provision of furniture, my Ministry, in liaison with the local Provincial Administration, has sought the co-operation of the parents and local community under the spirit of cost-sharing. I am glad to report that the local community has been supportive in the process of construction of physical facilities.

Mr. Ayacko: Mr. Deputy Speaker, Sir, to stop Ministers from giving "decorative" answers, can the Assistant Minister state precisely the amount of money the Government used to rebuild the physical facilities and the amount that the community raised since these clashes arose about two years ago? To show proof that the Government has done something about it, can he tell us the exact amount the Government and the community contributed to try to rebuild these affected schools?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I want to clarify something to the hon. Member. It should be noted that there is no provision for funds to reconstruct or rebuild physical facilities in schools. This is because under the cost sharing policy contained in Sessional Paper No.6 of 1998 on Education and Manpower Development for the Next Decade and Beyond which arose from the Kamunge Report, the Government provides for and remunerates teachers while the parents and the community construct physical facilities and provide the furniture.

Mr. Ayacko: Can the Assistant Minister confirm or deny that the Government of Kenya has spent not a single cent in assisting this area because what he refers to as the Dutch/GoK Textbook project is not a Kenya Government project?

Dr. Wamukoya: Mr. Deputy Speaker, I have stated clearly that under that Sessional Paper, the Government provides for teachers and remunerates them, but the construction of physical facilities should be done by the community. I can read to him that section if he wants.

Mr. Anyona: Mr. Deputy Speaker, Sir, the Assistant Minister is talking about a Sessional Paper of 1998. To the best of my recollection, I cannot remember a Sessional Paper of that kind going through this Parliament. Does a scrap of paper in the Ministry called a "sessional paper" become policy if it does not come to this Parliament? Can he tell us when it came to this Parliament, when it was approved and if Kenyans were informed?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, it went through this Parliament and the relevant section reads as follows: " In the case of primary schools, the Government provides some equipment and has also built boarding primary schools in arid and semi arid areas, while the communities and parents finance the provision and maintenance of physical facilities and some equipment in all other primary schools.

Mr. Munyasia: Does the Assistant Minister think that proves what we have been asking about? The point that we are looking for is whether that policy was laid in this House and debated on. I thought the Assistant Minister, to prove us wrong should have said: "On such a date, this particular Sessional Paper was laid in this House and it was discussed at such a time." When was this ever discussed by this House. You do not prove it by quoting from that same document when we are saying that it has never been presented here.

Dr. Wamukoya: I think I am being asked to split hairs. This Sessional Paper exists and it has described what the Government and the community can do. I also come from a constituency where the community is busy building schools, but they are not getting any Government money.

Mr. Deputy Speaker: Hon. Assistant Minister, this Question is talking about rebuilding schools that were destroyed during the tribal clashes and not constructing them from scratch. They are asking you when that Sessional Paper was debated here and passed. It was a different issue.

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I can find out that. I have the Paper here, but I can find out the date. I just have a photocopy.

Mr. Anyona: I was being modest when I said "to the best of my recollection." I was subject to being corrected. He did then emphatically say that the Sessional Paper was actually passed by the House. The truth of the matter is that there has been no such Sessional Paper before this House. In the first place, could this Assistant Minister apologise for misleading the House? Could he then explain to us how he can talk to us about a sessional paper that does not exist because this Parliament does not know it?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, this is the Ministry of Education; Sessional Paper No.6 of 1988, on Education and Manpower Training for the next Decade and Beyond.

Mr. Deputy Speaker: Order! I think there was a little doubt as to whether--- The mere fact that, the Sessional

Paper bears a number does not confirm its approval by the House. But I think the point the hon. Members want to make is that, this is a case of emergency and distress and they are asking, if the Government in these circumstance, does something over and above asking the community to do what they do normally.

Dr. Wamukoya: Mr. Deputy Speaker, Sir, no money has been given for books except the Kshs511 million. No money for physical facilities has been voted for these affected seven schools.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, the residents of Rongo Division pay taxes like any other Kenyans. I want to presume that, the money the Assistant Minister is talking about; Kshs533,000 was given to every deserving division, not on the basis of the problems in this particular division. Could the Assistant Minister confirm or deny that the Government has got no policy of dealing with crises like the tribal clashes when they occur?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, all the money is jointly given by the donor and the Kenyan Government.

As regards policies on clashes, I am not competent to explain.

Mr. Deputy Speaker: Next Question!

Dr. Ochuodho: Mr. Deputy Speaker, Sir, you are violating the House rules!

Mr. Deputy Speaker: Which rule am I violating?

Dr. Ochuodho: Mr. Deputy Speaker, Sir, the Assistant Minister should not hide under the cover not being competent to answer questions. It is a question of collective responsibility---

Mr. Deputy Speaker: Order! Order, hon. Ochuodho! Next Question, by hon. Wycliffe Osundwa!

Question No.221

ELECTRIFICATION OF JUA KALI
SHEDS IN MUMIAS TOWN

Mr. Deputy Speaker: I believe that this Question has already been transferred from Office of the President to the Ministry of Education, Science and Technology, and they are not quite ready to answer it. So, this Question will be answered on Wednesday next week.

Mr. Osundwa: Mr. Deputy Speaker, Sir, with the indulgence of the House, I asked this Question during the last Session and I already have a reply.

Mr. Deputy Speaker: From who?

Mr. Osundwa: From the Office of the President. It was supplied to me today.

Mr. Deputy Speaker: Order, hon. Osundwa! I am now telling you that, that responsibility now falls under the Ministry of Education, Science and Technology and the Minister wants to be responsible for the accuracy of the answer he gives in this House. So, I really sympathise with the Minister if he says, he is not the author of that reply and we should give him an opportunity to author his own reply. Let us move to the next Question!

Mr. Osundwa: Mr. Deputy Speaker, Sir, I believe the answer I have is positive and since they are committed---

Mr. Deputy Speaker: Order! Hon. Osundwa, if you know the answer to your own Question, then why ask it?

So, the Ministry of Education, Science and Technology, has until next week to answer that Question.

The Minister for Science and Technology (Mr. Kosgey): Mr. Deputy Speaker, Sir, the Question is directed to the Minister for Education, Science and Technology but actually it should be directed to the Minister for Vocational Training, hon. Kones.

(Laughter)

The Minister for Vocational Training (Mr. Kones): Mr. Deputy Speaker, Sir, I would be quite glad to answer that Question next Wednesday, when it is put to the right Ministry.

Mr. Deputy Speaker: What is your Ministry called now? I want to know what it is. What do they call it formally.

The Minister for Vocational Training (Mr. Kones): Mr. Deputy Speaker, Sir, I am the Minister for Vocational Training.

*Question No.507*ELECTRICITY SUPPLY TO MBAIKINI
SECONDARY SCHOOL

Mr. Katuku asked the Minister for Renewable Energy Development:-

(a) whether he could explain the circumstances under which Mbaikini Secondary in Wamunyu Location, Mwala Constituency was not supplied with electricity while other schools along that power line have been supplied with electricity; and,

(b) whether he could, as a matter of urgency, instal a transformer to facilitate power supply to the school.

The Minister for Petroleum Energy (Dr. Masakhalia): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Mbaikini Secondary School, in Mwala Constituency, has not been supplied with electricity as the Machakos District Development Committee (DDC) has so far not accorded it the priority it may deserve under the Rural Electrification Programme. The Machakos DDC has not communicated to the Ministry of Energy the recommendation for the project to be included in Machakos District Rural Electrification Programme.

(b) The school will be supplied with electricity after a recommendation from the Machakos District Development Committee has been made and communicated to the Ministry of Energy and the required resources for implementing the project have been made available. Thank you.

Mr. Katuku: Thank you, Mr. Deputy Speaker, Sir. I wish the Minister knew what he is talking about. This is because this school is just in line with five other schools which have been given this facility and it was just left out. The electricity line runs between Makutano Girls; Lema Girls, Mulu Secondary School and Mulu's home. The power line passes over the compound of the school. It is interesting that the Minister is telling the House that it was not recommended by the DDC. However, the problem here is that the transformer was taken to the last point, as I have said; to an individual's house. Could the Minister order that the transformer be removed from the KANU Chairman's home to that school?

Dr. Masakhalia: Mr. Deputy Speaker, Sir, at the risk of repetition, let me say this: This school which, as the hon. Member says, lies only 400metres from the main line, has not been electrified because there has not been any communication from the Machakos DDC to have it connected to the main grid. As late as 10th September, 1999, recommendations were received from the Machakos DDC for a number of projects, not very far from the power line, but this school is not included.

The Machakos DDC needs to comply with the condition that, it makes a recommendation and communicates it to the Ministry of Energy for incorporation in the Rural Electrification Programme for the District. We cannot initiate a development project of this nature from the Ministry. It is a pre-condition that the DDC should develop its priorities, communicate them to the Ministry and the Ministry, in conjunction with KPLC, will take appropriate action.

Mr. Munyao: On a point of order, Mr. Deputy Speaker, Sir. I am very disturbed. Is the Minister in order to totally mislead this House? I used to be the Member of Parliament for Mbooni which includes Wamunyu. Mbaikini Secondary School is in Wamunyu Location.

In 1988, when I was a Member for Mbooni, Wamunyu included, we discussed this matter in the DDC, Machakos. In 1992, the matter was discussed again. Is the Minister in order to mislead this House when we know that, hon. Mulu Mutisya--- At that time there was a misunderstanding between the school committee and Mr. Mulu Mutisya who told them "mtaona"---

Mr. Deputy Speaker: Order! Order, hon. Munyao! If you have been in this House for all that time, you ought to know what is "rumour" and what is "a fact". Now, you are feeding us on rumours.

Mr. Munyao: Mr. Deputy Speaker, Sir, I would be the last person to feed you with rumours and you know me very well.

Mr. Deputy Speaker, Sir, you know that I was a Member of Parliament for Mbooni, Wamunyu included, and I used to sit in the Board of Governors meetings of the school and the DDC. Is the Minister in order to mislead this House that, this matter was not discussed in the DDC when we know that it was discussed?

Mr. Deputy Speaker: Order! Just bring the Minutes of the DDC where you sat and contradict the Minister!

Mr. Anyona: Mr. Deputy Speaker, Sir, in the first place, the DDC system is a system that has messed up this country simply because it was never passed by this Parliament. We were very glad the other day when the Office of the President said that, they are in the process of reviewing the whole system of DDC in accordance with the multi-party political system. Here is a case where, clearly for some reason, the DDC has got its priorities wrong. Here is electricity and a school that deserves electricity and it does not get it! There is something wrong! Is this Parliament, the

Government and the Minister going to wait for Kenyans to suffer by default because of mistakes of a body that is discredited or are you going to act as an effective Government?

Dr. Masakhalia: Mr. Deputy Speaker, Sir, having been in the development field for a long time, I have been on DDCs, on which Members of Parliament sit and play a role in determining the priorities for development in the districts. As far as our procedures are concerned in developing electricity in the rural areas, the DDC is required to make recommendations of the priority places to be electrified. Those decisions must be communicated to the Ministry. That is the procedure, but this has not been done in as far as the Mbaikini Project is concerned.

Mr. Kajwang: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to tell us about a policy called the DDC, which never passed this House? I do not know which Act of Parliament created this "animal" called the DDC. Can the Minister come here and tell us something he does not know about in law?

Dr. Masakhalia: Mr. Deputy Speaker, Sir, I presume that the procedure that DDC determine priorities for development projects in the districts was endorsed by all of us. If there is a question about it, it can be raised later. However, we should confine ourselves to the Question, which is about Mbaikini and Wamunyu. I have indicated that the procedures that we follow, which hon. Members may adjudge to be wrong, are that the DDC should determine the priorities for electrification in a district. Those priorities should be communicated to the Ministry, and the Ministry will take over from there.

Mr. Maundu: On a point of order, Mr. Deputy Speaker, Sir. Assuming that the Minister did not receive the relevant report from the DDC, if he now gets it, how soon will he supply the school with electricity? I am assuming that he is not hiding under the DDC to say that he will do that when money becomes available.

Dr. Masakhalia: Mr. Deputy Speaker, Sir, there are seven other projects which are included in the rural electrification programme for Machakos District. These seven projects will not exhaust the allocation that has been made for the district for the financial year 1999/2000. So, if the DDC's report is received, the project will be implemented before the end of the current financial year.

Mr. Wambua: Mr. Deputy Speaker, Sir, it is being put very clearly that people along the electricity line can apply for electricity and be supplied along with the same without even the DDC's consideration. Mbaikini Secondary School applied with others. Why is it that the case of this school has to be referred to the DDC, when other applications were considered?

Dr. Masakhalia: Mr. Deputy Speaker, Sir, I outlined the correct procedure for submission and implementation of rural electrification projects. We do not depart from that procedure. If some people have used short-cuts and managed to have electricity supplied to them, that was unprocedural.

Mr. Katuku: Mr. Deputy Speaker, Sir, as I said earlier, this particular case was approved by the DDC. I undertake to bring to this House the relevant DDC minutes approving the project. Meanwhile, could the Minister confirm or deny that the transformer that was supposed to serve this school was given to the KANU Chairman for Machakos District instead?

Dr. Masakhalia: Mr. Deputy Speaker, Sir, I do not think I can provide that information. However, if the hon. Member insists, I can investigate and provide that information.

Mr. Deputy Speaker: Well, let us go to Dr. Ali's Question.

Question No.528

PROVISION OF WATER TO BUNA/BUTE TOWNSHIPS

Dr. Ali asked the Minister for Water Development:-

(a) whether he could explain why provision of piped water to Bute, Gurar and Buna Townships has stopped;

(b) what happened to the water generating sets for Buna and Bute; and,

(c) when they will be reinstated to restore water supply to the affected areas.

The Minister for Water Development (Mr. Ng'eny): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Supply of water to Bute stopped when the borehole that provide water to the township caved in. As for Gurar, the area is currently being served by a borehole, while the generating set for Buna Township was stolen.

(b) The generating set for Buna was stolen, while the pump for Bute was vandalised.

(c) The Bute Water Supply will be restored under the *El Nino* Emergency Project, at an estimated cost of Kshs5.2 million. On the other hand, Buna and Gurar Water Supplies will be captured in the Ministry's budget for implementation, subject to availability of funds.

Dr. Ali: Mr. Deputy Speaker, Sir, while I appreciate the reply given by the Minister, I wonder who stole the

water generating set for Buna and who vandalised that of Bute. The people of those areas are nomads. They do not need engines; they need water. So, could the Minister tell the House who stole and vandalised Buna and Bute water generating sets respectively?

Mr. Ng'eny: Mr. Deputy Speaker, Sir, when the engine was vandalised, the matter was reported to the police. As you know, when a criminal case of this nature is reported to the police, it becomes another authority's matter to handle.

Mr. Michuki: Mr. Deputy Speaker, Sir, following the explanation given by the Minister that, the pump for Bute was vandalised, could he tell this House what vandalism of that pump has to do with the *El Nino* rains? There are areas that have been affected by the *El Nino* rains as opposed to vandalism, and there is no money with which to restore service to them. How are *El Nino* rains and the vandalism of the water pump related? Is this a case of diversion of funds?

Mr. Ng'eny: Mr. Deputy Speaker, Sir, the *El Nino* rains did not choose which areas received rain. It rained everywhere. It was just a mere coincidence that when vandalism took place, *El Nino* rains also fell thereafter.

Mr. Osundwa: On a point of order, Mr. Deputy Speaker, Sir. From the Minister's reply, he said that the residents of these two towns, Bute and Buna, would receive water from the *El Nino* Fund funded projects. Can he tell this House what arrangements he has made to make sure that these residents get water, and when?

Mr. Ng'eny: Mr. Deputy Speaker, Sir, for Gurar and Buna, the Ministry is organising funding programmes for those projects, but for Bute water supply, the *El Nino* programme is at a very advanced stage. I am sure that hon. Members have noticed from the newspapers that quite a number of water projects and other projects have already been advertised. The latest position is that Bute project is at an advanced stage and soon it will be implemented.

Mr. Maundu: On a point of order, Mr. Deputy Speaker, Sir. The *El Nino* Fund funded projects countrywide are taking longer than expected. The *El Nino* rains occurred two years ago and none of the projects that are being funded under the *El Nino* Fund have been started and we are about to have another *El Nino* rains. Can the Minister tell us what steps he is taking as quickly as possible to make sure that those projects under the *El Nino* Fund are started for the benefit of the people of this country and before another *El Nino* rain season sets in?

Mr. Ng'eny: Mr. Deputy Speaker, Sir, the *El Nino* Programme is already on and I am sure hon. Members have noticed that projects under that Programme have already been advertised. They cannot be advertised if the Programme is not on.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. Can the Minister clarify this issue? My understanding is that the *El Nino* Programme was under the Office of the President as formally constituted. Is the Minister now confirming that it is under his Ministry? We do not want it to fall between the two Ministries.

Mr. Ng'eny: Mr. Deputy Speaker, Sir, water components are under my Ministry, but the Programme is under the Office of the President. So, I am answering this Question on behalf of my Ministry under which water components fall. We work closely, and in co-ordination with the Office of the President.

Dr. Ali: Mr. Deputy Speaker, Sir, I would like to request the Minister to provide a generating system for Buna which was stolen while awaiting the police report?

Mr. Ng'eny: Mr. Deputy Speaker, Sir, in fact, we are looking into that.

Question No.486

CLOSURE OF MASABA FARMERS CO-OPERATIVE
UNION BANKING UNIT

Mr. Anyona asked the Minister for Agriculture, Livestock and Rural Development:-

- (a) whether he is aware that Pyrethrum Co-operative societies and farmers in Kisii and Nyamira districts have not been paid their deposits with Masaba Farmers' Co-operative Union Banking Section which closed down;
- (b) how much money is owed to these societies and the interest thereof; and,
- (c) when the societies and the farmers will be paid their deposits and interest.

The Assistant Minister for Agriculture, and Rural Development (Mr. I. Ruto): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that some pyrethrum societies and farmers in Kisii and Nyamira districts deposited their money in the then Masaba Farmers Co-operative Union Ltd Banking Section.

(b) The amount of money owed to the societies as at the time the Union Banking Section closed down in 1987, was Kshs4,209,597.90, inclusive of capitalised interest. The accruing interest after 1987 cannot be computed because the activity has been dormant and the interest rates have been fluctuating over time.

(c) It was hoped that Omoremi Rural Sacco Society which inherited the assets and liabilities of Masaba Farmers Co-operative Union Ltd after transformation, could be able to pay the depositors. However, due to financial and management problems, the Society has also closed down. A team of Co-operative officers has been sent to the Sacco Society to establish ways of reviving it and we hope that once this is done, the depositors will be paid their dues.

Mr. Anyona: Mr. Deputy Speaker, Sir, with regard to the reply to part "b" of the Question, if you look at the way the answer is framed, someone is trying to wriggle it out. You cannot say the account is dormant and that the interest cannot be computed because rates are fluctuating. If you are computing interest today and the rate is one, then you will compute it using that rate. If tomorrow's rate will be ten, then it should be computed using the rate of ten per cent. Can the Assistant Minister explain to these farmers where their money is right now as we sit here? How much is it plus the interest, whether the interest rates are fluctuating or not?

Mr. I. Ruto: Mr. Deputy Speaker, I have clearly indicated to the hon. Member that the money as at the time this Sacco Society closed down in 1987 was Kshs4,209,597.90. It is not possible to calculate the interest all the way from 1987 when the society has not been functioning.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. I do not want to have any war with the Assistant Minister, but I just want a simple answer. Where is the money? I do not want to know about 1987, but where the money and interest are.

Mr. I. Ruto: Mr. Deputy Speaker, Sir, the money was given out as loans to the same members. So, part of the money is with them. If the hon. Member wants the breakdown of this money, I can avail it to him.

Mr. Deputy Speaker: When will you avail the breakdown?

Mr. I. Ruto: Mr. Deputy Speaker, Sir, I can even avail it in the next ten minutes.

Mr. Deputy Speaker: Sorry, hon. Assistant Minister, when did you say you will avail the breakdown?

Mr. I. Ruto: Mr. Deputy Speaker, Sir, I can give him the details on Tuesday.

Mr. Deputy Speaker: On Tuesday is fine.

Mr. Anyona: Mr. Deputy Speaker, Sir, I do not want to use unparliamentary language, but the Assistant Minister is certainly being flippant. He said he could do it in the next ten minutes and then now he says he will do it next week. I will take that, that next week we will get the breakdown of the money. Secondly, under part "b" of the answer, we are told that a Sacco Society was created to pay the depositors this money. It was also not able to pay. So who is now responsible for the affairs of these farmers? Why has it taken more than ten years for them to send Co-operative officers to establish ways of reviving the Sacco Society? Is it just another sweet story this afternoon to this Parliament?

Mr. I. Ruto: Mr. Deputy Speaker, Sir, the new Sacco Society came into being after the first one collapsed. The first one collapsed because of difficulties in marketing pyrethrum. That was a problem which the Pyrethrum Board of Kenya had much earlier. At the moment, the situation is improving and the Omoremi Rural Sacco Society which took over, started having difficulties recently. We are now taking action to establish the true position.

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. Formerly, farmers banks used to deposit money with other commercial banks. Can the Assistant Minister find out whether this farmers bank had deposits with other commercial banks and whether it can be recovered to pay these farmers?

Mr. I. Ruto: Mr. Deputy Speaker, Sir, if the hon. Member was listening, I promised to give the breakdown to the hon. Member on Tuesday. It will indicate whether part of the money is with any bank.

Mr. Anyona: Mr. Deputy Speaker, Sir, I am not now sure whether the Question is being deferred. If he will bring some figures next week, what opportunity will I have to respond? So, are we deferring the Question in that case? I would request that we defer the Question.

Mr. Deputy Speaker: Well, really, we have to go for facts.

Mr. I. Ruto: Mr. Deputy Speaker, Sir, I am not asking for the Question to be deferred. I have informed the hon. Member that---

Mr. Deputy Speaker: You will provide that information on Tuesday after the Question Time and that time, hon. Anyona, will be given an opportunity to ask a few questions.

Mr. I. Ruto: Thank you, Mr. Deputy Speaker, Sir.

UPGRADING OF MAKUYU HEALTH CENTRE

Mr. P.K. Mwangi asked the Minister for Medical Services:-

- (a) whether he is aware that there is no district hospital in Maragwa District; and,
 (b) when Makuyu Health Centre will be upgraded to a district hospital.

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

- (a) Yes, I am aware that the newly created Maragwa District has no district hospital.
 (b) There are no plans to upgrade Makuyu Health Centre to a district hospital. However, currently, Maragwa Rural Training Centre is being run like a district hospital and it will be more cost-effective to upgrade it, as it has the necessary infrastructure and space.

Mr. P.K. Mwangi: Mr. Deputy Speaker, Sir, it is quite saddening to see a Government, which is there to protect the rights of Kenyans, but failing to do so. One of the rights is the provision of health services to the people of Kenya. Maragwa people have been suffering for quite a long time, for they get medical services either from Muran'ga District, or Thika District, which are both congested, especially at this time we are having AIDS/HIV epidemic. Could the Assistant Minister tell this House when Maragwa Rural Training Centre will be gazetted as a district hospital?

Mr. Koskei: Mr. Deputy Speaker, Sir, I said earlier on that the Maragwa Rural Training Centre was actually being used, at the moment, as a health facility for the district, the reason being that, as we know, this is a new district, and the leaders themselves have not really agreed on the question of siting the hospital at Maragwa Rural Training Centre. However, the Ministry has gone ahead and posted a doctor to this health facility, as well as all the necessary staff that provide these health services.

(Mr. Ndicho stood up in his place)

Mr. Deputy Speaker: Nice to see you, hon. Ndicho!

(Laughter)

Mr. Ndicho: Mr. Deputy Speaker, Sir, thank you very much for, of course, welcoming me back, because I was sent away the last time when we were about to break for recess. You will find that Maragwa District was politically created and the district headquarters is very far away from where the population is concentrated. So, the Maragwa Rural Training Centre---

Mr. O.K. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to insinuate that Maragwa District Headquarters, which is situated at Mariira and which is the current seat of the District Commissioner, is far from the people? Could the hon. Member clarify whether the people who live in that area are animals and do not qualify to be called people?

Mr. Deputy Speaker: No! The hon. Member is merely expressing his opinion. Proceed, hon. Ndicho.

Mr. Ndicho: Mr. Deputy Speaker, Sir, you will realise that there is war among the hon. Members from that district, because the hon. Member---

Mr. Deputy Speaker: Order! Proceed with your question.

Mr. Ndicho: Mr. Deputy Speaker, Sir, however, my question is: Because there is a tug of war over the location of the district headquarters, could the Assistant Minister consider for the moment to provide a mobile health centre for the whole district, so that the people from hon. P.K. Mwangi's area could also benefit as well those from the further end where hon. O.K. Mwangi comes from?

Mr. Koskei: Mr. Deputy Speaker, Sir, if the hon. Member was actually attentive when I was answering this Question, he would have known that I actually indicated earlier on that the Maragwa Rural Training Centre has been upgraded and what the Ministry has done was to provide the necessary staff. We even posted a doctor to that particular facility to provide health services to the people. So, with this position, I do not think that there is any need to provide a mobile health clinic.

Eng. Toro: Mr. Deputy Speaker, Sir, I think that it is very necessary for the Assistant Minister to know the location of the Maragwa Rural Training Centre and the proximity of Muran'ga District Hospital. It is only about ten kilometres away. The Assistant Minister should actually be addressing the House on the correct location of Maragwa District Hospital, because even if the current Maragwa Rural Training Centre is upgraded to serve as a district hospital, it will serve no purpose, because Muranga District Hospital is just next door. So, could the Assistant Minister advise whether they are looking at the possibility of establishing a district hospital for Maragwa District somewhere else, but

not at the Maragwa Rural Training Centre?

Mr. Koskei: Mr. Deputy Speaker, Sir, I actually said that once the leaders of Maragwa District agree on the site of this health facility, the Ministry will look into ways and means of establishing a district hospital for Maragwa District.

(Mr. Mwenje stood up in his place)

Mr. Deputy Speaker: Order! Hon. Mwenje, it is out of order to stand up when another hon. Member is on his feet. But I will allow you to raise your point of order in view of your interest in Maragwa. **Mr. Mwenje:** On a point of order, Mr. Deputy Speaker, Sir. It happens that this is where my original domicile is. This is the problem that the Government will always face when it decides to create districts on political grounds, because Maragwa District was only created for political reasons, but not because it was necessary. The area Member of Parliament is requesting for the provision of a district hospital where the concentration of people is found. They are still waiting for that problem to be solved and, therefore, could the Ministry now post a doctor at Makuyu hospital, or Maragwa Rural Training Centre so that it can serve the concentration of the area's population?

Mr. Koskei: Mr. Deputy Speaker, Sir, to enlighten the hon. Member, there are rules and regulations to be followed when we are posting doctors to the various hospitals and health facilities. Actually, a health centre is manned by clinical officers. As I said earlier on, it is not really the work of the Ministry to decide on the site of a health facility for this district; it is for the leaders to agree on the site, and as I indicated earlier on, after it is agreed upon, the Ministry is going to take up its responsibilities.

Mr. Mwenda: Mr. Deputy Speaker, Sir, the Assistant Minister is deliberately misleading the House. He says that the Maragwa Rural Training Centre is being run like a district hospital. It is an undisputable that the criteria for staffing and supplying of drugs for health centres is different from that of building district hospitals. So, if it is being run like a health centre, why is the Ministry finding it difficult to upgrade it to a district hospital?

Mr. Koskei: Mr. Deputy Speaker, Sir, I did say that for this particular case of Maragwa District, the leaders have not agreed on the site of the district hospital. So, what the Ministry has done, because it wants to provide health services to the people, actually, it has taken up this Maragwa Rural Training Centre and posted the necessary personnel to provide medical services. I am not creating any confusion here; I am simply saying that once the District Development Committee (DDC) and the leaders agree, we shall act as a Ministry.

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. I still believe that the Assistant Minister is misleading this House. The question of saying that the leaders have not agreed as yet is misleading; they have agreed where the hospital should be situated. So, is the Assistant Minister really in order to say that the leaders have not agreed?

Mr. Deputy Speaker: Order! That is not a point of order; you are arguing.

Next Question, Dr. Kulundu!

Question No.470

REHABILITATION OF KAKAMEGA PROVINCIAL HOSPITAL

Dr. Kulundu asked the Minister for Medical Services the urgent steps the Ministry is taking to rehabilitate the collapsing department and kitchen of Kakamega Provincial Hospital.

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

The out-patient section and the kitchen of Kakamega Provincial General Hospital are currently in poor condition. The cost of rehabilitating the hospital will be an estimated Kshs12 million. The Ministry is, therefore, in the process of seeking the required funds to carry out the rehabilitation.

Dr. Kulundu: Mr. Deputy Speaker, Sir, you will agree with me that there is nothing implying urgency in the Assistant Minister's answer. Kakamega Provincial General Hospital has been in an extremely poor state for nearly 10 years. Could the Assistant Minister tell us the specific steps he has undertaken to get some money to rehabilitate this hospital?

Mr. Koskei: Mr. Deputy Speaker, Sir, in my answer, I actually indicated the amount of money that is required to fully rehabilitate Kakamega Provincial General Hospital, more so, the out-patient section and the kitchen. The hon. Member will agree with me that this is not a very small sum of money. That is why I said that the Ministry is

actually going out of its way to look for these funds. Once, these funds are available, we will take a thorough upgrading of that facility.

Mr. Sambu: Mr. Deputy Speaker, Sir, patients in Government hospitals pay quite substantial amounts of money these days in the form of cost-sharing. This money is then remitted to the District Commissioner's office or the Provincial Commissioner's office as the case may be. Out of the total money collected, 75 per cent is supposed to go back to the health centre or the hospital, but it never does. Could the Assistant Minister assure this House that 75 per cent of this money will be sent back to the health centres and hospitals immediately so that it can, at least, be used in carrying out small repairs in the hospitals?

Mr. Koskei: Mr. Deputy Speaker, Sir, it is good that the hon. Member has indicated that 75 per cent of that money is usually taken back to the health facility where it was generated. It is true that there are District Hospital Management Boards (DHMBs) at the district level. These boards are supposed to prioritise and spend the money that is collected as a provision of the cost-sharing. So, it is the work of the DHMB to look into all district medical facilities and apportion the money accordingly. So, this money is not shared out by the DC or the Medical Officer of Health (MOH), but by the DHMB.

Mr. Kombo: Mr. Deputy Speaker, Sir, if it was any other part of the hospital that was in poor state, one could wait, but one cannot wait when it comes to a kitchen in a hospital which is supposed to be a clean place to ensure that health is maintained. The Assistant Minister shows no urgency although this Question has a lot of urgency in it. Could he specifically tell this House when he will find the Kshs12 million needed to rehabilitate the kitchen?

Mr. Koskei: Mr. Deputy Speaker, Sir, by us giving this figure that is actually required to rehabilitate this hospital, it shows the urgency on the part of the Ministry to rehabilitate the facility. The Ministry has approached the Japanese International Co-operation Agency (JICA) to fund the rehabilitation of the hospital and I would like to inform this House that we have got a positive response. I would like to assure this House and hon. Members from Western Kenya that once rehabilitation work is completed at the Coast Provincial General Hospital, the next health facility that will be rehabilitated will be Kakamega Provincial General Hospital.

Mr. Mugalla: Mr. Deputy Speaker, Sir, the situation at the Kakamega Provincial Hospital is such that when it rains, food is cooked outside and everybody scatters in the out-patient section. What urgent measure is the Assistant Minister taking to ensure that food is cooked in the kitchen and out-patients are attended to? We appreciate what the Assistant Minister---

Mr. Deputy Speaker: Mr. Mugalla, ask your question.

Mr. Mugalla: Mr. Deputy Speaker, Sir, what urgent measures is the Assistant Minister taking to ensure that there is no rain water in the kitchen and the out-patient section when it rains? When is he expected to receive this money to refurbish the hospital?

Mr. Koskei: Mr. Deputy Speaker, Sir, I have actually said and I would like to assure the hon. Members that the rehabilitation work at the Coast Provincial General Hospital is complete. What is remaining is for these people to hand over the project to the Government. While this handing over exercise is taking place, the Government is taking the rehabilitation work at the Kakamega Provincial General Hospital seriously. That is why I am saying that once this work is complete, it should not take long before rehabilitation work at Kakamega Provincial General Hospital kicks off because it is a priority project in the Ministry.

Question No.252

REPAIR OF MUTONGA ROAD

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

- (a) when the Government will repair the road at Mutonga Bridge near Keria Market and blast the boulders which are dangerously overhanging thereon; and,
- (b) why it has taken over one and half years to repair this section.

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

(a) The necessary road repairs and blasting of the boulders will be done during this financial year.

(b) The delay to repair this section was due to financial constraints and time taken to carry out technical investigations to ascertain appropriate remedial action.

Mr. Murungi: Thank you, Mr. Deputy Speaker, Sir. I am not satisfied with this answer because it is too general. The Assistant Minister has said that the road will be done during this financial year. In February, 1998, the former Minister for the then Ministry of Public Works and Housing, hon. Kones, who is here visited this section where

the road had been swept away by *the El-Nino* induced rains. The Minister was accompanied by the Permanent Secretary and the Chief Engineer, Roads, and they told the people who were there that immediate action would be taken to repair that section of the road. That is one and a half years ago, and now, the Assistant Minister is telling this House that this section of the road will be done during this financial year. Could he tell us the month and date when this will be done?

Eng. Rotich: Mr. Deputy Speaker, Sir, I would like to thank the hon. Member for that information. Unfortunately, I was not in the Ministry then. The project has been allocated Kshs1.5 million this financial year, and this amount of money has already been sent to the Provincial Works Officer, Embu.

Mr. Ndwiga: Mr. Deputy Speaker, Sir, whenever we hear that the person who undertakes any work in Eastern Province is the Provincial Works Officer, Embu, we know that nothing will happen. This section of the road, like hon. Murungi has said, is a dangerous section. All the money that has been sent to the Provincial Works office in Embu has disappeared for the last five year. This is not the only road that has been affected, but all roads in the province. Therefore, could the Assistant Minister tell this House the person who will make sure that, that work is done? He should not tell us that money has been sent to the Provincial Works Officer in Embu, because that is where we come from! Who, from the Ministry, will ensure that this work is done?

Eng. Rotich: Mr. Deputy Speaker, Sir, as I said, since the money is there, we will ensure that this road is done.

Mr. Murungi: Mr. Deputy Speaker, Sir, as a matter of fact, I would like to support what hon. Ndwiga has said. Once the money gets into the Provincial Works Office in Embu, it disappears. It does not reach the projects it is intended. Could the Assistant Minister, in the first place, investigate what black hole is there in Embu where this money is disappears; and secondly, could he order that the Kshs1.5 million be transferred to the District Works Officer, Meru, so that he can be in charge of repairing this section of the road?

Eng. Rotich: Mr. Deputy Speaker, Sir, that can be investigated, but the problem is that this road falls under the Provincial Works Office. But if there is a problem, then it can be sorted out and perhaps, the project can be administered from the district level.

Question No.524

REPAIR OF MOSORIOT-KABIYET-CHEPTERWAI ROAD

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

- (a) whether he is aware that Kurkung Bridge on the road linking Mosoriot-Kabiyet to Chepterwai is broken;
- (b) whether he is further aware that the approach to Kiptek bridge near Kabiyet is completely eroded and is impassable; and,
- (c) what urgent steps he is taking to repair this road and make it passable.

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

(a) I am aware that Kurkung Bridge on the road linking Mosoriot-Kabiyet to Chepterwai broke down and was repaired on 25th April, 1999.

(b) I am also aware that the section leading to Kiptek near Kabiyet is eroded and is impassable during rainy seasons. However, there is an alternative route which could be used at such a time. My Ministry has plans to improve the approach roads leading to this bridge within the current financial year.

Mr. Sambu: Mr. Deputy Speaker, Sir, the Assistant Minister has been given wrong information with regard to this Question. He should know that all graders and lorries, particularly the three lorries donated by the Government of Japan to Nandi District are now being used for private contracts by Eng. Emali and the DC. If these approach roads are going to be improved, how much money will specifically go to Road B297? There is no alternative route as he alleges here! The DO's Office is just across the bridge, but it cannot be accessed, unless one goes through Chepterit or passes through Eldoret. How much money will go towards this bridge and when will it be available?

Eng. Rotich: Mr. Deputy Speaker, Sir, there is no particular allocation for this road, but we have allocations to the district of Kshs4,726,800. Part of this money will be used on this road. The money has already been issued to the District Works Officer, Kapsabet.

Mr. Sambu: Mr. Deputy Speaker, Sir, the allegation he has made that this bridge was done by his Ministry on 25th April this year is not true. That was just the work of wananchi who made efforts to put some logs across the bridge. When it rains, you cannot cross this bridge and yet this is a classified road! When the Assistant Minister says

only Kshs4 million has been issued to the District Works Officer, Kapsabet, that is not enough. We thank God because in Nandi District, while other people are crying over drought, we have rains similar to the *El Nino* rains. We did not get any money for the roads destroyed by *El Nino* rains. Kshs4 million will not suffice. We also want to be included in the main *El Nino* Roads Project. Will he consider including the whole of Nandi District in the *El Nino* Roads Project?

Eng. Rotich: Mr. Deputy Speaker, Sir, I wish I would. Unfortunately, the project does not fall under my Ministry. However, arising from the doubts raised by the hon. Member for Mosop Constituency, I am willing to visit that place during the last week of this month to see what is happening.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. Since he has admitted in his answer that the *El Nino* Roads Project does not fall under his portfolio, could he then come with the Minister responsible for this project so that they can actually see the damage done by the *El Nino* rains to most of the roads in Nandi District?

Mr. Deputy Speaker: He is coming there at the end of the month to see the damage that was done to roads in Nandi District by the *El Nino* rains.

POINTS OF ORDER

MISREPORTING OF HOUSE PROCEEDINGS BY NEWSPAPERS

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Deputy Speaker, Sir, I arise on a point of order to draw your attention and that of the House to the distortions and misrepresentation of facts that made me to raise a point on Paragraph 614 of the PAC Report. The *East African Standard* in particular insinuated extraneous points which never arose. Even the *Daily Nation* put in one of its headlines the section relating to the contributions which I made in this House to the effect that I lost the bid to amend the Report. I did not move an amendment. That amendment will be coming at an appropriate time. The issue which arose as at that time was that the paragraph in that section purported to contain information that I, together with others, put pressure on the ICDC to implement a project against their will. My contention is that those insinuations were false. The Speaker did ask me to raise that issue, especially on the deletion of that section in the normal way. That is correct and I will be doing it. The same thing came from hon. Orengo who asked me not to make myself a subject of discussion, but to proceed normally. The only piece of information which was true with regard to hon. Orengo's contribution was to the effect that he had evidence. So, if he has evidence to suggest otherwise, then it is only fair for Kenyans that, that information is laid on the Table. As far as I am concerned, that is not true. I am raising this point in order to invite your indulgence in this matter. It is important that newspapers report what we say here correctly, accurately and without any distortions whatsoever.

Mr. Deputy Speaker: I will deal with that in a minute.

CONSTRUCTION OF DANDORA ROAD

Mr. Mwenje: Mr. Deputy Speaker, Sir, I rise on a point of order to request the Minister for Local Government to issue a Statement regarding a contractor who is on site doing the Dandora Road. The contractor appears to have abandoned the contract or he is too slow. I, therefore, request the Minister to issue a Statement and tell us the exact position as to why the road is not being done or why it is being done at such a slow pace.

Thank you.

COMMUNICATION FROM THE CHAIR

MISREPRESENTATION OF FACTS BY THE PRESS

Mr. Deputy Speaker: It is, indeed, correct that hon. Biwott did bring the attention of Mr. Speaker to what appeared in the Press this morning. What appeared in the Press this morning was a little bit distorted. The HANSARD actually reveals that hon. Biwott did not propose or attempt to amend the Report because that would only be done if it involves a report which the Government is unhappy with through an amendment brought by the Leader of Government Business or the Minister for Finance. It is also true to say that the newspapers, particularly the *Daily Nation* did telephone this morning to say that they got it wrong and they are extremely sorry.

But having said that, let me say this: Newspapers are here at the indulgence of the House and they must report accurately. If in doubt, let them ask Mr. Speaker or the Clerk of the National Assembly to verify what they want to report from the records of the House. I hope that this is the last time the Chair is going to stand here to reprimand or to draw the attention of the Press to a misreporting which creates a wrong impression on a Member or on the House.

Members are free to go back to the HANSARD and verify the records that, in fact, hon. Biwott did not attempt yesterday to amend the Report of the Public Accounts Committee because it was unprocedural in any event.

Secondly, if somebody had evidence yesterday or during the debate of the Report, this is not the time to introduce it, because Members are quite free to go before the Committee and adduce their evidence there. But if it is evidence relating to another matter, it can be referred to the High Court and not Parliament.

Next order.

MOTION

ADOPTION OF PAC REPORT

THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 1995/96 laid on the Table of the House on 8th June, 1999.

(Mr. Obwocha on 5.10.99)

(Resumption of Debate interrupted on 6.10.99)

Mr. Deputy Speaker: Hon. Kihoro, you were on the Floor. You have 10 more minutes.

Mr. Kihoro: Thank you, Mr. Deputy Speaker, Sir. I will continue from where I left. Yesterday, I was looking at the 1995/96 PAC Report. I had spoken about the extent of public debt in this country whereby the Government every month has got to seek about Kshs50 billion to pay public debts, both local and external. I had looked at the amount of unsupported expenditure incurred in Government operations all amounting to so much money. Eventually, we were talking about Kshs540 billion which have been spent, or that cannot be accounted for properly by the party opposite.

Mr. Deputy Speaker, Sir, I had also looked at the so many illegal purchases of products, including the Presidential Jet at Kshs3 billion, vehicles and computers. When they were purchasing the Presidential aircraft, the desire to "eat" was so overriding that eventually, the purchasers overlooked such an important aspect as a warranty to service the aircraft. As soon as you buy that aircraft and you have had your "cut", you put it in the hangar and go round the country in a Mercedes Benz 600 or a helicopter and forget the aircraft. May be, we lost Kshs1.5 billion in that contract.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I also looked at the illegal construction projects that have been embarked on. I also looked at the evasion of import duties that has occurred across the whole Report and also the bogus contracts that we have entered into. One thing I did not mention is that the road to Lang'ata is one of those projects that is going to join the 800 unfinished projects in this country. Although money has been invested in these projects, they have been left 20 per cent to 60 per cent complete, but not actually completed such that so much money is now lying in unfinished projects because those people who were involved in these projects at the onset were more interested in the eating bit rather than seeing the projects through. That is what is important about what we have seen in the PAC Report.

Mr. Temporary Deputy Speaker, Sir, when I read the Report, it gave all the permutations and combinations of corruption that can happen in this country. That people can be so ingenious and have an infinite capacity to look at ways in which they can get into the public coffers. As soon as they have achieved their goals, they are no longer interested in the completion of those projects.

Mr. Temporary Deputy Speaker, Sir, as I said yesterday and even today, I still feel that the PAC Report is a dictionary of corruption in this country, if you want to know how to do it. If you want to know how to steal; if you want to know how to get into public funds without accountability, that is the book. I would recommend it to every Kenyan to read to see how not to do it. That is very disgraceful for our people. It is also very disgraceful to a country like this one which is in dire need of public financing. Eventually we end up in Washington or London, begging for money which is available in this country, but it has been squandered on projects that, we should not have embarked on.

Now, we are being told and it is clear from the Report that the Civil Service in this country is going to be

reformed. We are embarking on this project without doing a proper feasibility study about what we are going to do with the Civil Service Reform Programme. We have been told that six years later, the Civil Service Reform Programme Phase I has not brought any benefit. We have been told that, in terms of saving on public expenditure, we have not saved anything. Now, we are poised to go into Civil Service Reform Programme Phase II. Apparently, because we have not done the necessary homework; again, we are going to end up with a Service where we might say: "We have retrenched younger civil servants who could have been a better investment if we gave them proper training and skills to do the public work that is supposed to be done here."

Mr. Temporary Deputy Speaker, Sir, I am saying that before the axe falls on people it should not fall on--- It is important that before we reform the Civil Service or retrench some of these younger people who have a working life of 30 to 40 years; we should first identify the needs of a good Civil Service in this country. It is very important because we do not want this country to be paying bills year in, year out on projects that some people decided on without proper feasibility studies and you find the bill every time landing in the hands of Kenyans.

Mr. Temporary Deputy Speaker, Sir, it is very important to look at what has not been done now in terms of what could have been done. If you look at the PAC Report, you end up with all these projects unfinished; you end up with all these debts and bills and money siphoned from the public coffers. You start asking yourself: "What could have been done with that money if it was made available to the Government in this country to be spent on the right projects?" I would like to point out that the Government in power has never built a single kilometre of railway line in this country for the last 35 years. If anything, it has just pulled out railway lines, something that people would like to see a Government invest on. What would be wrong in building a railway line from Lamu up to Garissa or from Meru to Nyeri? What would be wrong with that? Why do you not think about it? How come that you have got all this ability and ingenuity in terms of corruption, but you do not think about what you can invest in? Open up the northern half of the country so that our people can feed themselves and have cheaper means of transport. There is no way we will industrialise in this country in 20 years. It is good to talk about 2020; they are good Roman numbers that are consecutive, but that is how far it goes. If you want to industrialise, you cannot ration electricity today; eight hours per day and you end up having no electricity in the Central Business District of Nairobi. We have people staying idle and then, we talk about industrialising in another 20 years. These are good Roman numbers, but that is how far the project will go, because we are not thinking about cheap raw materials, proper training and giving proper technological skills to our young people in this country. We are not thinking about that one now. Maybe, we are thinking on how we will supply water and construct a pit latrine behind the Jua-Kali sheds. We do not think about real industrialisation. I am talking about projects like the Turkwel Gorge and all irrigation projects that will give people food, cheap power and transport in this country. However, this Government does not think about these projects!

We could be thinking about introducing a metro underground railway system for Nairobi. That is a good project. Maybe there could be a bit of "eating" in there. If we thought about one, that would be a good one. If we only laid about 100 kilometres of railway line in the centre of Nairobi, I am telling you it would result in a lot of saving in terms of time, energy consumption by vehicles that are burning day in and day out. If you try to get out of Nairobi and into the centre of Nairobi at the same time, you will end up spending one hour travelling on Murang'a Road or Hail Sellasie Avenue going to Kenyatta National Hospital. I am talking about that imagination that has been shown by the Government and some people in Government - and I am not talking about everybody. It is important to distinguish that in this country there is a Government and there is a "Government" but what I am saying is: If only that ingenuity and capacity for corruption that is put in that PAC Report had been directed to the proper projects in this country that would benefit our people, maybe cattle rustling would have gone on but stopped at one point. Maybe people in Ukambani would have had more food the way it should be because they are hardworking people. If only we had dammed a bit of---

Mr. Maundu: On a point of information, Mr. Temporary Deputy Speaker, Sir!

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, I agree to that point of information.

Mr. Maundu: Thank you, Mr. Temporary Deputy Speaker, Sir. As my hon. friend would know people in Ukambani really do not need relief food. What they need is water. If they had the capacity to explore water resources spread within fertile land that exists in Ukambani, the people of Ukambani would not need relief food. The money that is now being spent uselessly on relief food would now be directed to all these good projects in the region or anywhere else in Kenya.

Mr. Kihoro: Thank you, for that piece of information. I do totally agree with the Member for Makueni that what the Akamba people need and other parts of the country is proper utilisation of water. It has happened in Egypt. The water that is actually available in this country ends up in the River Nile and Aswan River Dam and it is used by the Egyptians better than we can use it. The Nigerians and Ghanaians have done it. This is because there are 16 rivers in Ukambani that can be dammed, and the land is fertile. That is what we need for this country. It is not the permutation

and combination of theft that are contained in the PAC Report.

I beg to support.

Mr. Kimeto: Thank you very much Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion on the PAC Report.

As from last year, we have contributed to this Motion. The PAC have gone into the history of what has happened in our Government. When I look at this PAC Report, and I get the opinion that it should be completely thrown out of this Parliament. I do not entertain it being here because it is entertaining what we call witchhunting in one way by giving us information of what happened in 1995/96. If it does cover issues of 1999, then this Committee should not be there because it is giving us information which has expired. It gives us information of what people did in 1995. That is what they misused on misappropriated.

Mr. Maundu: On a point of order, Mr. Deputy Speaker, Sir. My hon. friend is talking about the PAC Report for the financial year 1995/96. Of course, that was the year in inquiry and we would expect the PAC to cover 1996/97 financial year in that way. That is how it works so that this particular year under inquiry, you will find another one coming for the year that you are interested in and we will see whether it is going to be a crime. So, do not be worried.

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Maundu, that is more of a point of information.

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, it is not that. My point is to switch the PAC to work on 1999 on issues that are happening now in our Government, instead of digging the historical background of what has happened, which cannot help. That is my main point of contention. It is something that we know. Kshs580 billion has been misappropriated. If we could use this money right now, it could assist Kenyans. If Kshs580 billion could be used or salvaged right now, it could make this Government work. However, who among us is going to take charge of these people who misappropriated Kshs580 billion while the Members of Parliament are suffering since they do not have money? Are you in a position to assist? No! You cannot take this issue to court.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghismo): Granted!

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): My point of order relates to the figure of Kshs580 billion quoted by my hon. colleague. This figure has been played around with quite a bit. I do not think that there has been any establishment of the fact that this figure relates to any realities on the ground. This is the impression I want corrected and if I recall, the claim---

Hon. Members: What is your point of order?

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, if I can be given time to express the point---

The Temporary Deputy Speaker (Mr. Poghismo): Order! I am sorry, Mr. arap-Kirui, that is not really raising a point of order. I think you are taking away the time from Mr. Kimeto, unless you really have a serious point of order.

Mr. Orengo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear the words the Assistant Minister used about "playing around." If they "play around" in the Ministry of Finance, we do not "play around" in Parliament. Can he not be told to withdraw the remarks that we are "playing around"? He is very new here; thus he should learn more than---

The Temporary Deputy Speaker (Mr. Poghismo): Order, Mr. Orengo! Mr. Kimeto, please proceed!

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, I will request your protection because these people are raising fake points of orders.

What I was saying is that Kshs580 billion is enough to run this Government for one to four years. Why should we go down witchhunting or giving this information? What I wanted to say is that, first the PAC chairman should address issues of 1999 and investigate those who are just stealing the public money right now and take them to court straightaway instead of waiting for the year 2000 when the PAC reports to the House on events that occurred three years earlier in 1999. Are Members of Parliament, being cheated? Do you not think that you are trying to fool yourselves contrary to the expectations of people---

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

Mr. Kimeto: My name, Sir!

(Laughter)

The Temporary Deputy Speaker (Mr. Poghismo): Watch your language!

Mr. Kimeto: Thank you very much. I withdraw. What I am saying is that the PAC should come up and trace exactly what was passed in the last Budget and continue tracing it. Without doing that, we shall continue coming here every year just reporting and regretting; only to find nothing happening. Just following the flame! Just following what

we call---

Mr. Orengo: Sema kwa Kipsigis!

Mr. Kimeto: We are just following what I should call lack of seriousness in our duties. If we are not going to follow exactly what is happening right now--- People are reporting everyday exactly about the misuse of money within the parastatals. What is the use of discussing this after three years? Is it the period when we should be reporting history? Every time you come back to history and then you are seated here listening to history then, what is happening is that you are abdicating your responsibilities? This is what I want Parliament to understand.

Mr. Temporary Deputy Speaker, Sir, it is important for this Parliament to make sure that, the PAC scrutinises exactly what we have approved for Ministries to spend in the Budget. The PAC should deal with the current accounts of all Ministries---

Mr. Ndilinge: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to mislead the House by saying that, whoever misappropriated public money five years ago should not be prosecuted?

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, all that I am saying is that, some people who misappropriated money five years ago might have died. So, are we going to prosecute them?

Mr. Ndilinge: On a point of information, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to tell the House that whoever embezzled public funds---

The Temporary Deputy Speaker (Mr. Poghiso): Order, Mr. Ndilinge! You stood on a point of information. Therefore, you cannot turn round and call it a point of order. Proceed, Mr. Kimeto!

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, my concern is that, at the moment, we cannot follow exactly what happened many years ago. What is very important for us is to let this Parliament, through PAC, to scrutinise current accounts of the Ministries. This is because the PAC deals with the reports of the Controller and Auditor-General much later after, when maybe, some of those officers who misappropriated public money might have died.

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

Mr. Kimeto: Mr. Ndilinge, you have been told to sit down. Why do you not respect the ruling by the Chair?

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

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Kimeto, do you need the information?

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

Mr. Ndilinge: Mr. Temporary Deputy Speaker, Sir, I would like to inform the hon. Member that whoever stole public money, he or she would be prosecuted one day.

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, all that I am saying is that the PAC should scrutinise the current accounts of the Ministries, so that we deal with those officers who have embezzled public funds in good time.

There is a lot, left to be desired in the way we manage our district hospitals. Every year in this House, we approve funds for the district hospitals, but it is sad that this money is not well accounted for. The PAC is now scrutinising accounts of 1995/96 Financial Year, while there might have been a lot of embezzlement of funds in 1996/97 Financial Year. Today, if you go to most of our district hospitals, there are no drugs. Yet, in this House, we are now discussing the accounts of 1995/96 Financial Year.

Mr. Maundu: On a point of order, Mr. Temporary Deputy Speaker, Sir. I really do not want to interrupt my hon. friend, but he is labouring on this point for too long. He is asking why we are discussing the PAC Report of 1995/96 Financial Year, yet I thought he is conversant with the procedures of this House very well. Is he in order to persist on criticising the PAC for inquiring on the accounts of 1995/96 Financial Year when we know that, the accounts of the other preceding financial years will be discussed in this House? He should concentrate on the accounts of 1995/97 Financial Year if he knows how the PAC operates.

The Temporary Deputy Speaker (Mr. Poghiso): Order! Seriously, Mr. Kimeto, I think there is a limit to repetition. We know that this is a report that has been tabled before this House and that is what we are discussing. So, proceed, but limit yourself to the Report.

Mr. Kimeto: Thank you very much, Mr. Temporary Deputy Speaker, Sir. Some of these hon. Members are trying to waste my time.

I would like to comment on the Office of the Controller and Auditor-General. Before he completes auditing accounts for a particular year, other accounts come up, and we might discuss those accounts in the year 2000 after they have been dealt with by the PAC. This office should be monitoring the expenditure of money which we approved in the Budget this year. This Parliament should make sure that, there are enough auditors to deal with the accounts, to enable that office to do its work and become more efficient. So, immediately we approve money for Ministries, the Office of the Controller and Auditor-General will be able to monitor how the funds are being spent. They should not wait until the year 2000 to discuss the report of 1996/97 Financial Year. This office is very important and the

Government should create offices to ease the work. Therefore, it is high time that Parliament looked into ways and means of employing many auditors, in order to get rid of those public servants who are out to misappropriate funds.

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

Dr. Oburu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion.

I want to start with an item which comes up before the PAC year in, year out. Every year, the PAC discusses pending bills. It might not be very clear to many people what pending bills are. But these are the bills which are not paid by the Government. These are bills that are not paid belong to very small traders who supply the Government with food or building materials in the rural areas, but they are not paid. If they are paid, these days, as you might be aware, Government cheques also bounce. This has made people to lose confidence in Government Local Purchase Orders (LPOs) and in officers who actually go to order for those things. People do not give them goods unless they pay in cash. This is because the Government has not used proper system of paying these bills when they make orders.

There is also another category of pending bills. This category of pending bills cover bills of those who do not perform. Those are contractors who are corrupt and are given inflated orders or contracts, without any effecting any performance or with very poor performance. They then present to Government invoices which are not payable. These accumulate year in, year out. I also want to say that most of the bills which are paid are for those individuals who are politically-correct. These are the big merchants who collude with Government officers, and if their bills are one month old, they will be paid earlier than those who actually supplied goods or worked for the Government more than a year ago. This item of pending bills should be done away from Government system. I understand there was a task force - and we are tired of these endless task forces - headed by Mr. Mule who was supposed to scrutinise bills. We also understand that this task force discovered that there are billions of shillings which are being claimed from the Government falsely, but which the Government is actually not supposed to pay.

I also want to say something which has been mentioned in this Report. This is about imprests. From my experience as a former civil servant, Government officers are supposed to surrender imprests within 48 hours after returning from duty. This applies across the board including Ministers, Assistant Ministers and all public servants. This system is being abused by Government officers and Ministers. Some of them are sitting here with us. They take imprest as soft loans and they revert to re-paying them gradually without any interest to the public. This is public money which they take without the intention of using it for the good of the Government. Year in year out this money is not refunded. I do not want to mention names, but this report has mentioned the names of even Ministers whose salaries are still being deducted. One of them is a former Minister who is sitting here with us and he has been mentioned for---

Mr. Wamunyinyi: Name him!

Dr. Oburu: I do not want to name him because he is my friend. This is very serious because people are turning imprests into soft loans.

There is one item which has been mentioned here by several speakers. This is in respect of Eldoret International Airport which was a project which was conceived along with other projects as a regional airport. Actually it was supposed to come along with Kisumu and Malindi Airports. There was nothing wrong in constructing an airport in Eldoret, but that project was executed in a stinking corrupt manner and you really wonder whether those people wanted Eldoret Airport or a project to "eat". More than Kshs2.6 billion was illegally withdrawn from the Consolidated Fund without the approval of this Parliament. This is against the Constitution of Kenya, Sections 99 and 100.

You wonder what hurry was there in withdrawing this money for the construction of this airport. This Parliament was there and the people who were withdrawing this money were aware of all these constitutional provisions, but they went ahead and withdrew this money. What is even more serious is that these people went ahead and paid this money in advance to the contractor. In addition to that, these people did not tender for this project of Kshs2.6 billion when the Government regulations require and stipulate clearly which projects can go for quotations and which ones must go for tender to the Central Tender Board. This particular project was not tendered for. You wonder what hurry was there in not tendering this particular project, single sourcing it and paying the contractor in advance. You also wonder why a young white boy travels from Great Britain, comes to Kenya, shoves himself between the Office of the President and the Treasury and convinces a whole Government that he is capable of procuring a loan to the Kenya Government to the tune of Kshs10 billion when this man has no record of having lent money anywhere in the world. He was not an owner of any financial institution. He is just an ordinary conman using the same conmen at the Treasury and the Office of the President because I do not know how to describe these people.

They paid this man more than Kshs22 million as commitment fee for non-existent project. This fellow disappeared and up to now, as we are talking here in this Parliament today, the Kenya Government is telling us that they are unable to trace this man and that people have even used further public funds to trace this man in Britain. They cannot locate the office of that particular fellow. Then you come and tell us that we should regularise that expenditure

which was thereafter withdrawn from the Consolidated Fund to meet commitments. They paid commitment money to a contractor from Eldoret Airport for the purchase of a Presidential jet. Now that this man has disappeared, they say: "He has disappeared with Kshs22 million commitment money and there is no money to buy the jet" and you have already made a contract which cannot be traced up to now. The President is running in a jet without a service contract and the contract has disappeared somewhere. A whole President is running in a jet which cannot be serviced!

The amount of money spent on constructing the Eldoret airport of Kshs2.7 billion is far beyond what that airport costs. The PAC went to visit that project and I was part of that mission ---

Mr. Mwenje: On a point of order Mr. Temporary Deputy Speaker, Sir. Is it in order, for hon. Dr. Oburu to blame this Government so much yet he is co-operating with the same Government?

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir, I do not know under what order that question falls. I think Mr. Mwenje is used to generalising since he is called the "General of Embakasi". The airport was constructed at Kshs2.7 billion. When we visited the project we discovered that the amount of money spent there could not have been more than Kshs1 billion. A road for instance, costs Kshs10 million to construct. If you take the runway to cost three times the amount of a normal road, let us assume that that runway costs about Kshs30 million per kilometre and it is three kilometres, then other buildings and gadgets could not have cost more than Kshs800 million. The rest of the money was squandered clean by whoever was involved in that deal.

There is a bullet factory in Eldoret which was constructed for purposes of supplying the armed forces of Kenya with bullets which are produced there in millions. I am wondering if Kenya is at war with anybody and where those bullets are used. I do not know whether I am making wild allegations, but I would like to assume that those bullets are going to some of these troubled areas in our country. I do not know whether we want to encourage wars in--

The Temporary Deputy Speaker (Mr. Poghisio): Order! Dr. Oburu, you really have to be responsible for the accuracy of your statements. If you do not know, do not state it.

Dr. Oburu: Mr. Temporary Deputy Speaker, I do not know, but I am alleging. If it is not accurate let those concerned give me the correct position because I do not think they can consume all those bullets.

The Government ordered for Tandem Computers VLX Mainframe. These computers are second-hand and they were brought in here from a certain source which had already run out of operation. They are already obsolete. These computers were brought here for identification by the Government. After withdrawing the contract, the Kenya Government spent STG£5,900,067,970.

Mr. Deputy Speaker, Sir, this amount of money is staggering and it just arose because some people here went abroad and signed a contract for supply of obsolete equipment which could not be used and there was no proper procedure followed to purchase it even if the Government wanted to use them. Those computers have been brought here and they are lying idle. A lot of public money has been spent and they will never be used. These computers cannot be sold anywhere in the world because they are already obsolete and nobody wants them. They were just dumped here. Only a few personal computers were distributed here and there.

Mr. Temporary Deputy Speaker, Sir, we are really wondering whether this money was just paid to foreigners or there were people who were interested in "eating", because we have computer experts within the Kenya Government who could have gone to source these computers. Why did somebody who is computer illiterate go to source computers without consulting the computer experts of the Kenya Government within the Treasury? Why did this happen? I do not know, but maybe, hon. Members here can help me because this is money which has already been spent.

Another item which is appearing in this Report, and which is very worrying, is the Report on the Fourth All Africa Games. I think at that time, hon. Kosgey was the Minister for Culture and Social Services when money was squandered. The Government established a task force to investigate and probe the whereabouts of more than Kshs30 million. The late Fred Waiganjo was the Chairman of the task force, but unfortunately, God safe his soul, he passed away before the report was tabled in this House. The late Waiganjo did not die with the Report! The Report is there! He had his Vice-Chairman, Secretary and everybody around him. Where is the Waiganjo Report and why was it not tabled before this House? Why can we not be told exactly what happened to the money for the Fourth All African Games where there was corruption? These are facts and Kenyans must be told the truth. Did the late Waiganjo die with the Report? People die and they are just buried alone; they are just dressed in suits and put in coffins. They do not die with Government reports!

Mr. Temporary Deputy Speaker, Sir, in the same Report, there were 19 boilers which were meant for penal institutions in the country. The 19 boilers were ordered as if they were very, very urgently required by the penal institutions. To the surprise of many Kenyans, these boilers were supplied to this country seven years later, after payment was made in advance. The purchase was done through was single sourcing and it was so urgent that all Government regulations about procurement had to be violated. After the money had been paid, the boilers have not

been installed in the penal institutions seven years later. There are only two second-hand boilers installed at Kamiti, one is working and the other one was placed there to be cannibalised to service the unserviceable boiler which was placed there. Further, these boilers were meant for penal institutions, like Hola, where there is no three-phase electricity. In fact, there is no electricity there and we do not dream of it going there soon; yet they were ordered as if they were very urgent. If they were urgent, why are they not installed seven years later? Why are they still lying in Government yards unused, yet hundreds of millions of shillings of taxpayers money was spent to procure them? To be more accurate, Kshs60 million was paid in advance before these boilers were brought into this country. To make it worse, the importation documents of these boilers cannot be traced up to now. There is no item which comes into this country without a bill of lading. When a commodity comes into this country, either the Customs Department gives an exemption from payment of duty or duty is paid. For these items, there was no documentation at all to show how these boilers came into this country.

Mr. Temporary Deputy Speaker, Sir, one other item which should be highlighted is the Uniforms Factory at Ruaraka. This factory was meant to produce uniforms for all Government uniformed staff; the Police, the National Youth Service, the Army *et cetera*. After this factory was built using public funds, it was given out to an American firm which is not even buying raw materials from our textile factories to use in making uniforms. It imports raw materials from America. The factory makes uniforms and then exports them. Apart from a few people who are working in that factory, there is nothing the Kenya Government is getting from this factory. These people were given that factory, they have been using it for more than five years without paying a single cent to the Kenya Government. What kind of wastage is this? All the other Government staff are buying uniforms from private firms and yet there is a factory being used by an American to produce uniforms for export. The American is not paying rent and the purpose for which that factory was built is not being met. Its objective has completely been forgotten.

Mr. Temporary Deputy Speaker, Sir, I understand that businessman has been sent away by the Government and he is no longer here. But what happens to the amount of money he is owing the Kenya public for the five years he has been in business? I understand that, that company is not even registered in Kenya. This fellow is registered in America, and so there is no way you are going to sue him locally and recover your money. So, that is money which has gone down to the drain.

Mr. Temporary Deputy Speaker, Sir, there is corruption and grabbing of plots. Land which was meant for the Veterinary Department at Kabete has been dished out to individuals under principles which are not transparent and understandable by the ordinary Kenyans. I cannot imagine how the Ministry of Agriculture, Livestock and Rural Development which owns those plots on behalf of Kenyans, can dish out land to individuals. It is not land belonging to them. The Ministry is just a trustee on behalf of the Kenyan public. How can they decide to dish out land in a prime area like Kabete and then 11 acres goes to an individual? Even if you wanted to construct a palace, what do you do with 11 acres of land; yet there are Kenyans who also want land; they have some money and they want to apply? Why are these plots not advertised so that any ordinary Kenyan who wants to buy land can do apply? We were told that land was there and then applications were done in the normal manner. How would Kenyans know that the Ministry of Agriculture, Livestock and Rural Development is dishing out land for construction of projects to benefit wananchi?

Mr. Temporary Deputy Speaker, Sir, public land has been allocated to private firms and individuals. Kenyans need land for future development, and we cannot afford to dish it out. In the recent past, a district officer attached to Nairobi's Kasarani Division duped innocent *wananchi* by allocating them plots. The DO had cheated the culprits that the Government was actually selling the land in question. His victims paid him for the alleged plots that he had allocated them. He shared the money with other officers superior to him. Even after pocketing that money, the DO is still in Government service. He was transferred elsewhere; his victims are now being evicted from those plots even after having paid for them. Despite all that, nobody is being punished.

I am aware that my time is up, but I would like to say that Kenya has a lot of money; it does not need to kneel down before the donors to be given money. Kenyan taxpayers contribute Kshs188 billion every year, but there is nothing to show, in terms of service, that Kenyans pay that amount of money annually. The money just gets squandered in the kind of projects we are discussing here today. I sincerely believe that if the Government was serious in rationalising spending and properly using taxpayers' money, the country can be independent from donors. As it is now, we are slaves of international donors. We have turned our country into a beggar country, because we have money which we are not putting into proper use.

Some Government Ministries are becoming more bolder in dipping their hands into the public coffers. I hope that the Government is going to take the recommendations of the PAC seriously, so that in the future the PAC will not be turned into a postmortem body. In future, Parliament should give the PAC teeth with which to deal with thieves, so that we do not just make recommendations which are kept in Government shelves and the thieves go scot-free. People who should be behind bars should not be the ones coming to give explanations; they should be taken to the coolers or cells, where they rightfully belong.

With those few words, I beg to support.

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika wa Muda, nimefurahi kupata nafasi hii ili nizungumzie Hoja ya Ripoti ya PAC. Ningependa kusema kwamba Kamati hii ni daktari mzuri sana, lakini humkagua mgonjwa akishaaga dunia katika jitihada zake za kuvumbua kilichomwua.

QUORUM

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum.

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

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, it appears that we have not raised a quorum. So, the House stands adjourned until Tuesday, 12th October, 1999, at 2.30 p.m.

The House rose at 5.25 p.m.