

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 2nd July, 1997

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

## PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.078*

### SIGNATORIES OF NATIONAL YOUTH DEVELOPMENT FUND

**Mr. Speaker:** Is Mr. Kamuyu in to ask his Question? If he is not in, I will defer the Question for the moment.

*Question No.211*

### ARREST OF MR. KINYUA'S KILLERS

**Bishop Kimani** asked the Minister of State, Office of the President, whether he could inform the House whether the killer(s) of the late Mr. Jumbo Kongora Kinyua of Wendo Farm in Bahati Location in Nakuru North has/have been arrested and charged.

**Mr. Speaker:** Is the Minister of State, Office of the President present? The Question is deferred for the moment.

*Question No.446*

### ALLOCATION OF CEMETERY

**Bishop Njeru** asked the Minister for Local Government:-

(a) whether he is aware that there are people who have lived in Marura/Nguka Swamp in Mwea Constituency in Kirinyaga District since 1988 and that they bury their dead in this swampy area; and,

(b) what plans he has to allocate the residents of this swamp a cemetery.

**Mr. Speaker:** Is the Minister for Local Government present? We will come back to that Question later on.

*Question No.116*

### UPGRADING OF SOWETO SETTLEMENT SCHEME

**Mr. Ruhii** asked the Minister for Local Government when the Soweto Settlement Scheme will be upgraded to provide sewerage, roads and street lights in order to make this estate habitable.

**Mr. Speaker:** The Minister for Local Government is not in. We will come back to the Question.

*Question No.374*

### TARMACKING OF MACHAKOS-MAKINDU ROAD

**Mr. Maundu** asked the Minister for Public Works and Housing:-

- (a) when the Machakos-Katamani-Wote-Makindu Road will be tarmacked; and,
- (b) whether any funds have been set aside for that purpose.

**The Assistant Minister for Public Works and Housing** (Mr. Mwamzandi): Mr. Speaker, Sir, I beg to reply.

(a) The 10 kilometre Machakos-Katamani section is already of tarmac standard and prequalification of contractors for the tarmacking of the 69 Kilometre Katamani-Wote section will be advertised this month and actual construction is expected to start in May, 1998. In the meantime, efforts will continue to solicit funds to upgrade Wote-Makindu section to bitumen standard.

(b) The Government has received Kshs1,060,000,000 commitment from Kuwait Government through Kuwait Fund for Arab Economic Development to finance tarmacking of Katamani-Wote section.

**Mr. Maundu:** Mr. Speaker, Sir, I wish to thank the Assistant Minister for that answer and for the Minister of Finance for making available the Kshs1,060,000,000. I would also like to appreciate the commitment of the Government of Kuwait towards assisting the people of Makueni. When we talk about the construction of this particular road, there is land that is involved in the whole process of surveying where compensation is going to be done. Has that process been finalised to make it possible for you to go for prequalification of tenders?

**Mr. Mwamzandi:** Mr. Speaker, Sir, that was taken care of by the Government when the design on this road was being carried out. In fact, that amount of money is inclusive of all those expenses.

**Mr. Maundu:** How much has he set aside as compensation to all those people whose land will be affected, at least to show his seriousness in the matter?

**Mr. Mwamzandi:** Mr. Speaker, Sir, the figure we have is Kshs1,060,000,000, but we have not given a breakdown of all those details.

**Wamae:** Can the Assistant Minister tell us the distance of the road that is going to be tarmacked and what is the cost per kilometre?

**Mr. Mwamzandi:** Mr. Speaker, Sir, we have a standard cost per kilometre, but I did not bring those details with me because they were not asked for in the main Question. In any case, the distance will be 69 kilometres.

*Question No.252*

FINANCIAL SUPPORT FOR MIGORI YOUTH POLYTECHNIC

**Mr. Achola** asked the Minister for Research, Technical Training and Technology:-

- (a) how much financial support the Government has given to Migori Youth Polytechnic since July, 1994;
- (b) why the salaries paid to the staff of this institution have not been reviewed annually as stipulated in the regulations; and,
- (c) what are the reasons for the declining enrolment in this institution.

**Mr. Speaker:** The Minister is not in? Next Question!

*Question No.276*

RUNNING OF MUKA MUKUU FARMERS SOCIETY

**Mr. Speaker:** Is Mr. Mulusya in? We will move on to the next Question.

*Question No.154*

ARREST OF ROBBERY SUSPECTS

**Mr. Speaker:** Hon. Gatabaki is also not in? We will now go over the Questions a second time. Mr. Kamuyu's Question for the second time.

*Question No.078*

SIGNATORIES OF NATIONAL YOUTH  
DEVELOPMENT FUND

**Mr. Speaker:** Mr. Kamuyu is not in and, therefore, his Question is dropped.

*(Question dropped)*

*Question No.211*

#### ARREST OF MR. KINYUA'S KILLERS

**Bishop Kimani** asked the Minister of State, Office of the President whether he could inform the House whether the killer(s) of the late Mr. Jumbo Kongora Kinyua of Wendo farm in Bahati Location in Nakuru North has/have been arrested and charged.

**Mr. Speaker:** Is the Minister of State, Office of the President still not present? The Question will be deferred.

*(Question deferred)*

*Question No.446*

#### ALLOCATION OF CEMETERY

**Bishop Njeru** asked the Minister for Local Government:-

(a) whether he is aware that there are people who have lived in Marura/Nguka Swamp in Mwea Constituency in Kirinyaga District since 1988 and that they bury their dead in this swampy area; and,

(b) what plans he has to allocate the residents of this swamp a cemetery.

**Mr. Speaker:** Anybody from the Ministry of Local Government?

*(Question deferred)*

*Question No.116*

#### UPGRADING OF SOWETO SETTLEMENT SCHEME

**Mr. Ruhii** asked the Minister for Local Government when the Soweto Settlement Scheme will be upgraded to provide sewerage, roads and street lights in order to make this estate habitable.

**Mr. Speaker:** Is the Minister for Local Government present? The Question is deferred.

*(Question deferred)*

*Question No.252*

#### FINANCIAL SUPPORT FOR MIGORI YOUTH POLYTECHNIC

**Mr. Achola** asked the Minister for Research, Technical Training and Technology:-

(a) how much financial support the Government has given to Migori Youth Polytechnic since July, 1994;

(b) why the salaries paid to the staff of this institution have not been reviewed annually as stipulated in the regulations; and,

(c) what are the reasons for the declining enrolment in this institution.

**Mr. Speaker:** Is the Minister for Research, Technical Training and Technology present? Question deferred.

*(Question deferred)*

*Question No.276*

#### RUNNING OF MUKA MUKUU FARMERS SOCIETY

**Mr. Speaker:** Is Mr. Mulusya in? The Question is dropped.

*(Question dropped)*

*Question No.154*

#### ARREST OF ROBBERY SUSPECTS

**Mr. Speaker:** Hon. Gatabaki is also not in?

*(Question dropped)*

**Mr. Anyona:** On a point of order, Mr. Speaker, Sir. Is there no way in which this House can censure this kind of behaviour through the Chair? The Ministers and Members knew that Parliament was meeting this afternoon, but particularly for the Ministers, what are we going to do about this? I cannot condone any of this.

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

**Mr. Ruhii:** On a point of information, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Order, hon. Ruhii! Can I assure the hon. Ruhii that the Chair is always informed? Thoroughly informed!

What I wanted to say is, I think it is the business of Members who ask Questions to be here to ask and it is also the business of Ministers to be present to answer them. So, can all of them take the House very seriously?

Question No.1 by Private Notice, Mr. Mwiraria!

#### QUESTIONS BY PRIVATE NOTICE

##### ARREST OF HAWKERS

**(Mr. Mwiraria)** to ask the Minister of State, Office of the President:-

(a) Why has the Police been arresting hawkers in Meru Municipality almost on a daily basis during the last fortnight?

(b) Since many of the hawkers have been carrying out their business in the municipality for the last ten years or so, what corrective action, if any, are they required to take so that they continue with their business uninterrupted?

**Mr. Speaker:** Mr. Mwiraria not here? Question dropped!

*(Question dropped)*

**Hon. Members:** No, but it is only for the first time!

**Mr. Speaker:** Order! Order! Mr. Njenga Mungai's Question is deferred for two weeks.

##### POOR PERFORMANCE BY CONTRACTOR

**(Mr. J.N. Mungai)** to ask the Minister for Public Works and Housing:-

(a) Is the Minister aware that the contractor repairing the roads between Nakuru, Njoro, Elburgon, Molo to Mau Summit, has done a very poor job from Njoro Town to the junction of Eldoret-Nakuru and Njoro Road?

(b) Is he further aware that the contractor skipped Elburgon Town section to Turi Town?

What steps does the Minister intend to take to ensure that this job is satisfactorily completed?

*(Question deferred)*

**Mr. Speaker:** Next Question, Dr. Mukhisa Kituyi!

##### WHEREABOUTS OF MR. WALELA

**Dr. Kituyi:** Mr. Speaker, Sir, I beg to ask the Minister for Home Affairs and National Heritage the following

Question by Private Notice.

(a) Is the Minister aware that Mr. Patrick Walela, who was convicted and served a jail term for being a member of FERA, was declared to have been released from Kamiti Maximum Prison in August, 1996, and has never been seen by his family?

(b) What happened to Mr. Walela?

**The Assistant Minister for Home Affairs and National Heritage** (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply.

(a) Mr. Patrick Walela was convicted and admitted to prison on 20th February, 1995 and was never released from prison.

(b) On admission to prison on 20th February, 1995, Mr. Walela was complaining of some illness and was treated at Kamiti Prison Hospital. He was then transferred to Kenyatta National Hospital where he died on 16th June, 1995. A postmortem was carried out and the body was buried at Lang'ata cemetery in accordance with the Public Health Act Cap. 242 Laws of Kenya. The postmortem established the cause of death as liver syrosis and acitis. That is hardening of the liver.

**Dr. Kituyi:** Mr. Speaker, Sir, Mr. Patrick Walela Simiyu was arrested in his home, tortured by the police, held incommunicado and brought before Ms. Unita Kidullah after 6.00 p.m. on 20th February, obviously very crippled. There was never any time when the Government which had arrested Mr. Walela from his home and knew where he came from, made any attempts to inform members of his family that he was dead.

Mr. Speaker, Sir, on 5th August, 1995, Members of the family of Walela who had been told about how much he had been tortured by this Government tried to visit him at Kamiti Maximum Prison. They were told he had just been released. They came to us, and hon. Munyasia and I accompanied members of his family back to Kamiti Maximum Prison and we were told he had been released. The story of his release was carried in the daily newspapers of August 1995. Can the Assistant Minister now tell this House why firstly, since the Government knew the home of Walela where they had arrested him, they never attempted to go there to say that he was dead and that they had disposed of his body? Secondly, why the authorities in Kamiti Maximum Prison cheated us that he had been released when in fact, he had died and had been buried in Lang'ata Cemetery?

**Mr. Mutiso:** Mr. Speaker, Sir, if what the hon. Member is saying has any grain of truth, I will be very much pleased to have the facts and will investigate.

Mr. Speaker, Sir, first of all if his release was published in the papers, I would like to have that information to carry out the investigation. But I would like to inform the House that according to the information available to me, immediately after Mr. Walela died on June 16th, 1995, a message was sent through the District Commissioner (DC) Bungoma asking for his relatives or the next of kin so that they could be informed and up to this moment, no response has come back from that area. As a result, an inquest file is open up to this moment and I would be very pleased if the hon. Member could let us know who the relatives are and we will carry out that investigation.

**Mr. Rotino:** Mr. Speaker, Sir, anything of that kind can happen to anybody and even to their relatives. I think the Assistant Minister is not taking this House very seriously. Can the Assistant Minister assure this nation that something of that nature will never happen again? The conditions of the cells and the prisons are horrible. Can he assure this House that things of that nature will never happen any other time? When did the prison officers send a signal to the DC, Bungoma and why did they not find out whether the reply came or not? How can they delay when somebody is dead?

**Mr. Mutiso:** Mr. Speaker, Sir, that is why I am answering the way I am answering it. I know the conditions inside prison because I have lived there for nearly 10 years and I know what goes on there.

Mr. Speaker, Sir, according to the information available to me, I have not been furnished with any information regarding the response of the relatives.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Speaker, Sir. The Assistant Minister is insisting on being furnished with the information and yet, hon. Dr. Kituyi has given him facts and dates. I think from there, he should be able to investigate and come back to the House and inform us accordingly.

**Mr. Mutiso:** Mr. Speaker, Sir, if the hon. Dr. Kituyi can give me the names of the relatives of the dead and their addresses, I will institute investigations.

**Mr. Anyona:** Mr. Speaker, Sir, I do not know if you followed the story we are getting from the Assistant Minister. First of all, he seems to refute the fact that Mr. Walela was ever discharged from prison. He said that he died in hospital as a result of liver syrosis. Then he says, they buried him in Lang'ata cemetery. Later on he said that there is an inquest file open. Now, if he died of a natural cause, why would there be an inquest file and what is the inquest file doing? Are there investigations going on? What is an inquest file for? There is some contradiction here and obviously, this is a cover-up. He is hiding under pretext that he does not know the facts. Can he come out clearly and tell us? You are lucky you did not die in those 10 years.

**Mr. Mutiso:** Mr. Speaker, Sir, my conscience is very clean. There is nothing that I am covering up. What I am saying is, that according to the information available, after Mr. Walela died, a message was immediately sent to the District Commissioner, Bungoma. Up to this moment, no information has come back.

**Mr. Speaker:** Order! I think the best thing is this; let the hon. Members who really are interested in getting information out of the Assistant Minister do so.

**Dr. Kituyi:** Mr. Speaker, Sir, I reach a dead end when I try to find facts from this Assistant Minister. First of all---

**Mr. Michuki:** On a point of order, Mr. Speaker, Sir. Is it in order when the Member who has brought this Question here has clearly stated that, Mr. Walela was picked by the Government at his home, and the Assistant Minister continues to ask the Questioner to provide addresses, when the Government on whose behalf, the Assistant Minister is answering knows where they fetched the late Walela?

**Mr. Speaker:** Mr. Michuki, that would have been a very good supplementary question. That is the way you like to ask your questions.

**Dr. Kituyi:** Mr. Speaker, Sir, the Assistant Minister found ambiguity in the official reply he had and he stopped reading it and started putting in his own words. Let me read the last paragraph of the written reply that the Assistant Minister has. It reads as follows:-

"Immediately after 16th June, 1995, when Mr. Walela died, the relatives were informed through the District Commissioner Bungoma, and there was no response. To date we do not know who the relatives are."

If the Government informed the relatives, how could it fail to know them? Related to that, Mr. Bernard Chunga, who was prosecuting Mr. Patrick Walela, on the fateful day, when he was brought to court after 6.00 p.m, tortured, injured and being carried into the docks--- He said, that the Government had established that Mzee Absolom Simiyu, the father of Mr. Patrick Walela, is the one who recruited him into "FERA". That means that the Public Prosecutor of Kenya knew who the father of Mr. Patrick Walela was. That can be got in the Daily Nation of 21st, February, 1995.

If the Public Prosecutor of Kenya knows who the father of Mr. Walela is, and an Assistant Minister of the Government is telling us that the Government wants to be assisted to know who his relatives are when the DC informed the relatives--- We cannot get very far with it. I just want to make a request now through you, Mr. Speaker, Sir. This man died and his family was not allowed to see under what conditions he died. They are not allowed the dignity of burying their son, they were not explained how a person who was naturally sick, with a major liver problem could have been a guerilla. But, be that as it may, two other young men were jailed at the same time with Mr. Walela. We have been trying to visit them with their relatives in Kamiti Maximum Prison and the names are: Christopher Masika Khaemba, aged 22 years and Leonard Juma Buteta Mumia, aged 23 years. Could the Assistant Minister undertake to facilitate the members of the families of these two young men to visit them in Kamiti, or to establish whether they have also died and been disposed off?

**Mr. Mutiso:** Mr. Speaker, Sir, the last question which the hon. Member has asked, is actually not connected with the original Question. If he puts that as a written question, I will answer him. But, regarding the late Walela, I wish to say that, if according to hon. Dr. Kituyi, the relatives of this person are known to the Government--- The information I have is that the message was sent through the District Commissioner Bungoma and up to now there is no response.

Mr. Speaker, Sir, I undertake to make further investigations and report back to this House.

**Mr. Speaker:** Order! Mr. Mutiso, what sort of investigations would you like to make?

**Mr. Mutiso:** Mr. Speaker, Sir, he alleges that the relatives of the deceased are known to the Government and I have the reply here that they are not known up to this moment. This is the information that I want to find out.

**Dr. Lwali-Oyondi:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, Dr. Lwali-Oyondi! I think we should get this issue out because from what I heard, unless, of course, Dr. Kituyi read the wrong answer, you informed the relatives through the DC, Bungoma. So, you want to find out whether the DC actually informed the relatives?

**Mr. Mutiso:** Mr. Speaker, Sir, what happened is that the message was sent through the DC, so that he could contact these people within the area, so that we know the relatives. This is the information I have.

**Mr. Otieno:** Mr. Speaker, Sir, the serious question here is about the sickness and deaths in the prisons. The Assistant Minister knows that the cases are increasing and yet, the information system is poor and they allow it to continue to be so poor. Could the Assistant Minister make arrangements, so that it is mandatory that any prisoner who falls sick, there is a statutory notification to a known relative whose address and details must be obtained on admission into prison? The reason is that, this Assistant Minister also knows that in public hospitals, many a time there is no medicine and relatives have to go and buy and medicine. So, we will continue to lose a lot of prisoners.

Secondly, the Assistant Minister should tell us why prison functions of informing relatives whose prisoners have died--- Why should that responsibility be given to administration, yet there are prison officers throughout the country, so that we do not know who is accountable for informing relatives at this stage? Is it the DC or you who is in charge of prisons?

**Mr. Mutiso:** Mr. Speaker, Sir, I am sure the hon. Questioner knows how the Government works.

**Hon. Members:** No, he does not know!

**Mr. Mutiso:** Mr. Speaker, Sir, normally, when a person is brought to court, the Minister in charge of Prisons is not aware where that person has been brought from and, therefore, this responsibility is entirely upon the administration.

**Mr. Kaptan:** Mr. Speaker, Sir, the Assistant Minister says that they sent information to the DC. How was this information sent? Was it by telephone or letter? What means was used to send the information to the DC? Did the DC acknowledge that he had received information regarding this very serious matter of a person dying in the hands of the Government, and yet he did not inform his relatives of his death? Mind you, Justice Tonui of Kakamega said that there is nothing called "FERA".

**Mr. Mutiso:** Mr. Speaker, Sir, I do not know what system was used. I would actually accept the fact that a signal was sent to the DC, Bungoma, indicating that, that person had passed away, and therefore, the next of kin should be informed. I believe that this is what happened. Apart from that, I have no other facts.

**Mr. Ndicho:** Mr. Speaker, Sir, the Assistant Minister has continuously misled the House by saying that when you are arrested and taken to court, nobody knows where you come from. I want to give him a recent practical example. When I was arrested and taken to Kamiti Maximum Security Prison, prison officers took details of my name, address, my father's and Mother's address, my grandmother's address, my sub-chief, the headman, my village and location.

Now, the Assistant Minister misleads us by telling the House that nobody knew where this person came from. Is he in order to evade answering a question? He typifies an irresponsible Government, which holds people in prison without knowing where they come from.

**Mr. Mutiso:** Mr. Speaker, Sir, I have not misled the House. The Hon. Member did not listen attentively to what I said. I said that the prison authorities are not the arrestors of wrong doers in the countryside. They only receive a person who has been sentenced to imprisonment and then handed over to them. Therefore, if they have to communicate to the next-of-kin of the prisoner, they have to go through the Provincial Administration.

**Prof. Ouma:** Mr. Speaker, Sir, I will ask hon. Mutiso a very specific question because he and I are both graduates of the 'university of sorrow, department of despair.' As a graduate of the department of despair of Kamiti and Naivasha Prisons, the Assistant Minister knows what harrowing times people and their families go through. If prisons were managed the way they are now during his and my time, we would never have been here today. I am asking my colleague in sorrow: Can he assure this House that the management of the welfare of prisoners, especially the sick ones, is going to be better than it has been, and anybody who dies out of a grievous mistake will have his relatives told of his death, as his and mine used to be told about our condition?

**Mr. Mutiso:** Mr. Speaker, Sir, I quite agree with the hon. Member that as a person who has gone through all this, and who is now in the Ministry in charge of prisons, I will ensure that things run properly.

**Hon. Members:** Hon. Munyasia's chance!

**Mr. Speaker:** Order! I have been generous because I had time on my side and also because this is an interesting Question. I have given it 20 minutes now, but I think, in all fairness, I will give hon. Munyasia the very last chance.

**Mr. Munyasia:** Thank you very much, Mr. Speaker, Sir. Mr. Patrick Walela was a young man who need not have died in prison. In view of the ruling of Justice Tonui in Kakamega, the failure of the Government to prove that there is an active movement called "FERA" and, following the discharge of other suspects who were in remand on charges of being members of FERA, could the Assistant Minister consider releasing from prison Messrs Christopher Khaemba and Leonard Buteta, who were jailed at the same time as Patrick Walela for five years on charges of being members of a non-existent organisation called "FERA"?

**Mr. Mutiso:** Mr. Speaker, Sir, I would request the hon. Member to raise that as separate Question. We were dealing with a different issue about the late Walela and now he is asking about other persons, about whom I did not have facts. If he raises the Question I will look into the matter.

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir. I need guidance from the Chair. When we have Questions before the House and in reply Ministers keep on saying: "Put the Question in writing", because they have to get somebody else to read the Questions and answer them for them, what is the purpose of not just letting civil servants to come and give the answers? Since the Assistant Minister has promised to come back with a

comprehensive statement on the family of the late Walela and why he decided that information should go to the DC when he did not know where the prisoner came from, could you direct him to tell the House when he will bring that statement?

**Mr. Speaker:** Mr. Mutiso, how long will it take you?

**Mr. Mutiso:** I will be back next week on Thursday.

**Mr. Speaker:** Very well, next Order.

### POINT OF ORDER

#### STUDENTS' RIOT: REQUEST FOR MINISTERIAL STATEMENT

**Mr. Ndicho:** On a point of order, Mr. Speaker, Sir. I want to thank you for giving me this opportunity. I rise to request the Minister of State, Office of the President, who is in charge of internal security, to give a Ministerial Statement on an incident where Jomo Kenyatta University of Agriculture and Technology, Juja, students were involved in a fracas and mayhem. The students left their halls of residence this morning and came out to Thika Road, demanding that the Attorney-General does away with the proposed Education Bill, which he is about to bring here. In the ensuing fracas a lot of property was burned and destroyed. This destruction included the Juja KANU office, where I left people celebrating. However, the students were very peaceful until the police came. The police caused mayhem, and quite a number of students were injured and taken to hospital.

**Mr. Speaker:** Mr. Ndicho, what is your point of order?

**Mr. Ndicho:** Mr. Speaker, Sir, I am asking for a Ministerial Statement and I am asking the Minister to issue another stern warning to the police that when they see people having a peaceful demonstration, they should not use excessive force against them like shooting at them or injuring them.

**Mr. Speaker:** Very well.

**Mr. Ndicho:** Mr. Speaker, Sir, you told me not to show these things. I am not going to lay them on the Table because Mr. Speaker told me he fears bullets. But you can see these were used against the students. It is very bad.

**Mr. Speaker:** Order, Mr. Ndicho! If you do have any offensive weapon, you are ordered to go and deposit it at the office of the Sergeant at Arms before you partake further discussions in this House. Now proceed!

*(Mr. Ndicho showed the other  
hon. Members the bullets)*

Order! You will proceed out of the Chamber. Hon. Mbeo, will you give to Mr. Ndicho those offensive weapons to deposit at the Sergeant-at-Arms then he will come back. Mr. Ndicho, you have not been expelled; you have just been asked to go and take those things there.

Now Proceed, Prof. Ng'eno.

### PERSONAL STATEMENT

#### REASONS FOR DEPARTURE OF MINISTER FROM THE HOUSE

**The Minister for Public Works and Housing** (Mr. Prof. Ng'eno): Mr. Speaker, Sir, my attention has been drawn to utterances made by two individuals, one, a Member of this august Assembly, and another a former civil servant, with regard to my conduct in the House on 19th June, 1997. On the material day, I was scheduled to travel out of the country on a Government assignment at 10.25 p.m. I needed to sign for and receive travel documents and money before 5.00 p.m. Under normal circumstances, the Budget Speech should have been over by 4.00 p.m. But as everyone now knows, the Budget Speech of this year had not even started to be read by 4.00 p.m. owing to the riotous atmosphere in the House occasioned by hon. Members of the Opposition.

*(Applause)*

In the circumstances, I had no alternative but to quietly walk out of the House to go and receive travel documents and money. I returned within one hour and took part in the rest of the Budget Speech.



Mr. Speaker, Sir, hon. Nyanja, as reported in the *Daily Nation* of 20th June, 1997, assumed that I had walked out in support of the riotous Opposition Benches.

**Hon. Members:** Yes!

**The Minister for Public Works and Housing** (Prof. Ng'eno): Mr. Speaker, Sir, Mr. Josiah Sang', former Permanent Secretary, Ministry of Lands and Settlement, as reported in the *Daily Nation* of 21st June, 1997, saw my conduct as an act of disloyalty to the Head of State.

**Hon. Members:** Yes!

**The Minister for Public Works and Housing** (Prof. Ng'eno): Mr. Speaker, Sir, I wish to inform this august Assembly and the nation that I did what I had to do out of necessity and with the highest regard for the National Assembly and total loyalty to the President.

**Hon. Members:** Ooh!

**The Minister for Public Works and Housing** (Prof. Ng'eno): Mr. Speaker, Sir, I wish also to request that we pray for, and forgive, hon. Nyanja and Mr. Sang' for acting out of ignorance and thereby showing all and sundry that they do not know what they do.

### POINT OF ORDER

#### MINISTERIAL STATEMENT SOUGHT: REPLY TO QUESTION NO.115

**Mr. Murungi:** Mr. Speaker, Sir, I rise on a point of order to request a Ministerial statement from the Minister for Local Government.

On 17th June, 1997, hon. Ruhiu, the Member of Parliament for Embakasi, asked Question No.115 in which among other things, he asked how much money has been collected by lawyers and not remitted to the Nairobi City Council. In answer to that Question, the Assistant Minister for Local government, hon. Kamuren, gave a list of 26 law firms, which had been instructed to collect money on behalf of the Nairobi City Council amounting to Kshs715,135,643.60. Among the law firms, were: A.G.N. Kamau and Kimani Advocates, Hayanga and Co. Advocates, Kembi Gitura and Company Advocates; Kembi and Muya Advocates, *et cetera*.

Mr. Speaker, Sir, I have received letters from these law firms confirming that they do not owe the Nairobi City Council any money, and complaining that the Assistant Minister had abused the privileges of this House because either, they did not manage to collect the money which was required to be collected, or, the money they had collected has been paid to the City Council. These law firms, who are not able to represent themselves in this House have been greatly injured in their professional standing by the reckless answer given by the Assistant Minister which gave the impression that, among these lawyers are crooks who have collected money on behalf of Nairobi City Council and not remitted it.

**Mr. Speaker:** Please, be brief, Mr. Murungi.

**Mr. Murungi:** Mr. Speaker, Sir, this is my last sentence. My request is that the Minister do issue a Ministerial Statement clarifying that these law firms do not owe any money to the Nairobi City Council and apologising to the law firms for the embarrassment that they have been occasioned by the answer given by the Assistant Minister.

**Mr. Speaker:** Gen. Mulinge, I was not aware that you had anything. But I will, nevertheless, hear you. Do you want to contribute to the debate?

### MINISTERIAL STATEMENT

#### PROGRESS REPORT ON QUESTION NO. 121

**The Minister for Health** (Gen. Mulinge): Mr. Speaker, Sir, I stand to give a Ministerial Statement on the progress report in respect of Parliamentary Question No.121, on purchase of GK vehicle No.642.

The Ministry of Health wishes to issue a progress report on the investigation so far carried out by the Criminal Investigation Department (CID) as follows:-

1. A statement from the Transport Officer of National Hospital Fund (NHIF) headquarters has been recorded.
2. The officer who signed the registration of the GK number has recorded a statement.
3. Copies of the registration documents for both GK file and civilian number have been obtained. The

original file is under key and lock with the Registrar of Motor Vehicles.

4. Investigations indicate the letter of release stamped on 17th May, 1988 from Ministry of Commerce and Industry has some alterations on the description of the car, chassis and engine numbers.

5. Application for authority to import that car from Ministry of Commerce and Industry stamped on 17th May, 1988 has some alterations on the make and model of the vehicle.

The Director by then, Mr. Muli, has not been traced, but effort is being made so that he could record a statement on the same. Patrick Kinuthia Mburu, who imported the car, has not been traced. His only particular in the file is his post office rental number, 30727, Nairobi.

The original document on the quotation of the said car has not been traced at the Customs and Excise Department. Every effort is being made daily to trace all the documents and to record statements from whoever processed the registration of the car.

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

**Mr. Speaker:** Order Members! Okay, very briefly, Mr. Anyona, you may seek clarification.

**Mr. Anyona:** Thank you, Mr. Speaker, Sir. I had raised this question this morning about this particular statement and I am grateful that the Minister has promptly come back this afternoon with a statement. Clearly, from what the Minister said these investigations are still incomplete. Could the Minister undertake to come back with a full report when his investigations which, clearly, are in motion are complete?

**The Minister for Health (Gen. Mulinge):** Mr. Speaker, Sir, I will make a further Ministerial Statement as soon as the investigations are complete.

#### POINT OF ORDER

MINISTERIAL STATEMENT SOUGHT:

MTONGWE FERRY SERVICES

**Mr. Mwavumo:** Bw. Spika, nimesimama hapa kumwuliza Waziri wa Uchukuzi na Mawasiliano swali moja juu ya huduma ya kivuko cha Mtongwe. Baada ya mkasa ule, mpaka sasa huduma za ferry ya Mtongwe haziko. Na kama unavyojua, wananchi kule Mtongwe hupata taabu ya kutokuwa na huduma hizi. Mpaka sasa, katika Bajeti yetu, hakuna pesa ambazo zimetengwa kuendesha huduma za kivuko cha Mtongwe. Juzi, tarehe 28, lori moja lilisababisha ajali pale pale. Kuhusu ferry ya Likoni, tumesema kwa muda mrefu kwamba hakuna usalama. Kwa hivyo, ningemwuliza Waziri wa Uchukuzi na Mawasiliano alieleze Bunge hili ni kwa nini huduma za Mtongwe hakuna na kuna mipango gani kuweka usalama kwa ferry ya Mtongwe.

**The Assistant Minister for Transport and Communications (Mr. Saina):** Mr. Speaker, Sir, I do now know whether I should stand to answer that question or not. However since it relates to my Ministry, let me make a small correction.

I rise to correct a report which came up as a result of my contribution yesterday on the Financial Statement. It appeared in the issue of *Daily Nation* of today. First of all, I am not in the Ministry of Public Works and Housing; I am in the Ministry of Transport and Communications. That is one mistake which has to be corrected. I want the *Daily Nation* to know that and let us be friends.

Mr. Speaker, Sir, secondly, I was speaking on that open debate because the taxpayers want to know where their money is going. I was neither criticising the Ministry of Public Works and Housing nor the Ministry of Finance.

**Mr. Speaker:** Order, Mr. Saina! I think the only thing that you can do is to correct what was misreported and not to explain the reason why you said what you said.

**The Assistant Minister for Transport and Communication (Mr. Saina)**

Mr. Speaker, Sir, I am correcting that mistake. I am not in the Ministry of Public Works and Housing but in the Ministry of Transport and Communications. I did not criticise the Government.

Thank you.

#### COMMITTEE OF WAYS AND MEANS

*(Order for Committee read)*

#### MOTION

APPROVAL OF TAXATION MEASURES

THAT, the proposals relating to:-

- (a) Customs Tariff
- (b) Excise Duties
- (c) Value Added Tax
- (d) Income Tax
- (e) Miscellaneous Measures and Taxes contained in the Financial Statment for the year of Account 1997/98 be approved.

*(His Excellency the President has signified his consent to this Motion)*

*(The Assistant Minister for Finance (Mr. Keah) on 1.7.97)*

*(Resumption of Debate interrupted on 1.7.97)*

**Mr. Speaker:** The hon. Bishop Njeru was on the Floor. Is he still around? He has the Floor for eight minutes.

**Bishop Njeru:** Thank you, Mr. Speaker, Sir, for giving me a chance to give my consent concerning the proposals relating to Customs Tariff, Excise Duties, Value Added Tax and others contained in the financial statement for the accounts of 1997/98.

Mr. Speaker, Sir, if you can recall, I was among the Members who were opposed to the Budget. I was also amongst many others who walked out in protest against the debate on the Budget. This is because with regard to the previous Budgets that we approved in the past years namely 1994/95 and 1995/96, people of Mwea did not benefit. This is because all the roads that are in Mwea are in a bad state. We expected the Government to allocate some money in the Budget for repairing our roads, but that has not been the case. One example is the Kandongu Road which leads to Mutithi. The other roads are Ngurubani-Kindiriku and Kimbimbi-Karoti-Togonye-Embu. These roads were not even considered during the previous Budgets which were approved by this House. So, people of Mwea have not benefitted from those previous budgets which were approved in this House in the past.

However, I will request the Government to consider allocating some money for the repair of roads in this year's Budget so that people of Kirinyaga can benefit. This is because for 30 years, their roads have never been repaired. The roads are impassable since they are full of potholes and people cannot even drive on those roads during the rainy season. That is why I joined other Members in protesting against the presentation of the Budget. I still continue to say: "No Reforms, no Budget".

Mr. Speaker, Sir, we should realise at this stage that Kenya is standing on a very slippery ground especially when both sides, that is KANU side and the Opposition side are calling for reforms. If we are going to change the Kenya Constitution, we must come together, as the leaders of this nation and ask ourselves one question: Are we able now to sit together? During the late Kenyatta's era, this country messed up the Constitution because all the powers were vested in one person; the late Mzee Kenyatta and people did not know that would affect even the future generations. Leaders of KADU, KANU, KPU and APP (Akamba Pole Pole) could have sat together to discuss the Constitution. But it appears now nobody is going to sit together with the ruling party to discuss the matter affecting this nation. This is very sad. We want both sides to know that what we are doing today will affect the future generations. We should stand to be counted for whatever we are doing today. The other day the President visited our constituencies. For instance, he assured the Mwea rice-growers that they were going to be issued with title deeds. However, that exercise has been delayed by the National Irrigation Board (NIB) through the General Manger. He is now making all the arrangements to take away 182 hectares from the disadvantaged members who have been living under very poor conditions in Mwea. We live in the villages.

Mr. Speaker, Sir, in the villages, we live in small plots of 40 ft by 50 ft and we cannot support the National Irrigation Board which does not care about the welfare of people whom they have continued to suppress even after Independence.

Mr. Speaker, Sir, people of Mwea and especially rice growers would like to be given title deeds as soon as possible. Up to now, these tenants own 164 acres and have been issued with a notice by the general manager to quit from that land so that it can be allocated to tycoons or other rich people. I call upon the Government to investigate why the general manager is behaving like that.

Mr. Speaker, Sir, this nation should consider having a coalition Government. If we do not propose it in this Parliament, then we will not have time because we will be preparing for elections. There will be no time for us to come together and discuss this serious matter. I quite agree that we need a change, but the change must be realised

when the sharing of power is realised. Every community now in Kenya wants to produce the President; Kikuyus, Luos, Luhyas, Kalenjins and Kamba people. How many presidents are we going to have, if we cannot sit together and discuss this matter? That leaves a big question mark to every right thinking man in Kenya.

Mr. Speaker, Sir, the people of Mwea continue to live in a situation similar to that of refugees in a free country; a country with a Government. They are mistreated by the NIB, live under the colonial law which says that nobody should leave the scheme for eight hours without permission from irrigation manager.

Mr. Speaker, Sir, in the same situation, after working for 12 hours in the field, people are not supposed to carry anything to eat until they obtain permit to take just one tin of rice home for consumption. That is why I am saying that some rules of this country must be changed. We are treated like slaves in our own country.

Mr. Speaker, Sir, with those few remarks, I beg to oppose the Motion.

**Mr. Wamae:** Mr. Speaker, Sir, thank you for giving me the opportunity to contribute to this important Motion on the proposals relating to revenue raised for the Government.

Mr. Speaker, Sir, this country is still going through very hard times. Economic growth last year was not as good as we expected and poverty has continued to increase in Kenya. We have agreed and the *Economic Survey* states that 50 per cent of Kenyans are living below the poverty level. Poverty level is Kshs7,020 a month. Kenyans are still getting poorer. So, any economic measures must be aimed at increasing the wealth of poor Kenyans so that they can live in an honourable manner. They can have shelter, clothing, food, security, education and medical assistance.

On the other hand, 10 per cent of Kenyans are said to own 50 per cent of the total wealth of this nation. Between two alternatives, we are in a very serious problem. We are in a very great danger. Who are these 10 per cent of Kenyans? This 10 per cent consists of possibly a few African Kenyans. Most of this 10 per cent are non-Kenyans who own this wealth. This is a very worrying matter and, somehow, measures must be taken to alleviate this problem. We are not going to continue telling our people lies that "Kenya is doing well." If it is doing well, why is it that poor people are getting poorer and few rich ones are getting richer? So, what is the solution? These economic measures here have not shown how they are going to handle that problem. How has the problem become so big? It has become so big because the social amenities of the poor have been removed. Education has been made expensive in secondary schools; parents have to raise fees. Medical facilities used to be free, but now every poor person has to pay for medical services. Although we pass estimates for medical service in this House, there are no drugs in our hospitals. These drugs are either bought and stolen or they are never bought. So, the poor fellows cannot get medical attention. We are squeezed between these two ends. Increasing contribution for education and health whereas the income for the products are not increasing. This is a matter which needs to be very seriously looked into and we had expected that the Minister would come out with proposals which would uplift the poor and reduce the economic gap in Kenya between the rich and poor. Unless we can uplift the masses of Kenya, we are not doing anything in this House because there are going to be more and more desperate Kenyans.

In 1978 when Kenyatta died, only 23 per cent of people were below poverty level. Now, it is 47.3 per cent. Kenyans are becoming poorer under the Nyayo era. These figures are justified by the *Economic Survey*. What is going to be done? Secondly, as per the *Economic Survey Paper*, the great poverty prevalence is in KANU zones; Eastern Province is number one, North-Eastern is number two, followed by Western Province and then Rift valley Province. The ones with the least poverty prevalence are Central Province and Nyanza Province which are Opposition areas. This means although you say "KANU zones", there is nothing they are getting except poverty. Everybody has got a copy of *Economic Survey*. Probably, some of these hon. Members do not read these things. But if you look at the *Economic Survey* produced by the Office of the Vice-President and the Ministry of Planning and National Development, the poorest areas in Kenya are the KANU zones. The longer they remain in KANU, the poorer they are going to become. The non-KANU zones because do not depend on handouts, are better off and they have less poverty and more food for their people. Those free handouts are ruining Kenya. We must stop these free handouts and let Kenyans be given opportunity to work and earn a living. That is the only way they can uplift themselves from mass poverty.

Mr. Speaker, Sir, I would like to turn to this so-called presumptive tax. Why do you tax somebody in advance before you know whether he is going to make a loss in his coffee farm or not? Why not wait for his account to be produced? This idea of hating coffee and tea growers is tribal and regional. Why do you not have presumptive tax on maize, cattle, goat, milk and so on? Why only on coffee and tea? As I mentioned, the money from the Road Levy has been mis-appropriated. If it has not been mis-appropriated, we want the Minister for Finance, the Minister for Public Works and Housing to come and tell us where this money has gone. If it went to the Eldoret Airport or bought the Presidential jet, let them tell us. But let them not tell us that they have constructed any roads in Kenya. The poor roads are getting poorer. In the whole of Central Province, no roads have been built for the last three or four years. There is the HZ Construction Company owned by one senior Member of this House which was given money to construct some roads in Nyeri and Murang'a, but they have not done anything at all. They put up a camp there and

then disappeared. The District Development Committee (DDC) in Nyeri passed a resolution that they should be given a notice to quit the site. This is because they have done nothing for two years. I do not know what they have done. All that they have done are poor patches. They are not doing any serious work at all. This is a matter which needs to be looked into very seriously.

Mr. Speaker, Sir, coffee is a very important crop in this country. The President has announced from time to time that the Government must get its hands off coffee, and let the coffee farmers manage it themselves. But how can we manage it ourselves when the Coffee Board of Kenya (CBK) wants to continue monopolising marketing and three to six per cent of the proceeds from coffee are deducted to finance the CBK? Why do you have to finance a parastatal? Why does a poor farmer have to finance a parastatal? A parastatal is owned by the Government and if it wants to finance the CBK, they should bring an estimate in this House. The Government should not expect the poor farmer to finance it. Otherwise, the CBK should be privatised and sold to the farmers so that they can control it. We cannot be told we are running the coffee industry and yet, the CBK, which is run by the Government and still a parastatal continues to control the marketing of coffee. We want to market our own coffee. We do not trust those people. We understand that between the CBK and Coffee Research Foundation, they spend Kshs1.5 billion of coffee money in a year. This is a lot of money which is being taken from the poor farmer to finance these two institutions. It is not necessary. We want the Government to get their hands off the coffee industry.

Mr. Speaker, Sir, lately, we have been discussing about the elections of the tea growers in the Kenya Tea Development Authority (KTDA). So far, the elections have been reasonably good, but the delegate system has proved to be very corrupt. The farmers elect five representatives from each of the collecting centres, but when these people go to the factory, they are bought by the rich people who want to be elected as directors. I think the tea growers should elect their directors directly, and not through the delegate system. This delegate system has been abused by the use of money. Some of them are getting Kshs3,000. When the old people get such money, they say what they are told to say. But when the farmers are involved directly, there will be no such problems. This is why we had a strike at Ndiema Factory. The delegates were bought and the directors who were elected were not wanted by the farmers.

With these few remarks, I do not support the Motion.

**Mr. Rotino:** Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute to this very important Motion.

The Government functions because of the taxes it gets from the local people. This is how the Government is able to run the services that the wananchi require. This money that the Government collects from the people is got through much sweating. They expect returns from that particular money that they give. Services are supposed to be seen by wananchi to be in line with the taxes that the Government gets. When you go to all the hotels and supermarkets and look at the receipts issued, there are taxes that accompany what you are paying. We need services to be provided to the wananchi.

Livestock marketing has been left aside. We need deliberate policies by the Government to be able to address the livestock industry. If you go to hotels, there is meat in all the meals that we take. There is also milk which is taken. This country depends 75 per cent on the livestock industry. All of us who are here have a cow, a goat or a sheep. The marketing system of the livestock industry must be addressed by the Ministry concerned very eloquently. Without addressing this sector, we are leaving our farmers in big problems.

On subsidies to the agricultural sector, you find that the backbone of this country is purely agriculture. We depend on coffee, tea and maize to survive. We depend on the farmers in the rural areas. These farmers toil day and night. The women in the rural areas struggle day and night to survive and make ends meet for their families. They struggle in order to get money to pay school fees for their children, while the Government has not given any subsidy to these farmers.

When the levy on petroleum is increased, who suffers? It is the poor farmer who suffers. This is because at the end of the day, he is supposed to buy diesel to plough his shamba, pay transportation costs for his goods to the market and yet, the Government is not giving any subsidy to the farmers.

If you look at the erratic nature of rains in this country, they are not dependable nowadays. About 92 per cent of agriculture in this country is under rainfed, while eight per cent is under irrigation. Bearing in mind that the rainfall in this country is not very consistent and the atmosphere is changing because of the depletion of the ozone layer, there should be a special deliberate policy by the Ministry of Agriculture, Livestock Development and Marketing to move into irrigation. This will enable our farmers to use the water that we have for farming. By doing this, we can now say that we can depend on agriculture. There is a lot of water that is running without being tapped. But the Government is not having any policy. If you look at the Budget, the Sessional Paper and the economic plan, there is no deliberate policy on agriculture and irrigation. This should be taken very seriously.

The *Economic Survey* talked about this country being industrialised by the year 2000. When you talk about industrialisation, we are talking about the middle-level colleges like the polytechnics. If you go to the village

polytechnics in the rural areas, they are all dying. There is no deliberate policy on how to improve our village polytechnics. Our middle-level colleges are institutions which can be depended on by the Government, if it wants to be industrialised. We are talking about industrialisation while we are leaving the polytechnics and the technical colleges to die. The Government should give money to the Ministry of Research, Technical Training and Technology to help these institutions.

Mr. Speaker, Sir, many of my colleagues have talked about the problems of roads and water. If I do not speak about the roads in this country, like my colleagues have done, I will not have done any justice to this Motion. The roads all over the country are in a terrible state. The Ministry should be able to look at those roads. Just the other day, they were re-carpeting the Kitale-Kapenguria Road. When you use that road now, it has potholes already and it is less than a year since it was re-carpeted. This is very pathetic. The Government should look at the contractors and expose the corruption within the contractors. When the Ministries sign agreements, they should look at the authenticity of the contractor and see if the contractor has any credibility or not. Otherwise, we are having contractors who have no credibility. We are ruining the image of this country.

Mr. Speaker, Sir, our health sector is in a very pathetic state. Right now, there is an outbreak of both highland and lowland malaria in West Pokot District. There are no drugs in the hospitals. What is the Ministry doing to provide drugs to the people of this country? Malaria was eradicated 200 years ago in some other countries while we are still fighting with it at the moment. The Government should be able to provide drugs in our hospitals.

Mr. Speaker, Sir, education nowadays is meant for the rich. Those who can afford to pay fees for the education of their children in this country are very few. I urge the Ministry of Education, through the Treasury to get bursary funds allocated to the districts. When Kshs1 million is sent to West Pokot District, with more than 500 children in secondary schools, how do you expect those children to go to school? We have a lot of problems in paying school fees. Even right from the nursery school, education is very expensive. Nursery school education is more expensive than university education. So, the Ministry should give those ASAL areas special consideration in the distribution of bursary funds because those areas normally suffer due to harsh climatic conditions and most of them depend on livestock. When there is drought, most of their animals die and they do not have anything to sell in order to educate their children. So, I urge the Ministry of education to give special consideration to the ASAL areas in terms of bursaries.

Mr. Speaker, Sir, most sick persons in many of our hospitals are suffering from water-borne related diseases. There are a lot of problems with drinking water. Everybody is being told to boil water while the Ministry has chlorine. They normally buy chlorine and we wonder where it goes to. It is either that the chlorine is being bought or it is not being bought. The Ministry of Land Reclamation, Regional and Water Development should look at this one very seriously, because most of our people cannot afford to buy mineral water. So, treatment of water right from the treatment plant should be taken care of, so that we can evade this problem of water-borne related diseases.

Mr. Speaker, Sir, when we talk about liberalisation, it is a way of trying to hide a growing economy. The Treasury should have a deliberate discriminative liberalisation, so that we do not have to liberalise other sectors which our people depend on so much.

With those few remarks, I beg to support.

**Mr. Mak'Onyango:** Mr. Speaker, Sir, I thank you very much for according me the opportunity to contribute to this debate.

First and foremost, I want to state that there is over taxation in this country. People are paying a great deal and they get very little in return. We have to come up with an arrangement under which the people are facilitated in order to be able to contribute more.

In this regard, I want to address the question of incomes and wages policy. The Minister for Labour and Manpower Development is here. Time has come for this country to come up with a proper incomes and wages policy because part of the problem in this country is that we are taxing people very heavily. Is what our people get in terms of salaries reasonable enough to be able to facilitate the increased taxation? With that system of taxation, life becomes very difficult because fewer people are able to buy the various consumer items. Even if they do, they are not able to buy them in sufficient quantities, hence the extent to which they contribute to the level of taxation is extremely diminished. So, we do need a proper incomes and wages policy, so that what people earn is good and reasonable enough to at least, enable them to purchase a great deal more. So, I think if we want to move forward, it is time that the Minister concerned came up with the necessary mechanism, so that we have in place the right kind of policy.

Mr. Speaker, Sir, I also want to address the question of equity in the allocation and distribution of industries. Parts of this country have been discriminated against for years on end. I have in mind places like Nyanza Province. It has a very concentrated population, but because of inequity in the distribution of industries, Nyanza Province remains a source of labour rather than a user of labour. We do need some rationalisation when it comes to allocation of industries. This is necessary if we are going to have even development. Right now, development in this country is

lopsided, because we have few places where the industries are concentrated. Due to this, people from other parts of the country are forced to travel long distances to go in search of employment. Since these people have to travel long distances, they are not able to support their places of origin economically--- Like when people from Nyanza Province have to work in Mombasa, Nairobi or Eldoret, all their earnings end up being used in those places and Nyanza Province is left with nothing at all. So, there is need, therefore, to introduce some equity when it comes to allocation of industries. Just like the Government is fond of saying in this country that they need to bring services closer to the people. This should be the case with regard to industries. Let us have industries closer to the people, so that at least, people of a given area can be able to work within the neighbourhood and in the process, contribute more meaningfully to the economic development of their respective areas.

Mr. Speaker, Sir, the Budget is all but about taxation. In this regard, I would like to call on the Minister concerned that some kind of mechanism be found to ensure that projects initiated in different parts of the country are completed so as to realise the set objectives for those projects. I have in mind the National Youth Industrial Training College which has stalled for years. I think this makes a laughing stock of this country when we start projects and leave them uncompleted. I have in mind the Nyanza Provincial Headquarters. One wonders why the Minister finds it necessary to make provisions for the completion of other projects and ignore others. The Provincial Commissioner's office in Nyanza is an eye sore and it is time this Government addressed this issue and completed that particular project. Alongside it, there is the Lake Basin Development Authority Headquarters which also stalled. We have other regional authorities with functional facilities.

I would like to use this opportunity to call for the establishment of a fish levy. Just like other areas depend on coffee and tea for their economic well being, Nyanza has fish as its natural resource. We would like to see some kind of levy put in place so that we ensure that every single fish that leaves Nyanza, leaves some money behind so as to help in the development not only of the fishing industry, but other related industries. I have a feeling that with the introduction of fish levy this kind of goal would be realised.

Time and again hon. Members from Nyanza have spoken of marginalization. This is a real problem in Nyanza and we would like to call on the Government to give Nyanza its fair due when it comes to helping people. There is no way we are going to help people of that area without making such important consideration like employment. We would like to call on this Government to at least ensure that we have employment opportunities in different parts of the country.

It would be absurd if one did not mention where the problem emanates. We, as Parliament, vote money for various projects, but the money is used for something else. As a Government, we need to conform to the rule of law. Situations where some people or the Government goes out of its way to take out of the Consolidated Fund or other public funds money to use for unapproved projects should be brought to an end. I have in mind such projects like the presidential jet for which this country has had to forgo more than three Kshs3 billion. It is time we got our priorities right. It is no use getting Parliament to approve certain projects when others go without the approval of this Parliament. This is an abuse of this august House. The House should give a go ahead for very project that is undertaken by the Government in this country. Whatever money we use, it is the taxpayer's money. So, when it comes to projects such as the Eldoret project, I still submit that that project is an economic disaster and it is not going to help this country. The money used there could have been used to help this country much more if it was used for irrigation and related projects.

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

*[Mr. Speaker left the Chair]*

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

**The Assistant Minister for Tourism and Wildlife** (Mr. Kisiero): I thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to support this Motion.

First of all, I wish to commend the Minister for taking care of Kenyans since the time he took over as the Minister for Finance. In fact, during Budget time, Kenyans are in the mood of feeling free because they know that the Minister will not over-tax them. In fact, in the past, Kenyans used to hoard goods just before Budget time and many Kenyans used to panic because they thought that they were going to be over-taxed. The Minister has done so well. He has relaxed the situation by reducing the rates of tariffs on various goods supplied to Kenyans. I thank the Minister for looking after the Kenyans very well.

One area that the Minister along with the other East African Ministers need to look into is the area of harmonising rates of taxes throughout the East Africa. If this is done, it will go a long way in reducing smuggling of

goods between our three countries. Those of us who live on the borders have seen a lot of goods changing hands. This is basically because of the disparity in the rates of duties, but once these are harmonised, it would discourage smuggling of goods across the borders. It would bring a healthy business between our three countries. We hope that our Minister along with his colleagues will do that.

Excise duties on goods produced locally have also been looked into quite well by the Minister. My appeal to the manufactures of local goods is that they should always stick to making top quality goods not only for export, but also for local consumption. There is no need for us to export the best goods and be left with very poor quality goods. We have visitors coming to this country and when they see that our goods are of poor quality, they will always spread the word round. It is really very sad to put on socks or shoes of very poor quality. Let our manufactures be good. Let them manufacture top quality goods for both local and export consumption. I do support my friend hon. Osogo who said that the Value Added Tax (VAT) should be taxed at the source and that should be the end of it. When we tax VAT along the line to the retail level, we are encouraging the middle fellows to make a killing of one item. In most of the shops upcountry, if one wants to buy an item he is asked whether he wants a receipt or not. If he opts for a receipt, he is taxed for VAT. I appeal to the Minister to tax VAT once and for all.

I am pleased also to see that the Minister has reduced the rate of taxation on Stamp Duty. This is a duty for those of our people who take their property to be charged for the purpose of raising money for---

*(The House adjourned for 30  
minutes due to Power Failure)*

*The House resumed at 4.45 p.m.)*

### COMMUNICATION FROM THE CHAIR

#### TEMPORARY ADJOURNMENT DUE TO POWER FAILURE

**Mr. Deputy Speaker:** Hon. Members, I understand for half an hour or so ago, we had to interrupt the proceedings of the House and the Chair announced that the House adjourns for 30 minutes, and so, the sitting was disrupted. The reason for the interruption was power failure. You might wonder why the automatic generator did not come on. I understand it is programmed to come on when there is loss of at least 50 per cent of power on the premises. In this case, there was a loss of power in only about a quarter of the building and therefore, the generator could not trigger itself on. Power came up moments later; had the Chair not said we adjourn for 30 minutes, we would have resumed much earlier. So, we can now proceed with our business.

### MOTION FOR ADJOURNMENT

#### ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER NO. 45(i)

**The Assistant Minister for Tourism and Wildlife** (Mr. Kisiero): Mr. Deputy Speaker, Sir, before we adjourned because of power failure---

**Mr. Orenge:** On a point of order, Mr. Deputy Speaker, Sir. I rise under Standing Order No.45 (j). It states:-  
"The following motions may be moved without notice:-

(i) A motion raising a question of privilege".

So, Mr. Deputy Speaker, Sir, I beg that I raise this matter which relates to the question of privilege and beg to move that this House adjourns for the purposes of discussing the issue arising out of a matter of privilege.

Mr. Deputy Speaker, Sir, if I could explain briefly, and it is so fundamental because this House operates not just on the basis of our Standing Orders, but on the basis of Cap 6 of the laws of Kenya. The question of powers and privileges which protects the honour and dignity of Members of Parliament.

Mr. Deputy Speaker, Sir, it was a great coincidence that as the lights went off, precisely at about the same time hon. Nyanja was getting into his car to leave the precincts of Parliament and there was a contingent of several policemen who wanted to arrest him or to effect an arrest. The question is that, indeed, it is not clear whether they wanted to arrest Mr. Nyanja on and issue of criminal offence or a civil process. But, I think the dignity of this House is in jeopardy. Because the manner in which a Member of Parliament was being arrested by policemen in a contingent of seven vehicles not including a break-down vehicle and a big lorry in civilian colours. When Mr. Nyanja was driving off along Uhuru Highway, the cars converged into a V-shape and blocked his car and he was ordered to come out of the car, they were flashing machine guns and luckily Mr. Nyanja sent for his colleagues in Parliament to go and



witness what was happening. Mr. Deputy Speaker, Sir, I have never seen such a thing in my life because the manner in which the police intended to carry out an arrest, to the members of the public who were around, they thought that those were robbers. It was like a robbery and there was a big crowd which came about hon. Nyanja's car convinced that this was a day light robbery with many cars which did not have police colours.

Mr. Deputy Speaker, Sir, why I am saying it is a matter of privilege is because it is not right for a Member of Parliament to be arrested when he is coming to Parliament or he is leaving Parliament for his home or constituency. Particularly the document which the policemen tried to produce which I saw, but I was not able to read because they were not allowing me to look at it, it was not a document from court. It was a photocopy of a document which did not state clearly why they wanted to arrest hon. Nyanja.

Mr. Deputy Speaker, Sir, you remember yesterday the Assistant Minister, Office of the President gave this House an assurance after question time when hon. Kibaki expressed fears about hon. Nyanja's life and liberty. And hon. Sunkuli stood in this House and said: "Mr. Nyanja is free to go on with his activities as a Member of Parliament".

Mr. Deputy Speaker, Sir, we may think that this is an easy affair. Because I remember some years ago, Mr. Njonjo came before this House and gave assurances that the police did not want to prosecute Mr. Githunguri. When the matter went to court, the court ruled that, after the Government had given assurances that Mr. Githunguri would not be arrested, it would be oppressive and an act of harassment for Mr. Githunguri to be arrested or prosecuted. This was a judgement by the former Chief Justice, Mr. Madan. Now, yesterday, the Minister, Office of the President gave assurances to this House and to this nation. So, we are wondering as Members of Parliament which government is in control. Is it the Government which is represented in this House or there is another Government being controlled by the flying squad in the police force. Because, what comes from the Office of the President should reflect what is happening on the ground.

So, Mr. Deputy Speaker, Sir, I move---

**Mr. Deputy Speaker:** Well, I have not given you leave to move!

**Mr. Orengo:** Yes, but if you give me---

**Mr. Deputy Speaker:** I will not and I have not.

**Mr. Orengo:** And if you are not giving me leave---

**Mr. Deputy Speaker:** You have applied for leave to move.

**Mr. Orengo:** Mr. Deputy Speaker, Sir, what I am saying is, under Standing Order No.45 (b) you do not have an alternative.

**Mr. Deputy Speaker:** Order! Order, Mr. Orengo! I think we proceed! I am glad you are referring to the Standing Orders. You rose on a point of order. You definitely know - as an old time Member of this House and as a very good lawyer - what a point of order is. I think it is fair that you make your point of order and expect the Speaker to make his ruling without us going into the merits of the debate which you would want to carry out before the House if you had moved the motion. I am afraid you have not moved the motion.

**Mr. Orengo:** Mr. Deputy Speaker, Sir, I told the House under which standing order I was rising which is Standing Order No.45 (i) which gives me the right to stand at any time to move the motion. I now do beg to move that this House do adjourn to discuss this issue of privilege.

Mr. Deputy Speaker, Sir, I would want to point out to you that under Standing Order No.22 and No.23 or under part 5 of the Standing Orders, you have an alternative of making a ruling without putting the Question to the House. But under Standing Order No.45 (i), you do not have the alternative. You have to allow somebody to second my motion which I hereby move that this House---

**Mr. Deputy Speaker:** Order! Order, Mr. Orengo! I think I have heard enough of your points of order. Now, in the first place hon. Orengo, I know this is a serious matter when it comes to the question of liberty of a Member of Parliament to get to the place where he has to do his job and away from it. I know it is a serious matter if it is a question of privilege and that is regulated especially, the statute of this House. I would want to state for the avoidance of doubt that I believe very firmly in Members of Parliament enjoying their privileges as provided by law. Much as I respect your brilliance, Mr. Orengo, I do not think it is fair as a Member of this House, a lawyer and at that an advocate of long standing, it is fair for you to ambush the Chair on a matter you are moving before the House. I think you know that it is a principle of our practice and of all parliaments of our system that if you have to do that, anywhere, it is also a principle of your own practice as a lawyer, that where you have the opportunity, you let the Speaker get wind of what you are doing. I think it is really unfair that you should come to the Chair moments before the House was called to order, when I had consultations with Mr. Nyanja and I expressed my sympathy for the harassment which he said he suffered and then, we moved from there. But I would have advised you otherwise.

Secondly, this is a matter whose facts I do not yet have and this is why it is important that we respect the courtesy of putting the Chair in light of what you intend to do. It is the tradition of this Parliament and the tradition of

all Parliaments. If you read *Erskine May* you will get it.

*(Loud consultations)*

Order! Order! I have not finished hon. Members, I am still on my feet.

I am not satisfied that on the basis of the fact which you have alleged and without more facts in my possession--- I have the power, and I therefore decide---

*(Several Members stood up in their places)*

Order! Order!

**Mr Orengo:** But you do not have the powers!

**Prof. Mzee:** Mr. Deputy Speaker, Sir, you are misusing the Chair!

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

**Prof. Mzee:** You should make proper rulings, this is not your House alone!

**Mr. Deputy Speaker:** Order! Order! Prof. Mzee, I am ordering you to leave the Chamber for the remainder of the Sitting for that rude remark.

**Prof. Mzee:** I do not see why I should leave the House.

**Mr. Deputy Speaker:** Order! Order! You must leave precisely because you should not be the one to argue with the Chair. I have ordered you to leave the Chamber for the remainder of the day.

**Prof. Mzee:** I cannot leave without saying---

**Mr. Deputy Speaker:** Order! You are a stranger in the House this moment; you have no *locus standi* to address the House!

**Prof. Mzee:** Under Standing Order No.45 you have no authority to do this. The Standing Orders are there to guide us. You are mistreating me in the first place!

**Mr. Deputy Speaker:** Prof. Mzee, you must leave the Chamber; you are a stranger in the House!

**Prof. Mzee:** What you are doing now is totally illegal.

**Hon. Members:** Get out! *Toka!* Shame on you! Who do you think you are?

**Mr. Nyagah:** You do not know now, but when it happens to you, then you will know.

*(Prof. Mzee withdrew from the Chamber)*

**Mr. Deputy Speaker:** Order! I had not finished before I was rudely interrupted by the hon. Member who has just left the Chamber. Mr. Orengo, I do not accept your application.

**Mr. Orengo:** But you have to accept it---

**Mr. Deputy Speaker:** Order! It is not a fore-closed matter. If hon. Nyanja and yourself feel that, in fact, this is a matter which should have gone otherwise, you know what to do. I had---

**Mr. Orengo:** That is why I am moving the Motion.

**Mr. Deputy Speaker:** Order! The Government side is here, if they want to say any word on the assurances they gave, they can do so. But I am afraid, I will not allow the debate which is before the House to be interrupted at this stage, on that ground.

*(Several Members stood up in their places)*

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

**Mr. Deputy Speaker:** I do not think, I will want to entertain a debate on my ruling.

**Dr. Kituyi:** You do not know what I want to say because you have not heard me.

**Dr. Otieno-Kopiyo:** Mr. Deputy Speaker cannot dictate things because, this is---

**Mr. Deputy Speaker:** Order, Dr. Otieno-Kopiyo!

**Dr. Otieno-Kopiyo:** The Standing Orders are there to guide us all and not the Government side alone.

**Mr. Deputy Speaker:** Order! Order! The Standing orders were made for men, women and the Speaker. The framers of the Standing Orders knew very well that 200 hon. Members of this House cannot always be even in interpreting those Standing Orders and, therefore, decided to vest the powers of interpretation, subject to certain safeguards, on the Chair. The safeguards are the resort to which you could have recourse, if you are dissatisfied. For the moment, I think it is important hon. Members, that we all agree to live by the ruling from the Chair. That is the---

*(Several Members stood up in their places)*

Order! Order! Does anybody from the Government side want to react to that?

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): Sorry, I think, Mr. Deputy Speaker, Sir, I would like to ask the indulgence of this House so that tomorrow the Government can make a statement on this matter.

**Hon. Members:** No! No! No!

*(Several Members stood up in their places)*

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. If Standing Orders allow us to move a Motion without notice, an attempt to institutionalise a practice that you consult the Chair and divulge information negating the absence of notice, is a usurpation of the liberties of hon. Members to use Standing Orders which provide for Motions without notice.

Mr. Deputy Speaker, Sir, there is nothing in our Standing Orders--- Standing Order No.45(i) which allows that the Chair may rule that because you have not consulted it, you cannot speak--- This is our House and we are talking about the privileges of Members, and we are talking about policemen blocking Members from coming back to the National Assembly.

We are talking about increasing presence of uniformed officers in this Parliament.

**Mr. Mulusya:** We even saw Prof. Saitoti talking there! Why was he not blocked from coming in?

**Dr. Kituyi:** We are talking about the creation of the appearance of a military state, while we are purporting to be an elected National Assembly.

Mr. Deputy Speaker, Sir, these are not matters which are to be at the discretion of the Vice-President and Minister for Planning and National Development saying that, let us come back to this matter tomorrow. We are saying that as hon. Members of this House, it is our right to discuss when there is a breach of a privilege at any time, without consulting the Chair and that, we are going to do.

**Mr. Deputy Speaker:** Order! Please, I want to state, for the avoidance of doubt, that I very much believe in respect for the privileges of the Members of Parliament. I am a Member of Parliament and I think it is important that we do not play to the Galleries whether it is within here---

*(Several Members stood up in their places)*

**Hon. Members:** No! No! No!

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

**An hon. Member:** You are out of order!

**Mr. Deputy Speaker:** I think it is important, hon. Members that we be fair to each other.

**An hon. Member:** But you should use the right language!

**Mr. Deputy Speaker:** We know the Standing Orders. I am a Member of this House and you are entitled to hold your opinion as to the meaning of a particular rule in the Standing Orders. In any case, the Standing Orders vest---

**Dr. Otieno-Kopiyo:** For matters which--

**Mr. Deputy Speaker:** Order! The Standing Orders vest the power of authoritative interpretation of the rules of the House in the Chair!

**An hon. Member:** What are you interpreting?

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

**Dr. Otieno-Kopiyo:** What is the interpretation when you are allowing---

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

**An hon. Member:** You cannot dictate things to the House!

**Mr. Deputy Speaker:** Order! In any case, the matter before the House today---

**Mr. Orengo:** No way!

**Mr. Deputy Speaker:** Order! Order! Mr. Orengo, you definitely know this. We are in the Committee of Ways and Means. If you look at Standing Order No.137, this is a matter which, by tradition, is not interrupted.

**An hon. Member:** Read it, so that we can hear what it says.

**Mr. Deputy Speaker:** Order! I have made my ruling, and if hon. Members feel that this is a matter which is

so serious that they think the House should really set aside its other business and be dealing with it, you will have the opportunity. But I am saying that this is a matter which did not arise within the House; a matter the facts of which are not yet known to me.

**Hon. Members:** This is a matter which happened in public---

**Mr. Deputy Speaker:** Order! Order! What I do know is that while I was in the Chair, the hon. Nyanja came and said: "On the basis of a statement made by a Minister yesterday, I came to the House, and as I was leaving the House---" I am glad he came in and there was no interruption within the premises, but as he was leaving the House, just after he left the Gate, he found that he had been surrounded by policemen, then he sent for his lawyer, Mr. Orenge, and hon. Members arrived and he managed to get back. That is the first information I have got regarding this incident.

**Mr. Orenge:** So what?

**Mr. Deputy Speaker:** Order! Certainly, if I have to make up my mind, exercising my *quasi-judicial* role, hon. Orenge, you do not ask "So what?". So, you must appreciate my right, surely, to learn the facts first before I can make a decision on that. For now, it is not allowed. Let us get on with the business.

*(Several Members stood up in their place)*

Order! Hon. Members, I want to make this very clear.

**An hon. Member:** There will be no more business.

**Mr. Deputy Speaker:** This is not Dr. Bonaya's House, it is the House for all Members. It is the National Assembly of this Republic. I want to tell you also that you will recall, when you elected me, and I do also recall that you elected me unopposed---

**An hon. Member:** We did not elect you to be biased!

**Mr. Deputy Speaker:** Order! I cannot forget, whatever the denials, that I was elected unopposed to this post and I recall, in my short maiden speech, I vowed---

**An hon. Member:** But you should live to that--- You will never make it because you are partial.

**Mr. Deputy Speaker:** I do recall that in my Maiden Speech I vowed to be impartial in the enforcement of the rules of the House without fear or favour. I want to assure you that - I think by now we know each other sufficiently well - I have made my ruling. But this is not a closed matter in that sense. It is a matter which hon. Members, if they feel aggrieved, can always take up with the Speaker, including the Deputy Speaker, who is me. But, for now I do not think there is any justification for us to dwell on it after my ruling.

*(Several Hon. Members stood in their places)*

**Hon. Members:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, Mr. Nyagah and Mr. Lwali-Oyondi! The youngest hon. Member in this House in terms of Parliamentary experience is nearly five years old as a Member of Parliament, with the exception of those who came in through by-elections. But I think the vast majority of us here, surely, after about five years, know most of the rules of everyday application. I think in that sense, or context, hon. Members know that the House proceeds on the basis of business which is known in advance. That is the whole principle of consultation with the Chair. Mr. Orenge, you know that the House proceeds on the basis of business known in advance. Since certain matters can come up as emergencies that is why our Standing Orders provided for exemptions such as the one under Standing Order No. 20, where you are still required to notify the Speaker of your intention two hours before the House sits.

**Hon. Members:** Read it!

**Mr. Deputy Speaker:** Order! Order! I think I know the Standing Orders very well and do not have to read them every time somebody says he has a different interpretation of the same. I think the most elementary rules of any National Assembly such as ours have to be--- You may disagree in your mind with the wisdom of the rulings of the Chair, but you must accept the authority of that ruling. Otherwise it will be the very negation of order if the umpire, who is appointed by the Standing Orders, makes a ruling, and you decide to challenge it there and then. I think Parliament proceeds on the basis of order. This is a matter which hon. Members can take up with the Speaker, including the Deputy Speaker, at a later time. For now we will continue with our debate.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! Order, hon. Otieno-Kopiyo! For me to entertain further points of order on this matter will be improper. I think we should not get improper conduct recorded into our records for posterity.

It would be improper for me to entertain further points of order on this matter, after my ruling. May we

continue?

**The Assistant Minister for Tourism and Wildlife** (Mr. Kisiero): Thank you, Mr. Deputy Speaker, Sir, before I was interrupted I was congratulating the Minister for Finance for reducing tax on stamp duty---

*(Several hon. Members, including  
Dr. Otieno-Kopiyo, stood on points  
of order waving the Standing Orders Book)*

**Mr. Deputy Speaker:** Order! Order! Mr. Otieno-Kopiyo, I will not entertain argument on the meaning of this or that Standing Order, or on the matter on which I have made my ruling.

**An hon. Member:** But you are wrong!

**Mr. Deputy Speaker:** Order! I may possibly be wrong. I think it is very improbable, but it is possible. If, in your opinion, I am wrong I am saying that I will not entertain the raising of an argument now because it would be out of order. You can raise it with me later. For now, hon. Members, there will be no points of order on this matter.

**The Assistant Minister for Tourism and Wildlife** (Mr. Kisiero): Mr. Deputy Speaker, Sir, the Minister's action in reducing tax on stamp duty means that---

**Hon. Members:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! Order! I want to beseech hon. Members - I hope everyone is listening - not to insist on points of order on this matter. I think we know each other sufficiently well. I have made my position very clear. I may be very wrong, as some of you think, but the fact is that I have made my ruling. It may be a very wrong judgement, but I think it is a very correct one. Hon. Members definitely know that to rise on a point of order after I have said that I will not entertain a further point of order on this matter in itself amounts to disorderly conduct. I hope nobody will do that. Let us not have interruption of business. We will get on with the speaker on the Floor.

**The Assistant Minister for Tourism and Wildlife** (Mr. Kisiero): Mr. Deputy Speaker, Sir, I hope that investors, both local investors and investors from abroad, will take advantage of the Minister's reduction in taxation---

*(Several hon. Members from the Opposition side  
went to the Table from where they talked loudly)*

I hope my colleagues from across will come to their senses and listen to me. Early this afternoon, hon. Wamae said that---

*(Mr. Mulusya kicked the Front  
Benches with his feet)*

**Mr. Deputy Speaker:** Order! Order! Hon. Mulusya, I am ordering you to leave the Chamber for that disorderly conduct. Will you, please, leave?

**Mr. Deputy Speaker:** Order, Mr. Mulusya. Will you, please, leave the House?

**Mr. Mulusya:** Dr. Otieno-Kopiyo---

**Mr. Deputy Speaker:** Is Dr. Otieno-Kopiyo a lawyer?

*(Mr. Mulusya left the Chamber  
escorted by Mr. Gatabaki)*

Mr. Kisiero, will you, please, finish?

*(Resumption of Debate on the Taxation Measures)*

**The Assistant Minister for Tourism and Wildlife** (Mr. Kisiero): Thank you, very much, Mr. Deputy Speaker, Sir. I hope that my friends will give me time to complete my contribution. I hope that the measures that the Minister has put in place will encourage investors in this country and those from abroad because the cost of investing has been reduced as a result of reduction on various items and also on the reduction of taxation on stamp duty. That will make money that one borrows cheaper because of reducing the rate on stamp duty.

The essence of taxation is to provide services. In our country, whereas the Government collects a lot of money, all the districts in this country do not benefit. I was not surprised when I heard hon. Wamae say here this

afternoon that the KANU zones are poorer than the Opposition zones. The reason is very clear. All these years, right from Independence, the civil servants come from the big tribes, and the big tribes have made sure that they provide money for their districts. The KANU people come mainly from small tribes, they do not have civil servants manning the high places, and as a result, we are marginalised. The small districts do not get money---

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

**Mr. Deputy Speaker:** Order! Order, hon. Orengo! Order! Hon. Nyanja, I will recognise you only if it is a point of order on a matter which is raised in debate. If not, I have already told you from the Chair that I will recognise you at an appropriate time, which definitely is not in the course of this debate. I will recognize you if your point of order relates to what hon. Kisiero has just said. If not, will you, please, hold yours until you are due for it? That is when hon. Kisiero has sat down.

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

**Mr. Deputy Speaker:** Order! I have disallowed further points of order.

**The Assistant Minister for Tourism and Wildlife (Mr. Kisiero):** Mr. Deputy Speaker, Sir, what hon. Wamae was saying is true to the extent that those KANU zones have been marginalised by those who are manning offices who come from the Opposition. Most of the top civil servants are from the Opposition. In Mount Elgon, we get no money for roads, health or for anything else because we are a small tribe.

**Hon. Members:** Aah!

**The Assistant Minister for Tourism and Wildlife (Mr. Kisiero):** Mr. Deputy Speaker, Sir, and they are the ones who are carrying out corruption. We are a small tribe.

**An hon. Member:** Kisiero!

**Mr. Deputy Speaker:** Order! Mr. Kisiero, for how many terms have you been in this House? Surely, you must know that you have to address the Chair, always!

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

**Mr. Deputy Speaker:** Mr. Gatabaki, what is your point of order? It had better be a point of order.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, is it in order for hon. Kisiero to tell this House that the KANU Government, of which he is a Member has marginalised his constituency and talk ill of the President of the Republic of Kenya? Is it in order for this hon. Member to do that? Can the KANU Government sack this hon. Member for maligning the KANU Government?

**The Assistant Minister for Tourism and Wildlife (Mr. Kisiero):** Mr. Deputy Speaker, Sir, first of all, I apologise to you for having addressed my friends directly instead of talking to them through you. I am awfully sorry. But for one thing, it is not the KANU Government that has ruined this country. The KANU Government has done exceptionally well, it takes care of everybody fairly. If anything, the KANU Government is favouring the Opposition because of it being very fair.

With those few remarks, I beg to support.

**Mr. Mak'Onyango:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** What is your point of order? Nobody is debating now.

**Mr. Nyanja:** Mr. Deputy Speaker, Sir, I rise on a point of order because I---

**Mr. Deputy Speaker:** Order! I gave you the Floor not on a point of order. I want this to be very clear. Are you rising on a point of order or to contribute to the debate? I recognised you because I thought you wanted to contribute to the debate.

**Mr. Nyanja:** Mr. Deputy, Speaker, Sir, I find that I am not morally bound to speak about anything in this world if my life is at stake. My first responsibility is to myself and, secondly, the nation and the whole country. My life is threatened. I am here to join other hon. Members to formulate laws and so on. But upon assurance by an Assistant Minister in the Office of the President yesterday, I came to this House, thinking that I was a free man, and assured that I was coming here to contribute as a free hon. Member of Parliament.

Mr. Deputy Speaker, Sir, I was just going round to taste the waters and as I left the precincts of Parliament, about seven vehicles with about 20 armed policemen and Special Branch and CIDs officers touting guns and machine guns, blocked my way.

**The Assistant Minister, Office of the President (Mr. Sunkuli):** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Nyanja:** Mr. Deputy Speaker, Sir, Can I be heard in silence? Protect me because it is as a result of his statement that I left my home to come to Parliament. This is a matter of life and death!

**An hon. Member:** Will you contribute to the debate?

**Mr. Nyanja:** Yes, I will contribute to the debate. I have ten minutes, but I just want to tell the nation what is happening. But I cannot talk about money or anything else when my life is threatened. We are not safe. I am not

safe and my whole family is not safe. About 20 policemen are camping in my compound. They did not know how I got to my house, I have been to my house and left, but I have been there. But I do not know whether I will safely get back to my house.

Mr. Deputy Speaker, Sir, I want the Chair, this august House and Prof. Saitoti, the Vice-President and Minister for Planning and National Development, to make sure that I am safe. I know if Robert Ouko had managed to get here and tell the nation that his life was at stake, perhaps he could be still living. Hon. Waruru Kanja talked about his assassination plot and today he is living. So, I am here now telling you and telling the whole world that my life is threatened.

Mr. Deputy Speaker, Sir, I cannot contribute constructively with all the resources that I have especially when my life, and my wife's and the entire family life is threatened. That is the truth and, if you want to prove it now, just drive out with me and then you will see that for yourself. There is nothing else to say here. We tried to come back with 20 Opposition Members of Parliament and we were blocked from entering so that more police reinforcements with riot gear could come and empower the 20 Members of the Opposition. That is the state that we are in now. That is how the Parliamentary dignity has been watered down. We are nobody!

It is just the other day that hon. ole Kaparo said that a Member of Parliament - and he is one of them - cannot be served with summons on three days that is Tuesday, Wednesday and Thursday. However those policemen were just flashing summons. I tried to tell them that my lawyer would be arriving in good time. My lawyer is hon. Orenge. Despite that they still went ahead. So, what do we do? I am now appealing to you and to the Government to protect me. Prof. George Saitoti, who is number two in Government, is here. We happen to share the same baptismal name. The Government gave the assurance yesterday and that is why I am here. So, I am now appealing---

**The Assistant Minister, Office of the President** (Mr. Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. Of course, hon. Nyanja may say what he wishes to say because we do have an answer for what he may say. But my problem is this: Is he in order to raise this issue at this particular time? Is he not being irrelevant? I would like to give an answer to each and everything that hon. Nyanja is saying. But would you give me time now to respond to him or are we going to debate this thing?

**Mr. Deputy Speaker:** Order! Order! I gave the hon. Nyanja the Floor to contribute to the debate. I was also aware - I hope Members were all aware - of what transpired moments earlier on the Floor of the House. Hon. Nyanja even before the House resumed had come to consult with me and, as part of my discretion, I said that I will not allow him to rise on a point of order because I thought that would derail the debate by introducing procedures which, I think, are not permitted by the Standing Orders. I told him that I would recognise him and allow him to contribute to the debate so that, at the beginning of that, he could make his complaints, if he needed to do that. I think, he has made it more than sufficiently. Now, you can get to the debate. I am sure that the whole world has heard you, hon. Nyanja, and I know that you are a hon. Member who respects the undertaking you gave to the Chair. Get to the debate now!

**Dr. Lwali-Oyondi:** On a point of information, Mr. Deputy Speaker, Sir. I wish to inform hon. Nyanja that according to the Powers and Privileges Act, no Member shall be liable to arrest for any civil debt except for a debt that--- Anyway he cannot be arrested while coming or going from Parliament.

**Mr. Nyanja:** Thank you, Mr. Deputy Speaker, Sir. Concerning the Government's taxes, I find that I have several businesses and some of these businesses have been interfered by the same policemen. About 25 policemen entered into my restaurant business and made patrons run away because they were flashing machine guns, thus they thought they were robbers. We pay our taxes. I have employed about 50 people and I do not know what I am going to do to make the patrons come back. So, we are talking about taxes. But you see they are affecting even the collection of revenue because of bad governance.

So, it is very important that if you want to collect taxes, then manage and man our Government properly---

**Mr. P.N. Ndwiga:** On a point of information, Mr. Deputy Speaker, Sir. I wish to inform the hon. Nyanja that since we are discussing taxes in this House, part of the taxes that have been paid by Kenyans are now being used to pay salaries to goons who are in this House. As I speak here now, hon. Nyanja did not know that as soon as he walked out of this House, there was a lot of movement in the Galleries. Those goons are fed with our own taxes and they are inside this House. Those fellows are still waiting outside and within the precincts of this House.

**Mr. Nyanja:** Thank you, hon. Ndwiga. It pains me to realise that some of those detectives will follow me immediately. I am now contributing to the debate, but they are interfering with my businesses. They have gone to Nyanja and Associates offices and my restaurant and---

**Mr. Ruhiu:** On a point of information Mr. Deputy Speaker, Sir. The reason why Nyanja is being sought is because of a public meeting held in Limuru on Sunday. I attended that meeting together with hon. Gatabaki and hon. Nyanja said the same thing that if Moi does not accept change in Kenya, change will change him, and that is a fact. However, this Government being a Government of satanic gangsters, there is nothing that we can do about it.

**The Assistant Minister, Office of the President** (Mr. Sunkuli): On a point of order, Mr. Deputy Speaker,

Sir. The hon. Member is misleading this House. Is he in order to continue misleading this House? In the first instance, he even said that there are special branch officers when we can only see school children and Mr. Leonard Mambo. There are no special branch officers there. The hon. Member should stop misleading this House and stop uttering untruths.

**Mr. Nyanja:** Mr. Deputy Speaker, Sir, will you protect me?

**Mr. Deputy Speaker:** Will you finish since your time is almost over?

**Mr. Nyanja:** Mr. Deputy Speaker, Sir, Kenyans should be told that the KANU Government thinks now that hon. Matiba is not standing for the Presidency, they think that Nyanja will take on Matiba's mantle and that is why I am suffering. Yes, that is the truth, but no amount of intimidation will derail me from the struggle.

**The Assistant Minister for Finance (Mr. Keah):** On a point of order, Mr. Deputy Speaker, Sir. Is it in order that the President should be discussed here by the hon. Ruhii who has just said that if he does not accept change, change will change him? Is it in order to use such derogatory words in this august House relating to the President of this country?

**Mr. Deputy Speaker:** Order! Order! I am not sure that you want a response from the Chair because, in case you do, everybody knows that you cannot discuss the conduct of the President except on a substantive Motion. As far as I was concerned, the hon. Ruhii who rose on a point of information and we came to give much greater laxity to the freedom of the questioner or to the speaker on the Floor to accept it or not since it is not like a point of order as it was set out. I certainly would have not allowed a substantive discussion of the President except on a substantive Motion.

**Hon. Members:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! The essence of Parliamentary democracy of this side is of the adversarial type in that, if you make your charges against the Government, you are putting it in the focus of the spotlight, as it were, for everybody to see. It is up to the Government to respond or even to keep quiet. I cannot, of course, whip any Minister to respond to any charges or complaints.

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

**Mr. Deputy Speaker:** Order! Order, hon. Nyagah! Hon. Nyagah, are you telling me that there is a snake on the Floor of the House or there is something so shaky? What is it, Mr. Nyagah?

**Mr. Nyagah:** On a point of order, Deputy Mr. Speaker, Sir. My point of order is to call for an investigation into the allegation to establish that policemen were involved in ensuring that we run short of power so that hon. Nyanja could be arrested. This can also be attested by the fact that when hon. Members of Parliament were walking out I heard the policeman in charge of police station here saying that anybody who walks out of the gate will be locked out. As we came back, he gave orders for the chains to be fastened to the gate. Had it not been for the wisdom and grace of God that we pushed hard that gate and the chains broke loose, we would have all been locked outside and hon. Nyanja would have been arrested.

Could this House investigate the activities of the OCS in charge of the police here?

**Mr. Deputy Speaker:** Thank you, hon. Nyagah. Well, that is news to the Chair. Now that we have heard your allegation, I assure you that the Speaker's office will be seized of the matter and we will definitely not tolerate any kind of extra Chamber procedures by which the proceedings of the House are interrupted without knowledge of Mr. Speaker. We will definitely pay attention to that.

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

**Mr. Deputy Speaker:** Order, hon. Members! The Speaker is not bound to hear every hon. Member who rises on a point of order. I am entitled to take judicial notice of the character of the points of orders which have been raised this afternoon. I had better warn hon. Members that points of order raised now shall relate to the actual contents of the debate before the House or a matter of actual order on the Floor of the House; and at a time when the former speaker has sat down, the next speaker has not even started his speech, I wonder really what points of order people are referring to.

**Mr. Mutahi:** Thank you very much, Mr. Deputy Speaker, Sir. In fact, I just wanted to remind you that when you disallowed ruling on the Motion brought by hon. James Orengo, you wished that if hon. Sunkuli who gave a statement yesterday, was around, you would have given him a chance to repeat what he said because you were not aware of what was said. So, I am just reminding you that is what you said. Now, that he has come, can you give him a chance?

*(Applause)*

**Mr. Deputy Speaker:** Order, hon. Members! I never said "I wish I could hear what he said," but I did say, "if hon. Sunkuli were here, I wish he would stand to respond." Hon. Mutahi, moments ago, I said the whole essence



or the adversarial system of Parliament like the one we have is that when one side makes charges against the other; Opposition against Government, it is up to the Government to respond and the right to respond, includes the right to sit down. I cannot whip a Minister to stand up and respond when he feels it is wise not to.

**The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development** (Dr. Misoi): Mr. Deputy Speaker, Sir, I stand to support this important Motion on various taxation measures. It is time to raise funds to provide services for the people of this country, for development of various projects which will benefit our people.

Mr. Deputy Speaker, Sir, mine is to contribute to this Motion; not necessarily to accuse or abuse any hon. Member of this House. This is an honourable House composed of hon. Members. Unparliamentary language, as we all know, is not permissible.

The presentation of the Budget by the hon. Minister for Finance is a very important function in the calendar of this House. We have done it many years. We have done it every year since Independence. The effectiveness of any beautiful budget will depend on how well it is implemented. Implementation is the key word in most of our policy documents and it is so important with regard to this Budget.

If we have to raise enough taxes to support the welfare of our people, various development programmes of the nation, develop the infrastructure for our people, roads, electricity, water systems and provide services such as medical and education, it will be very important for those responsible for collecting various taxes to do so diligently and do it well.

Mr. Deputy Speaker, Sir, we have institutions charged with this responsibility and Kenyan people look upon them to ensure that what this House passes is implemented fully. The policy of the Government services in this country will depend on that contribution by the public servants and those in parastatals like Kenya Ports Authority, Kenya Revenue Authority and so on; people who are supposed to ensure that the taxes we approve are collected. These are the officers who are supposed to be above reproach and corruption.

**Mr. Mak'Onyango:** On a point of order, Mr. Deputy Speaker, Sir. Hon. Misoi has said something here which, I think, is worth, but which I believe is not quite in keeping with what is happening in this House. Hon. Misoi has said that whatever this House passes must be implemented. It was on the Floor of this House yesterday that a Minister stood up and gave an assurance that our friend, hon. Nyanja was free. How come despite that assurance we have an action that is contrary to what the House is seized of? This is not correct because our friend is misleading the House in this regard. We would like to see that whatever is passed by the House or insisted upon by the House is implemented in order for supremacy of the House to be "seen" to apply.

**Mr. Deputy Speaker:** Hon. Mak'Onyango, that is a point of argument not a point of order. When you have the Floor you debate that way!

**The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development** (Dr. Misoi): Mr. Deputy Speaker, Sir, as I said, the officers who are involved in the implementation of this Budget should be above reproach and corrupt practices to ensure that all the goods imported into this country and subject to duty of VAT are taxed at the appropriate level.

We are tired of preaching against corruption year-in-year-out. Our PAC and PIC reports contain a lot of those anomalies and every year we discuss those documents. It is very important and incumbent upon the implementing officers, the accounting officers, to ensure that whatever anomalies have been pointed out do not recur because then we would be carrying out a futile exercise.

We know of the importation of various food commodities into this country which were supposed to attract high duty, and which never did so, but flooded the local market and destabilised the pricing system of locally produced goods. We know those products like maize, sugar, wheat, milk and so on. That should not be allowed because when we enact a law, we expect that law to be put in action. I note in the Budget that we have the presumptive tax on the farmers produce at two per cent. Our farmers suffered so much at the beginning of the liberalisation programme. They sold their produce at throw away prices. They have not managed to survive. The prices of farm inputs are very high, and farmers cannot make any meaningful profits. To tax them at the level of two per cent makes their situation even worse than what it is at the moment. I would request that farmers be taxed the presumptive tax at a lower rate. Once they are taxed, they should not be expected to go back again and fill the income tax forms because that consumes a lot of their time, and it becomes very expensive. We know that agriculture is the basis of our economy. We should protect it by reducing the taxation on the farmers' produce, equipment and materials designed for agricultural purposes.

We need to ensure that whatever funds the Government collects, such as the road levy and petroleum levy, are distributed well to the various corners of this country. The roads in various districts should be taken into account. I know that the Ministry of Public Works and Housing has got a document on Strategic Roads 2000. I know that it covers many districts and constituencies of this nation.

I also realise that one of the roads in my constituency has not been taken into account. That is the road which

runs from Moiben, through Plateau, Moi University into Nandi district. It is a very important road which facilitates the farmers' produce to reach the markets like Eldoret, Nairobi, Kisumu, Kakamega, Kitale and elsewhere. That road should be considered.

It is also very important that as we pass this Budget, the crisis areas where a malaria epidemic has broken out, are given the desired support by the Ministry concerned. It is through this Budget that the necessary effective drugs are acquired. These drugs should be sent to Nandi, Uasin Gishu and Trans-Nzoia districts which have various locations afflicted by this malaria called highland malaria. This disease breaks out every year between June and August. The Ministry of Health is aware of that. I wonder why it has not made proper arrangements to ensure that at the end of May, there are enough drugs in those areas to treat the patients. We know that this disease is very fatal if not attended to. It has also got resistance against the normal anti-malaria drugs. I call upon the Ministry concerned to take urgent measures and send medical officers to these areas. They should set aside camps to treat the young people in schools and the elderly persons. This is because we are losing a lot of people. Today in the media, I was reading that about 50 people have died in some areas in Nandi District. This is a very serious epidemic, and I hope that by the weekend, the Ministry's personnel will be there with sufficient drugs to treat the people.

This afternoon, we have noted the problem raised in this House. This is a dignified House and hon. Members should behave in a dignified manner. During the Budget, the Opposition side caused a lot of havoc here. Now again, instead of raising these issues according to Standing Orders, they are also creating havoc in this House. That is very unfair.

With those few remarks, I beg to support.

**Mr. Shikuku:** Ahsante sana, Bw. Naibu Spika.

Jambo la kwanza ni kwamba Hoja hii inahitajika kupitishwa na Bunge hili, ili kuhlalisha ongezeko la kodi ambazo ziliwahi kusomwa katika Bunge hili. Wakati huo, hakuna Mbunge hata mmoja alisikia ni kitu gani Waziri wa Fedha alikuwa anasema. Hii ni kwa sababu kulikuwa na zogo kubwa katika Bunge hili.

Wengi walisema; na mimi pia nilisema; ilikuwa aibu. Hata mimi nilijaribu kuliahirisha Bunge hili, ili turudi baadaye na Bajeti iendelee kusomwa, lakini marafiki zangu katika ule upande mwingine hawakuweza kujua ninasema nini.

Kwanza, ningependa kuwaeleza kwamba hakukuwa na haja ya Waziri wa Fedha kusema yale yote aliyoyasema. Kwa vile alikuwa amesema; "I beg to move that Mr. Speaker do now leave the Chair", ilikuwa imetoshwa kabisa. Angeweka ile Bajeti yake kwenye meza na maneno yote yangekwenda shwari. Hakungekuwa na zogo hili. Zogo lilikuja kwa sababu wengi katika ule upande mwingine hawafahamu taratibu na sheria za Bunge hili.

Hata ikiwa hivyo, si haki kwa watu wengine ambao hawajui lolote kusema kwamba, Wabunge wa upande huu walikosea. Hii ni kwa sababu kuna wakati unaofika ambapo binadamu pia hufika mwisho wake, na hufanya yale maajabu ambayo wengine wakiyaona, watashtuka. Hii si kwa shauri moja. Ni kwa sababu wanajaribu kusema na kurudia mpaka kufikia mwisho wao. Wakishafikia mwisho wao, Waingereza wanasema; "where logic fails, physique is normally applied". Hata ukiwa unampiga bibi yako kila siku, kuna wakati utafika aseme; "enough is enough! Kisu ndicho hiki na shingo ndiyo hii!" Wewe unajua hayo maneno. Lakini kwa sababu wewe hauko tayari kumchinja, kawaida unasema; "aaah mpumbafu wewe", na unakwenda zako. Hii ni kwa sababu wewe mwenyewe hujaridhika katika roho yako kumchinja. Lakini yeye amefikia mwisho na akakupatia kisu ukate shingo yake.

Tunapozungumza katika Bunge hili, tunazungumza kwa niaba ya watu wetu. Usione kama Mbunge wa Butere anazungumza maneno yake! Hapana! Anazungumza kwa niaba ya watu wa Butere. Kila Mbunge hapa anazungumza kwa niaba ya watu wake. Si haki kujaribu kupuza maoni ya Upinzani. Hii ni kwa sababu Upinzani unaposimama hapa - ukweli na usemwe---kura zilipopigwa mwaka 1992, wananchi wa Kenya walipigia Upinzani kura milioni 3.4. Wale walipigia KANU walikuwa milioni 1.9. Huu ni ukweli ambao mtu yeyote awezi akasimama na kuupinga. Imekuwaje hawataki kusikia maneno ya watu milioni 3.4, na wanataka watu million 1.9 wakalie watu milioni 3.4? Hata ukifuata ule msemo wa Waluhya; "*mundu khu mundu*" au mtu kwa mtu, bibi kwa bibi na mtoto kwa mtoto, utapata ya kwamba wao ni wachache. Ni lazima wasikilize maoni ya walio wengi.

**The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development** (Dr. Misoi): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Shikuku to mislead this House with those statistics and yet, he knows that in 1992, four to five political parties presented themselves to the public for elections and KANU won? The others got their votes and so, 3.4 million and 1.9 million is not comparable.

It is misleading! It was not for FORD(A)!

**Mr. Shikuku:** Bw. Naibu Spika, Waswahili husema; "asiyejua maana, usimwambie maana". Kwa hivyo, mimi nitaendelea. Au, "kumwashia kipofu taa ni kuharibu mafuta". Ukweli ni kwamba haya mapendekezo ya kodi hayakusikika na yeyote. Huo ndio ukweli wa mambo. Na saa hii tunapoulizwa tuhalalishe, ni wajibu wa Upinzani kutoa maoni yao. Ndio wakasema, "no representation without taxation." Hii ndiyo sababu Mswada huu unaletwa hapa hili tuzungumze juu yake. Wengi wetu hawakusikia hotuba ya Waziri wa Fedha siku hiyo. Nina chukuwa fursa

hii kusema kama kuna Budget amabayo ilikuwa mpovu tangu Uhuru upatikane, hii ni moja wao. Kwa sababu tunapooengeza mafuta ya petroli na ya taa tumeongeza kila kitu na mtu mdogo katika Kenya ana taabu kubwa. Hawa Wabunge walio katika Bunge hili hawana habari kwa sababu wao wanakaa vizuri. Mafuta ya taa imekwenda juu. Nauli ya kusafiri imekwenda juu na raia hawawezi kujimudu kuenda kuona mtoto wake Nairobi au Mombasa. Nauli na kila kitu imekwenda juu na mwananchi ambaye hana kazi hajaongezwa lolote na anaambiwa: "Serikali ya KANU inakupenda sana." Ni afadhali mapenzi ya punda kuliko haya mapenzi ya KANU. Ni mapenzi gani haya na hali bei ya mafuta ya taa, petroli na diesel inaongezwa? Pia viongozi wa KANU wanasema wanataka amani. Amani iko tumboni. Tumbo ikishashiba kuna amani na haki. Lakini sasa tunasema amani na mapenzi na tumbo la mtu liko tupu? You are hoping against hope. Wewe unaota ndoto mbovu sana. Kwa hivyo kuongeza hizi taxes zimeumiza mwananchi. Kwa nini mwananchi amekuwa maskini sana? Hili jambo la kuwa maskini sana limeletwa na Serikali hii tukufu. Waliuleta huu umaskini 1992 walipoanza kuchapa pesa nyingi na bei ya vitu ikapanda juu. Hii ndiyo sababu Waziri wa Fedha akasema katika Bunge hili: "Mr. Speaker, Sir, I am in the process of mopping up." Mopping up, maana yake ni kwamba, kama umeacha mlango wazi na mvua ya upepo ikaja na kuingia katika nyumba yako, kitu cha kufanya ni kutafuta gunia ili kupanguza na kukamua inje ya mlango. Ni nani alileta umaskini? Ni Serikali hii na bado inaongeza kodi. Waziri wa Fedha hataweza kutoa pesa yote kutoka kwa uchumi watu kwa sababu walichapa pesa nyingi ili kuwapa watu wakati wa uchaguzi ili wapate kura. Sasa kila mwananchi, hata yule anatingisha kidole sana yuko katika taabu hiyo. Hata mtu wa KANU akitingisa namna gani, bei ya mkate bado ni Kshs20; kwa watu wa KANU na wa Upinzani. Mna sema tingisha! Tingisha!" na bei ya mkate hairudi chini! Sasa KANU mnatawala nini? Watoto hawana kazi na wamesomeshwa, wamepelekwa training na wanarudi nyumbani na wao ni wa KANU. Wa Upinzani pia wanarudi. Sasa kuna tofauti gani? Mnasema tu "chama kinachotawala." Mnatawala nini, mavi? Hii Serikali ni bure!

Bw. Naibu wa Spika, yafaa wananchi wajue kwamba taabu yao ni Serikali hii. Hii ni kwa sababu mtu wa KANU, FORD(A), DP na kila chama anapata hiyo taabu moja. It is uniform. Hii ni kwa sababu ya ufedhuli na kutokuwa na haki katika Serikali hii. Hii ni Serikali ya wafisadi na wameshaambiwa pia wao ni wafisadi. Hata wale wafadhili wameshawaambia wao ni wafisadi. Ufisi huu ndio unaleta umaskini na mwananchi yafaa ajue hii. Wabunge wasiambiwe watatengeneza barabara. Barara zinatengenezwa vibaya, wengine wanapewa soya na hayo mambo yanapitishwa na sasa yametoka. Mungu awasaidie Wanakenya. Yafaa wavumilie kwa sababu hakuna kisicho na mwisho na siku moja, tuta ng'oa hii Serikali. Amen.

**Mr. Mcharo:** Thank you very much, Mr. Deputy Speaker, Sir, for the opportunity you have given me to contribute to this Motion.

Mr. Deputy Speaker, Sir, I want to say a few things about the Budget and taxation in particular. This year, we should consider allocating 20 per cent of the money from the Road Maintenance Levy to the local authorities and 5 per cent of income tax to local authorities. This is a positive move because we have said from time to time, that local authorities need to be strengthened in this country, financially, so that they can render services that are most essential at the grassroots level. When the local authorities have the money, it is going to be possible to carry out the necessary road maintenance in the rural areas in particular where the majority of Members of Parliament come from.

Mr. Deputy Speaker, Sir, the economy of this country will improve when the roads have been taken care of effectively. Local authorities are also in a position to improve the water facilities by constructing water dams and improving the water catchment areas for the benefit of the local people in the rural areas. So, I commend the move this time because the Minister has decided to give money to the local authorities for the first time. When I am talking about roads, I would like to mention again what we have said from time to time about the all-important road to us in Coast Province and particularly in Taita/Taveta District; the Mwatate-Taveta Road. This road is not for the local authorities to take care of. It is a regional road connecting Kenya and Tanzania. It is a road that is important in strengthening the East African Co-operation. We are therefore requesting the Government to set aside money for the construction of this road in preparation for tarmacking. We do not mind the road being tarmacked in phases. We have been raising this issue from time to time and from the Financial Statement, I do not see any money set aside for this road. So, I am requesting once again that this matter should be looked into.

Mr. Deputy Speaker, Sir, I do remember that in 1994, we passed a Motion here which was asking the Government to remit some of the monies that is collected from the National Parks to the Treasury. That Motion was passed to this House and up to this time, it has not been implemented. The Tsavo National Park collects a lot of money through the Kenya Wild Life Services and all this money is remitted to the Treasury. We are asking that 25 per cent of the money which is collected from the national parks be remitted to the districts which fall under these national parks. It is not only Taita-Taveta District which is affected, but many other districts which have national parks.

It very important to refer to other districts which are benefitting from the wildlife services, the national parks or game reserves. I have Narok District in mind. I am informed that all the money that is collected from the Maasai Mara is remitted to the Narok and Trans Mara County Councils. This makes it possible for these county councils to

render services to the wananchi by improving their roads, health facilities, agriculture and other infrastructures. If this can be done in respect of Maasai Mara and Narok Districts, why can the same not be done with regard to Taita Taveta District and those other districts which are affected?

### QUORUM

**Mr. Mbeo:** On a point of order, Mr. Deputy Speaker, Sir. As it is, there is no quorum in the House.

**Mr. Deputy Speaker:** I confirm there is no quorum and direct that the bell be rung.

*(The Division Bell was rung)*

**Mr. Deputy Speaker:** Order! We have a quorum now. You may proceed, Mr. Mcharo.

**Mr. Mcharo:** Mr. Deputy Speaker, Sir, as I was saying, it is important that the Government considers implementing some of these Motions especially those which are going to assist the local authorities to become strong financially. We are happy that the Government has undertaken to improve the allowances and salaries of councillors. We hope that with this increment, councillors of high calibre will be elected so that they can look into the affairs of local authorities, discuss issues thoroughly and assist in the supervision of projects that are being undertaken by local authorities.

I am concerned about the local authorities because although the District Development Committees have been functioning fairly well, we believe that remitting most of the money collected in form of taxes and other forms of revenue will go a long way in improving the quality of life of our people in our rural areas. We believe that if the local authorities are given an opportunity to supervise their affairs, the development of the country will be looked after very effectively.

One other important thing is the provision of adequate water resources in the arid and semi-arid zones. I happen to come from an area which is very arid and semi-arid. We have in the past, in this Parliament, passed a Motion requesting for a through review of water resources in this country with a view to carrying out major irrigation schemes and small irrigations schemes so that this country can grow enough food for domestic consumption and export abroad. An issue like this of irrigation must be looked into very seriously because it is only recently that we had a very severe drought and this country has suffered quite a lot because of famine. We must look into this issue and ensure that we have started small irrigation schemes in the rural, arid and semi-arid areas and major irrigation schemes where necessary. It is only through that, that this country will produce enough food for domestic consumption and for sale abroad. It is only through this that we will grow some of the major cash crops in the semi-arid zones which will enable this country to have enough raw materials to establish agro-based industries, particularly in the small towns in the rural areas. This will assist in creating employment opportunities where small scale industries have been created in the small towns in the rural areas.

With those remarks, I beg to support the taxation measures that have been brought to this House by the Minister for Finance.

**Mr. Mwavumo:** Ahsante sana, Bw. Naibu Spika, kwa kunipatia nafasi hii ili niongee juu ya Hoja hii. Jambo la kwanza, utaona kwamba maendeleo ya Pwani yamerudi chini. Tukitazama barabara zote za Pwani ziko katika hali mbaya. Hatuwezi kupata maendeleo ikiwa barabara zetu ni mbaya. Hatuwezi kupata biashara nzuri ikiwa barabara zetu ni mbovu. Sio barabara peke yake, maji katika Mkoa wa Pwani leo yanapatikana leo, kesho hayapatikani. Utaona kwamba katika sehemu za upande wa Kwale kuna maji ya kutosha. Ule mto wa Marere uko na maji ya kutosha lakini maji yale hayatumiki vizuri. Leo maji yakipatikana, kesho hakuna maji. Maendeleo gani yatapatikana katika hoteli, viwanda na kadhalika ikiwa hakuna maji, umeme na barabara? Hata simu pia huharibika mara kwa mara. Hatuwezi kufanya biashara vizuri ikiwa simu haziwezi kufanya kazi.

Utalii umezorota sana kwa sababu katika Pwani hakuna usalama. Leo huwezi kusafiri kutoka Mombasa hadi Lamu. Huwezi hata kusafiri hadi Tana River. Hali ya usalama katika sehemu hizi zote imekuwa mbaya sana. Hadi sasa, Serikali hajachukua hatua ya kuona kwamba watu wanaishi kwa usalama katika sehemu hizi. Maendeleo yatapatikana namna gani ikiwa sehemu hizo hazina usalama? Biashara itapatikana namna gani ikiwa leo huwezi kusafiri kwenda Lamu wala Tana River? Ni jukumu la Serikali hii kuona kwamba usalama umeimarishwa katika sehemu zote za Mkoa wa Pwani. Utaona kwamba hali ya elimu katika Mkoa wa Pwani pia imezorota. Hii ni kwa sababu wananchi hawana pesa za kulipa karo. Utaona kwamba hata mapato tunayopatiwa kama misaada ya Serikali, Pwani inapata Kshs7 million. Nimemuona Waziri wa Elimu hapa na pengine atatuieleza ni kwa nini wilaya moja ya Ukamabani ameipatia Ksh8 milioni na mkoa mzima wa Pwani Ksh7 milioni.

Bw. Naibu Spika, katika Bajeti hii vile vile, utaona ya kwamba, hakuna pesa zozote ambazo zimetengwa kwa huduma ya ferry. Hakuna pesa ambazo zimetengwa ili kununua ferry mpya. Juzi, tarehe 28, ajali ilitokea kwa sababu

ferry haina vyombo vya kukinga ajali. Katika Bajeti ambayo ilisomwa, ingawa tumetoa pesa nyingi kwa matumizi, lakini sehemu ya Pwani, kutoka ferry ya Mtongwe iharibike mpaka sasa, hakuna huduma na Serikali haitoi pesa kwa matumizi hayo.

Bw. Naibu Spika, kazi ya uvuvi ambayo inatupatia mapato yetu imechukuliwa na Wakorea. Wananchi wa Pwani wako hapo na Serikali haiwezi kusaidia. Kazi yote imepewa wageni ilhali wenyeji wako hapo na ndiyoo kazi ambayo wanajua inayowapatia mapato. Wakorea wana vyombo vya kisasa na wanamaliza samaki bila kujua kwamba, samaki hawa pengine wangebakizwa ili wawe wa manufaa wakati ujao.

Bw. Naibu Spika, jambo lingine ni kwamba, mtambo wetu wa Ramisi ni mtambo ambao ungewasadia wakulima wa Pwani. Lakini kutoka mtambo huu ulipofungwa, hakuna njia yoyote au msaada wowote ambao Serikali imetia juhudi ya kuona mtambo ule umerudi ili uweze kufanya kazi na uwe na manufaa kwa wananchi wa Kwale. Ni jambo la kusikitisha ya kwamba, kuna sehemu nyingine za bara ambazo Serikali imetengea pesa za kusaidia au kujenga vinu vya sukari, lakini mtambo ambao tumekuwa nao kwa muda mrefu, Serikali imeshindwa kuanzisha ili kusaidia watu wa Pwani ili wapate mapato katika kiwanda chao cha sukari.

Bw. Naibu Spika, tunaishukuru Serikali kwa kubuni Coast Development Authority, lakini shirika hili halina pesa. Ruzuku zao na mishahara yao ni ya bahati nasibu. Coast Development Authority ni shirika ambalo linafanya kazi nzuri lakini halina pesa. Ningemuomba Waziri wa Fedha alipatie pesa ili liweze kufanya kazi kama mashirika mengine.

Bw. Naibu Spika, jambo la afya ni jambo la kusikitisha na kila Mbunge amelizungumzia. Likoni imekatwa na Kisiwa cha Mombasa na ikiwa ajali itatokea usiku, wagonjwa mara nyingi wanapata taabu kuvuka hadi Hospitali ya Likoni na hali hii imesababisha vifo kwa sababu wakati wa usiku huwa hakuna huduma ya ferry huku wagonjwa wakipata taabu. Health Centre ilioko Likoni haina madaktari. Wale madaktari ambao huja pale, wakati wa mchana wanaondoka na huduma za usiku haziwezi kupatikana kwa sababu hakuna madaktari. Ni maombi yangu kwamba, tungepatiwa madaktari ambao wangeishi pale ili kutoa huduma wakati wa usiku.

Jambo lingine, Bw. Naibu Spika ni habari ya Ukunda Airport. Airport hii ya Ukunda inaweza kuokoa watalii kutokana na ile shida ya kungoja ferry kwa muda mrefu. Waziri angetenga pesa ili Airport ya Ukunda iweze kupanuliwa. Ikiwa basi haiwezi kupanuliwa kwa sababu ya Airport ya Mombasa, Waziri angetenga pesa ya kujenga barabarara kutoka uwanja wa ndege wa Port Reitz mpaka Ukunda ili kuondoa msongamano wa magari katika ferry ya Likoni. Airport hii ni muhimu sana kwa sababu ya idadi ya watalii ambao wanakuja kule. Ikiwa hii Airport itajengwa na kupanuliwa ingeweza kusaidia watalii wote ambao wanaenda Ukunda bila kupitia kwenye ferry. Kwa sababu mtalii akiteremshwa Port Reitz, anaenda mpaka kwa ferry, ambapo inambidi kungojea na anachukua muda mrefu na huku amechoka. Kwa hivyo, Airport ya Ukunda ikijengwa, itasaidia na itainua biashara ya utalii. Kwa muda huu hii Airport ipo na kila mara inasemekana kwamba itapanuliwa na mpaka sasa, haijapanuliwa.

Bw. Naibu Spika, jambo lingine ni juu ya polisi. Katika sehemu ya Likoni, polisi muda mrefu wamekuwa wakiwapiga watoto risasi bila kuvaa uniforms wala kujitambulisha. Mara tatu vijana wamepigwa bila sababu zozote kutolewa na polisi. Ni jambo la kusikitisha ya kwamba, watu wanaishi kwa hofu. Sio vizuri kwamba mwananchi ambaye yuko huru katika nchi yake awe anaishi kwa hofu. Inafaa mtu yeyote akipatwa na shida aende kwa polisi kwa usaidizi. Lakini wakati huu polisi wamekuwa watu wa kuogopwa na raia. Hatuwezi kuishi namna hivyo. Haifai raia kuwa waoga na wawe wanapigwa kila mara. Ni jambo la kusikitisha kwa sababu sisi tuko huru, hii ni nchi yetu na polisi wanawadhulumu watu. Ningependa Waziri katika Ofisi ya Rais ahakikishe ya kwamba polisi wanatoa huduma vizuri kwa watu wote bila ya mapendeleo wala woga.

Asante, Bw. Naibu Spika.

**Mr. Mutahi:** Mr. Deputy Speaker, Sir, While contributing to this Motion, I would like to refer to my constituency where absolutely nothing has ever been done with taxpayers' money. I would say the money used in my constituency is only by police, administrators and teachers. There is no infrastructured development in my constituency or in Nyeri as a whole going on, from taxpayers' money.

Mr. Deputy Speaker, Sir, you would be surprised that if somebody had a problem and required the services of the police or a police vehicle, and goes to report to a police station, having paid tax like any other Kenyan, will again be required first and foremost, to be taxed again by having to refuel the police vehicle, so that he can be given these services. The first demand after reporting that you have a problem in your house or wherever, is to ask if you have Kshs500 or Kshs1,000 to refuel the car because they do not have the fuel.

As a poor person or as an ordinary person, it is not possible for you to get that service at that particular time because you will not be able to raise Kshs500 or Kshs1,000 demanded by the police to fuel the car. Secondly, on the side of the Ministry of Agriculture, Livestock Development and Marketing, if your animal has a problem, for instance there is a break out of a disease and you go to report to the livestock officers, they will not pay attention to your request of going to treat your animal. They will again require this tax of Kshs1,000 for the fuel. That is why I am saying that there are no services given to the lay person or the masses. The only people that would survive at the masses level are

only those who have money. This is the same thing with education. If today you are not a rich person, there is no way you are going to afford educating your children. There are very few children from poor families who are getting through their education from Form One to the university, without having to do the very unnecessary Harambees. So, it means that poor families will not have their children educated. It is only the rich that will have their children going through higher education. That is one of the areas that the Government should look at very carefully because the only thing that should uplift any mwananchi, poor or rich, should be education. This is because it is only the rich families that will educate their children in this country and those from the poor families will not be educated, this is going to be very sad for this country. That same thing applies to the Ministry of Health--- If statistics are taken today of how many people are surviving after they fall sick.

If an ordinary mwananchi falls sick, he or she is supposed to go and be attended in a Government hospital.

#### **ADJOURNMENT**

**Mr. Deputy Speaker:** Order! Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 3rd July, 1997, at 2.30 p.m.

The House rose at 6.30 p.m.