

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 2nd October, 1996

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.860*

### ASSISTANCE TO DROUGHT-STRICKEN DISTRICTS

**Mr. Deputy Speaker:** Mr. Shidie, not here, Question stood over.  
Question No. 875, Mr. Otieno Mak'Onyango.

Question No.875

### RE-OPENING OF KENYA MEAT COMMISSION

**Mr. Mak'Onyango** asked the Minister for Agriculture, Livestock Development and Marketing:-

- (a) whether he is aware that despite the undertaking last year that the rehabilitation work at the Kenya Meat Commission factory was to be completed, and operations resumed before the end of the year, the facility remains closed; and,
- (b) what is delaying the re-opening of the factory.

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Dr. Misoi): Mr. Deputy Speaker, Sir, I beg to answer.

(a) Mr. Deputy Speaker, Sir, I am aware.

(b) Mr. Deputy Speaker, Sir, the rehabilitation work at the Kenya Meat Commission Factory has been completed. The delay to resume operations was due to lack of working capital estimated at Kshs220 million. The Government is, however, looking into this matter to ensure that the factory commences operations as soon as possible.

**Mr. Mak'Onyango:** Mr. Deputy Speaker, Sir, as far as I am aware, the rehabilitation work was completed almost more than a year ago. Does the Assistant Minister want to tell this House that the Government has not been able to find the necessary money to get the work re-started for more than a year?

**Dr. Misoi:** Mr. Deputy Speaker, Sir, I have given that answer. Hon. Mak'Onyango repeated the same question which I answered under part (b), that it was due to lack of finances that KMC factory was not opened and the Government is looking into the matter.

**Mr. Salat:** Mr. Deputy Speaker, Sir, arising from the reply given by the Assistant Minister, is he aware that the Kenya Meat Commission was a very important institution particularly for the nomadic people who keep livestock? Now this commission has been run down because a lot of money that has been pumped into this commission over a period of many years has gone down the drain? When the Japanese Government in conjunction with the Kenya Government agreed to rehabilitate this commission, we were told that only Kshs50 million was required to start off the operation of this commission. Can the Assistant Minister tell us why the Government is not serious in assisting the nomadic people, if this country, as they are assisting the KCC people for instance. The Government has paid Kshs850 million to the farmers who were owed money by KCC. Why does the Government not pay only Kshs250 million and re-open the Kenya Meat Commission?

**Dr. Misoi:** Mr. Deputy Speaker, Sir, the Government is very serious in assisting all the farmers and entrepreneurs who boost Kenya's economy and that is why the Government in conjunction with the Japanese investors made an effort to rehabilitate the Kenya Meat Commission. That is also why the Government is looking into the possibility of raising Kshs220 to re-open and rehabilitate the operations at the Kenya Commission. It is hoped that by

the end of the year, this matter will have been sorted out.

**Mr. Mak'Onyango:** Mr. Deputy Speaker, Sir, our livestock farmers in this country have lost colossal sums of money as a result of KMC not operating. Now, could the Assistant Minister deny that failure to re-open KMC has been due to the fact that some politically well-connected people are trying to frustrate the opening of this factory so that they can it at a throw-away price?

**Dr. Misoi:** Mr. Deputy Speaker, Sir, that allegation is not true.

**Mr. P.N. Ndwiga:** Mr. Speaker, this Assistant Minister is telling this House blatant untruths, that the Government is looking into ways of re-opening KCC before the end of this year. We just listened to the Budget here the other day and yet we have not passed a Vote for the Ministry of Agriculture, Livestock Development and Marketing--- Could he tell us why he is going to get Kshs250 million which is not in the Budget, before the end of this year. Can he be serious?

**Dr. Misoi:** Mr. Deputy Speaker, Sir, it is untrue that I am telling untruths to the House and the nation. Indeed, the Government is committed to re-starting the operations of KMC to assist the pastoralists and other livestock producers whose economies depend on the operations of KMC. Therefore, the Government is serious in looking for this amount of money which will facilitate the operations of the commission. It is also hoped that those who were managing the commission will do so in the interest of the livestock farmers and the nation at large.

**Mr. Falana:** Mr. Deputy Speaker, Sir, the hon. Assistant Minister is misleading the House and the nation at larger by saying that the Government is committed to the welfare of pastoralists. As it is now, the northern zone of this country is drought-stricken and livestock are dying in hundreds. If this KMC was operational, it would have saved these poor pastoralists by taking their livestock. So, if the Government is committed, as he is saying what is it doing to see that the remaining few hundreds will be saved and taken care of?

**Dr. Misoi:** Mr. Deputy Speaker, Sir, I have repeated and I want to emphasise that we are serious in pursuing this matter. I do agree that some parts of Kenya where farmers depended on KMC are facing a lot of hardships in disposing off livestock for slaughter and also the whole country is losing because we cannot export processed meat and other meat products to foreign markets to earn foreign exchange. So, it is in this regard that the Government is accelerating the operations and it is in this regard that the Government committed itself to rehabilitate KMC with partners from Japan. This is a sign of seriousness and it cannot be otherwise.

**Mr. Deputy Speaker:** Next Question, Prof. Mzee.

*Question No.928*

NON-INVITATION OF MP TO BOG MEETINGS

**Prof. Mzee** asked the Minister for Education why the headmaster of Shimo-la-Tewa Secondary School in Mombasa, has stopped inviting the area Member of Parliament to the school's Board of Governors' meeting.

**The Minister for Education** (Mr. Kamotho): Mr. Deputy Speaker, Sir, I beg to reply.

I am not aware that the Principal of Shimo-la-Tewa school, Mombasa, has stopped inviting the area MP to the school's Board of Governors' meetings, and if the hon. Member has evidence, I shall be grateful to receive it and take necessary action!

**Prof. Mzee:** Mr. Deputy Speaker, Sir, I am very disappointed by the answer given by this Minister. The fact that I asked this Question three months ago, he should have been aware because I am an elected Member of Parliament representing 75,000 registered voters!

The fact that I have asked this Question three months ago, he should be aware and I do not have to give him evidence. The reason why I asked this Question is because a number of Luo students were expelled from Shimo-la-Tewa school. After I protested about it, he stopped inviting me. I also wanted him to account for the monies collected for two Harambees; one by Mr. Speaker of this House and another by the President. That is the reason why he has stopped inviting me. This Government saw it fit to appoint a person like him as one of the Commissioners of the Electoral Commission.

Now, that he is aware, what steps is he going to take to make sure that I am invited to the school's Board of Governors' meetings since I am a bona fide member? How many Board of Governors' meetings have they called this year and last year?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, I would like to reject *in toto* any personal vendetta on the Principal because I think there must be some personal differences between the hon. Member and the Principal. The only thing I am aware is that there has been only one Board of Governors meeting in 1996, but in 1994/95, the school was facing a

lot of indiscipline cases and the Principal had a perception that the hon. Member of Parliament of the area had a hand on the indiscipline cases in the school, and that is why the hon. Member is coming here to tell us that--- That is why I refuse *in toto* any accusation against the Principal based on personal differences.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, you have heard the Minister admitting that he was not aware of any meeting being held at Shimo-la-Tewa school. We have heard also that a number of Luo students were expelled. Could the Minister investigate and bring to this House information as to why these students were expelled and what action is he going to take against the Principal?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, I did not say in my answer that I was not aware of any Board meeting. I said that I am not aware that the hon. Member is not normally invited to attend Board of Governors' meetings. Secondly, Shimo-la-Tewa school is a provincial school in the Coast Province and, therefore, I am not aware that any Luo students were expelled from Shimo-la-Tewa school.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, arising from the original reply by the hon. Minister who likes seeing things in totality, rejecting it *in toto*, perceiving it *in toto* and so on, could he tell this House since he knows there was only one meeting in 1996 and he is not aware that the hon. Member was not invited, what evidence did he want the hon. Member to bring to prove that he was not invited?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, my initial answer I read it and, unless, they are saying that they did not hear what I said. However, I said that I am not aware that the Principal of Shimo-la-Tewa school Mombasa has stopped inviting the area Member of Parliament to attend school Board of Governors' meetings.

The evidence I wanted to get from the hon. Member is that there has been Board meetings held and he has not been invited. He deliberately refused to attend this particular one. The other meetings of Shimo-la-Tewa school were suspended of these incidences of indiscipline which were there. It is the executive committee of the Board which has been meeting. The hon. Member is not a member of that committee.

**Mr. Deputy Speaker:** Next Question, Mr. Farah.

*Question No.932*

QUOTAS IN NATIONAL UNIVERSITIES

**Mr. Deputy Speaker:** Is Mr. Farah not here? We will leave his Question until the end. Let us move on to the next question.

*Question No.915*

CONSTRUCTION OF KARATU AND  
KAIRI HEALTH CENTRES

**Mr. Deputy Speaker:** Is Mr. Gitau not here? We will leave his Question until the end. Let us move on to the next Question.

*Question No.921*

CURRENT STATUS OF MASENO HOSPITAL

**Mr. Deputy Speaker:** Is Prof. Anyang'-Nyong'o not here? We will leave his Question until the end. Let us move on to the next Question.

*Question No.858*

PROVISION OF SERVICES BY EMBU MUNICIPALITY

**Mr. Nyagah** asked the Minister for Local Government:-

- (a) when the residents of the Dollas, Majengo, Blue Valley, Kawiu, Kangaru and Gatunduri of Embu Municipality will be supplied with street lights;
- (b) since the residents of Mbeti North do not wish to be within Embu Municipality, when will revoke his earlier directive; and,

(c) what services does Embu Municipality provide to the residents of Mbeti North other than higher rates for water and refuse collection.

**The Assistant Minister for Local Government** (Dr. Wameyo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Street lights in those areas will be supplied when the council has sufficient funds.

(b) I am not aware that the residents of Mbeti North do not wish to be in the Municipality of Embu.

(c) There are no charges being levied in the area mentioned by the hon. Member of Parliament, that is Mbeti North.

**Mr. Nyagah:** Mr. Deputy Speaker, Sir, I have an answer here which is totally different from what the Assistant Minister has read out. It does not seem to make any sense to give a different written answer from what he has read out. However, let me build my question around what he has just said. I live in the area he says is not supplied with water by the Embu Municipal Council. He has said that the area is supplied with water by the National Water Conservation and Pipeline Corporation. This is not true. Our water is paid for at the Embu Municipality which in turn gets water from the Pipeline Corporation. It is the Embu Municipality that charges for that water and they hike rates every now and then. When will that habit end because you have committed yourself that there are no services that are rendered to the people who live mainly in Mbeti North?

**Dr. Wameyo:** Mr. Deputy Speaker, Sir, the question is directed to the Minister and I am his Assistant Minister. The answer I have given is the answer the Minister would have given. Embu Municipality collects water rates from the residents and, it has to pay the same amount of money to the Pipeline Corporation.

**Mr. P.N. Ndwigwa:** Mr. Deputy Speaker, Sir, I am surprised that the Assistant Minister says that these areas of Dallas, Majengo, Blue Valley, Kawi, Kangaru and Gatunduri will be supplied with street lights when funds are available. The Assistant Minister must be aware that recently, there has been a lot of insecurity in these areas. In the last six months, five people have been killed in Dallas and Majengo alone. Within that same period, residents of these areas had to be indoors by 6.30 p.m. and this issue is perfectly well known to the Minister. Could the Assistant Minister tell us how soon he is going to get these funds or how many people do they want murdered in these areas so that they can wake up and come up with the funds?

**Dr. Wameyo:** Mr. Deputy Speaker, Sir, my Ministry does not deal with security, but as I said, electricity will be provided when money is available.

**Mr. Nyagah:** Mr. Deputy Speaker, Sir, this is a very interesting Government. The Assistant Minister says that water bills have not been paid to the Pipeline Corporation. We have had persistent disconnections of our water when the Council does not pay its bills. As of last week, on Wednesday, there was water running in my tap. How can he claim that the Municipality has not paid water rates to the Pipeline Corporation? Besides that, can the Assistant Minister name the Boundary Commission Members who were responsible for the creation of Mbeti North, and can they include it in the Municipality because one of the predecessors, who ought to have been in that Commission did not testify in that Commission at all?

**Dr. Wameyo:** Mr. Deputy Speaker, Sir, I do not have the names of the members of that Commission of 1990, but I can bring those names here this afternoon.

*Question No.947*

SETTLEMENT OF SQUATTERS IN KIPIPIRI

**Mr. Deputy Speaker:** Mr. Githiomi not here? We will leave this Question until the end. Question No.852!

*Question No.852*

EWASO NYIRO NORTH DEVELOPMENT  
AUTHORITY PROJECTS IN KIENI

**Mr. Deputy Speaker:** Mr. Kairu too is not here? We will leave that Question until the end. Question No.964!

*Question No.964*

TARMACKING OF MUTUNDURI-KIANJOKOMA ROAD

**Mr. P.N. Ndwigwa** asked the Minister for Public Works and Housing:-

- (a) whether he is aware that work to tarmac Mutunduri-Kianjokoma Road has been stopped;
- (b) how much money has been allocated for this project and how much has been spent to date; and,
- (c) when the project will be completed.

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

(a) The Mutunduri-Kianjokoma Road was being gravelled and not being tarmacked. Therefore, the stoppage of tarmacking operations on this road does not arise.

(b) During the 1995/96 Financial Year, a six kilometre section between Mutunduri and Manyatta was gravelled at a cost of Kshs5 million while an additional Kshs5 million has been allocated to the project this Financial Year, part of which has already been issued to the district. The other half will be issued in the next half of the current Financial Year.

(c) Graveling of the Mutunduri-Kianjokoma Road is expected to be completed in 1997/98 Financial Year.

**Mr. P.N. Ndwiga:** Mr. Deputy Speaker, Sir, Mutunduri-Kianjokoma Road has been in the Budget Vote for as long as this House has been in existence. This road leads to Mungania/Kianjokoma Tea Factory which is the only factory in this country that produces the highest quality of tea in the world. The Assistant Minister has said that graveling was done up to Manyatta, that was after the "Government" came to Embu looking for defectors and promising that this road would be tarmacked up to Manyatta. The works to tarmac the road actually started.

**Mr. Deputy Speaker:** What is your question? You do not have to give a story and then you complain that we are not giving you enough time to ask your Question.

**Mr. P.N. Ndwiga:** The Assistant Minister says that there was no plan to tarmac the road but I am saying that the tarmacking of the road started. We were told by the Provincial Works Office in Embu that they had even bought bitumen and other things. They were only waiting for this money so that they could complete the work. Could the Assistant Minister now tell us what happened to the bitumen and the tar which was bought last year? Are they going to tarmac the road if that material was bought?

**Mr. Mwamzandi:** Mr. Deputy Speaker, Sir, there has not been any bitumen or tar which was bought for tarmacking this road. The question of tarmacking this road now does not arise because we do not have funds for that work.

*Question No.887*

TARMACKING OF MIGORI TOWN AND  
MUHURU BAY ROAD

**Mr. Ojode**, on behalf of **Mr. Achola**, asked the Minister for Public Works and Housing when the main road connecting Migori Town and Muhuru Bay (C13) will be tarmacked.

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

The Ministry is planning to rehabilitate the road connecting Migori Town and Muhuru Bay and instal culverts during this Financial Year and, thereafter, keep the road regularly maintained to ensure proper communication. However, there are no immediate plans for its tarmacking due to lack of funds.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, this is not the first time this Question has been asked. The Assistant Minister is aware that planning cannot take five good years for this road to be rehabilitated.

The Government is losing over Kshs4 million annually because of this road. When the "Government" visited Migori district, he promised that this road will be tarmacked with immediate effect. If the Assistant Minister is not aware, could he investigate from the "Government" and then give us an adequate answer? The "Government" has already declared that this road will be tarmacked with immediate effect.

**Mr. Mwamzandi:** Mr. Deputy Speaker, Sir, there is nothing to investigate about this road now. What we are doing is that my Ministry has plans to rehabilitate this road in this Financial Year. So far---

**Mr. Ojode:** On a point of order, Mr. Deputy Speaker, Sir. If the Assistant Minister knew very well that he did not have enough money, why did he not stand up before the "Government" and tell him that he is promising to tarmac this road and yet the Ministry has no funds? He should have told the "Government" to give him the funds. Who should we rely on? Is it the "Government" or the Assistant Minister? Who should we rely on, Mr. Deputy Speaker, Sir?

**Mr. Mwamzandi:** Mr. Deputy Speaker, Sir, what we are doing now is to rehabilitate the road so that vehicles can go through. But there are no plans to tarmac this road.

**Mr. Ojode:** On a point of order, Mr. Deputy Speaker, Sir. I want the Assistant Minister---

**Mr. Deputy Speaker:** Order, hon. Ojode! The Chair has not given you the Floor. I give the Floor to hon. Raila.

**Mr. Raila:** Thank you, Mr. Deputy Speaker, Sir. As the hon. Member has rightly said, this is a very important road leading to Muhuru Bay. There are several trucks which go to Muhuru Bay to collect fish. That is the reason why the hon. Member is saying that the Government is losing over Kshs4 million annually because of none-tarmacking of this particular road.

When the "Government" went to Migori very recently, a categorical statement was made, that this road was going to be tarmacked within this Financial Year. The question, therefore, is: Which is which? Are Kenyans entitled to take the "Government's" announcements seriously, or are they to be seen as mere political statements for vote-catching?

**Mr. Mwamzandi:** Mr. Deputy Speaker, Sir, first of all, the Opposition Members of Parliament are say, when the "Government" went there. The Government is all over the Republic of Kenya. So, there is no question of the "Government" having gone there.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, I have a supplementary question. I did not ask for a point of order. And since you were looking at me---

**Mr. Mulusya:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to claim that the Government is everywhere in the country? We have only one Government and that is the "Government" in one.

**Mr. Deputy Speaker:** Order! Order! Order, hon. Mulusya! Hon. Mulusya, that for sure is a frivolous point of order! I will not tolerate it in future when we are so pressed for time, and you waste it. Hon. Obwocha, ask your supplementary question.

**An hon. Member:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Disallowed! Proceed, hon. Obwocha!

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, could the Assistant Minister---

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

**Mr. Deputy Speaker:** Hon. Raila, your point of order is disallowed! Proceed, hon. Obwocha!

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, for the Assistant Minister to convince this House that the Government does not have any funds to tarmac this road, what are the current estimates of tarmacking this road from Migori Town to Muhuru Bay? How much is it going to cost?

**Mr. Mwamzandi:** Mr. Deputy Speaker, Sir, we had no plans to tarmac this road immediately. So, we did not estimate any cost for this road.

**Mr. Raila:** Point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Hon. Raila, it had better be a point of order and not a supplementary question.

**Mr. Raila:** Mr. Deputy Speaker, Sir, I think we need your guidance here. The reason why we are using the word "Government" is because of the ruling of the Speaker about the use of the word "President". We are, therefore, not talking about an ubiquitous wave that is here and there. We are talking about a very specific individual. But we are prevented by the Speaker's ruling from mentioning that name.

That is the reason why we are saying that when the "Government" went to Migori, he promised that the road will be tarmacked. In line with that clarification, can the Assistant Minister, therefore, come and tell us exactly, which is which? He should tell us whether the "Government's" statement should be taken seriously, or not to be taken seriously?

**Mr. Mwamzandi:** Mr. Deputy Speaker, Sir, when the hon. Members of the Opposition say, when the "Government" went there, we are surprised because the country has always had a Government. The Government is very well represented even in the grassroots, where we have a sub-chief. We have a Government there. But I understand here now, that they mean when the Head of State toured that area. It is understood.

#### *Question No. 946*

#### CULLING OF WILD ANIMALS IN GROUP RANCHES

**Mr. ole Tuya** asked the Minister for Tourism and Wildlife:-

- (a) whether he is aware that wild animals are becoming more than cattle and sheep in group ranches around Maasai Mara and causing overgrazing; and,
- (b) if the answer to "a" above is in the affirmative, whether he could arrange to reduce the number of these wild animals in the group ranches.

**The Assistant Minister for Tourism and Wildlife (Mr. Kisiero):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that wild animals are becoming more than cattle and sheep in group ranches around Maasai Mara and causing overgrazing. Wildlife in Maasai Mara increases and decreases in numbers due to their migratory nature which is caused by scarcity or abundance of food and water.

(b) The Minister has, therefore, no plans of reducing the number of wild animals in the group ranches in the Maasai Mara Game Reserve.

**Mr. ole Tuya:** Mr. Deputy Speaker, Sir, I am very surprised to hear the Assistant Minister saying that he is not aware that these animals are becoming very many. I think it is easy for him to know. It is just a matter of fearing to say yes or he does not want to say yes. The Assistant Minister should check on this and make plans to reduce this number of animals to a manageable number and charge a fee from the group ranchers so that the animals can be reduced to a manageable number. This is because they are very many. Will you make those plans and check that? I am sure that you are aware of that and you are refusing to say so.

**Mr. Kisiero:** Mr. Deputy Speaker, Sir, it is quite normal for wildlife in that area to move in and out of Maasai Mara in large numbers because that area is a corridor between Serengeti National Park in Tanzania and Maasai Mara Game Reserve. So, the number decreases and increases depending on the season and whether the animals are moving from one side to the other side; otherwise, there are not many constantly. The number keeps on going up and down.

**Mr. Leshore:** Mr. Deputy Speaker, Sir, it is a fact that the number of wild animals in Maasai Mara is increasing. I was there three months ago and I saw very many wildebeests and zebras. Could the Assistant Minister consider giving special licences to the Maasai Mara group ranchers to cull the excessive wild animals in the group ranches?

**Mr. Kisiero:** Mr. Deputy Speaker, Sir, KWS will always consider applications favourably if the people concerned apply to cull some of the wild animals in their areas.

**Mr. Kamuyu:** Mr. Deputy Speaker, Sir, what is the Assistant Minister's comment on the fact that more than 10,000 Maasai cattle have moved to Nairobi and have overgrazed, and brought a lot of diseases everywhere in this City, because of this complication of the wild animals and cattle which is moving from Narok and Kajiado? Now, we have got manyattas here in Nairobi. What is the Assistant Minister's comment on this matter?

**Mr. Kisiero:** Mr. Deputy Speaker, Sir---

**Hon. Members:** Hon. ole Ntimama!

*(Laughter)*

**Mr. Deputy Speaker:** Order! Order! Mr. Assistant Minister, do you want to respond to the remarks made by the hon. Kamuyu?

**Mr. Kisiero:** Mr. Deputy Speaker, Sir, I am sure that the hon. Member is talking about the cattle that keep on coming to the City. My Ministry has nothing to do with the cattle!

**Mr. Deputy Speaker:** Order! Order! Well, the Chair is not supposed to answer questions. I wish I was not on the Chair, perhaps, I could have answered.

**Prof. Ouma:** Mr. Deputy Speaker, Sir, the answer given by the Assistant Minister begs many questions. The future of the national heritage called wildlife depends on the management of that Ministry. Can the Assistant Minister tell the House whether they have got any systematic policy and strategy or periodic census of these wildlife animals, and to know the balance between the numbers of the wildlife and the domesticated animals? If so, how periodic is it? Do they have a systematic management strategy or periodic census, and to know the balance between the wildlife and the domesticated livestock, and if the census exists, how often do they carry it out?

**Mr. Kisiero:** Mr. Deputy Speaker, Sir, there is nothing abnormal happening in Maasai Mara.

**Prof. Ouma:** On a point of order, Mr. Deputy Speaker, Sir. When we ask questions, we have this nation's interest at heart and when we talk of the resources of this nation, they do not belong to the Government or the Opposition. When the Assistant Minister speaks out, let him answer the question for the sake of Kenyans. Systematic management means that we must know how many wildlife animals we have and whether they are either too many or too few. I am asking: Do they have a strategy of census, and if so, how often do they do the census?

**Mr. Kisiero:** Mr. Deputy Speaker, Sir, we know that the number of wildlife in those areas are those that we have known for a long time. In other words, I am saying that there is nothing abnormal. The numbers of these animals have always been the same, and when there is need to cull, we do the culling.

**Mr. Deputy Speaker:** Hon. Shidie's Question for the second time.

## ASSISTANCE TO DROUGHT-STRICKEN DISTRICTS

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

- (a) in view of the prevailing drought and famine in Northern Districts, what urgent remedial measures he is taking to ensure that no lives are lost; and,
- (b) since drought has become a perennial problem, what urgent steps he was taking under the Social Dimensions Programme to improve the social economic status of the people in the area.

**The Assistant Minister of State (Mr. Manga):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Government is currently providing famine relief maize to the drought victims of the northern districts so as to ensure that no lives are lost.

(b) Further, the Government is also in the process of commissioning the Arid Lands Resource Management Project in the same arid northern districts to succeed the Emergency Drought Recovery Programme. The Government has also launched the Drought Preparedness, Intervention and Recovery Project so as to improve the social economical status of the people of the area. All these programmes are part and parcel of the Social Dimensions of Development Programme. In addition, the line Ministries are implementing the identified social dimensions of development projects such as bursary funds, text books, provision of drugs and so on under their respective mandates.

**Mr. Shidie:** Mr. Deputy Speaker, Sir, we are in a grave situation, and thousands of lives of the Northern Region are at stake right now. For the last three years, we have not had any rains, and our domestic animals were wiped out *en masse*, and today, if you go there, what remains are skeletons of human beings who are waiting to die. Could the Assistant Minister tell this House the number of people who have died as a result of hunger? Two, in view of this, could the Assistant Minister declare that area a national disaster zone, because so many peoples' lives are at stake?

**Mr. Manga:** Mr. Deputy Speaker, Sir, I would not be able to tell the House how many people have died so far due to the drought, but the Government has put an effort to supply relief food to these areas on a monthly basis.

**Mr. Farah:** Mr. Deputy Speaker, Sir, in view of the answer given by the Assistant Minister, and knowing very well that hon. MPs from the region both from the Opposition and the Government including Cabinet Ministers, have even participated in the burial ceremonies of people who have starved to death, and that for the last four months, his Ministry has only taken 7,500 bags of maize to Garissa, and that one is even sold by the Provincial Administration and some District Officers are in court now, can the Assistant Minister tell the House what immediate emergency steps he is going to take today so that we can go out and save lives there or tell us if the lives of those people are like wildlife? Is it better to translocate Hirola to save it and not save the human beings there?

**Mr. Manga:** Mr. Deputy Speaker, Sir, the emergency steps that the Government is taking is to supply relief food there.

**Mr. Falana:** Mr. Deputy Speaker, Sir, it is very embarrassing when the Assistant Minister says that he does not know how many people have died of famine. But, at least, he does not refute the fact that no one has died, and he accepts that he does not know how many have died so far. He should know that we know how many people have died and how many are in the pipeline waiting to die. What the Government provides to that famine stricken areas is maize alone which is not consistent. Could the Government consider on top of the relief maize that is being provided, although it is not consistent, to make it consistent? The Government used to provide fish, vegetables, and cooking oils, at least, to keep these people going. When somebody is supplied with famine relief food, it is common knowledge that he or she has nothing to feed on whatsoever, and in that part of the country, even water is a big problem, let alone food. Could the Government, as from this moment, and I concur with the Questioner, declare that area a disaster zone and move in very fast to supply relief food and save the lives of the yet-to-die people? Mr. Manga, tafadhali, sema ukweli.

**Mr. Manga:** The Member of Parliament is a member of the District Relief Committee which plans what to supply and how much to supply. We want to get the information from him and from that committee. If he can influence the committee and the committee comes out with a recommendation, the Government will move in and supply the required--

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

**Mr. Deputy Speaker:** Order! Order! Order Falana! Question 932 for the second time.

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

**Mr. Deputy Speaker:** Order! I will not entertain any more points of order on that supplementary question. I will not. Question 932. We are nearly 30 minutes behind schedule. There are five more questions to be answered. Question 932!

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



**Mr. Deputy Speaker:** I am afraid if you are inviting some kind of heroism on this--- If you want to be sent out you will be sent out. I will not accept any more points of order on this question. Next question.

**Mr. Salat:** On a point of order Mr. Deputy Speaker Sir!

**Mr. Deputy Speaker:** Hon. Salat, I order you to leave the chamber! Please leave!

*(Hon. Salat left the Chamber)*

**Mr. Deputy Speaker:** Mr. Farah Maalim, ask Question 932.

**Mr. Farah:** Mr. Deputy Speaker, Sir, before I ask question No. 932, I beg to apologise for having come late.

*Question No. 932*

QUOTAS IN NATIONAL UNIVERSITIES

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

(a) how many girls from schools in North Eastern Province have qualified to enter the national universities in the last three years; and,

(b) why he has not implemented the Motion passed by the House setting quotas in our national universities for students from remote areas of the country.

**The Minister for Education** (Mr. Kamotho): Mr. Deputy Speaker, Sir I beg to reply.

(a) During the last three years we have only had five girls from the North Eastern Secondary schools qualifying to join our public universities.

(b) I am not aware that there was any Motion passed in this House to have a quota system for admission to public universities. What I can remember is that there was a Motion brought here by hon. Mcharo and it was rejected because that Motion would have been inconsistent or contradictory to the Universities Act which provides for autonomy and academic freedom in deciding whom to admit, whom to teach and what to be taught in our public universities.

**Mr. Farah:** Mr. Deputy Speaker, Sir, in the first place the hon. Minister has misled this House grossly. Not one single girl has been admitted to any of the national universities from the secondary schools in North Eastern Province since 1991. If he has the names, let him give us the names and the schools from which they qualified.

Secondly, it is common knowledge, and I will bring it in front of this august House, that the Motion was moved by me and seconded by hon. Leshore, setting quotas for students from marginal districts like Garissa, Wajir, Mandera, Turkana, Samburu, Tana River and Lamu in our national universities. That was affirmative action through the quota system. Could the Minister answer that question now, give us the girls' names, and from which schools did they qualify from?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, as I said, five girls during the last three years, qualified for entry to national public universities. If they did not join the public universities then it is a different matter because even now we have children who are admitted to join public universities but their parents opt to take them to overseas universities.

**Mr. Farah:** On a point of order Mr. Deputy Speaker, Sir. My point of order is that I maintain that no girl was called to join any of the national universities for the last three years and the hon. Minister is persisting in misleading the House. Could you give us their names, years and schools?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, I do not have their names here but I can provide the names maybe tomorrow.

Secondly, the question was "how many qualified" and not "admitted to public universities" and they are the five. The second part of the answer---

**Mr. Kamuyu:** On a point of order Mr. Deputy Speaker Sir!

**Mr. Deputy Speaker:** I recognise you but let him finish the second part of the answer.

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, the second part of the answer about the quota system is that we cannot have a quota system in our public universities. I am not aware of any Motion which was passed here urging the Government to set quota systems for our public universities. This is because even if a Motion was ever passed, the Act takes precedence; the Acts of Parliament establishing our public universities were passed here. Any law that tends to contradict the Constitution, for example, the Constitution takes precedence.

**Mr. Kamuyu:** On a point of order Mr. Deputy Speaker Sir!

**Prof. Mzee:** On a point of order Mr. Deputy Speaker Sir!

**Mr. Deputy Speaker:** Prof. Mzee, you have no prior right to have your point of order which is to be raised

consequently to take precedence of a prior point of order recognised by the Chair. Is that clear?

**Prof. Mzee:** Yes.

**Mr. Kamuyu:** Mr. Deputy Speaker, Sir, I rise to seek guidance from the Chair. Now that the Minister says that there was no Motion and the hon. Questioner says that indeed there was a Motion and we have records in this House as to whether there was a Motion or no Motion. The hon. Minister does not have the names. Could I have guidance from the Chair as to whether this Question should not be deferred until we are able to get the names and the evidence about the Motion?

**Mr. Deputy Speaker:** The Question will not be deferred because I think the Minister has partly answered it.

He has also given an undertaking that he will table the list tomorrow. Obviously, as and if that happens we may have to allow one attempt to elicit further clarification, if the hon. Questioner will want to do that. Regarding the Motion, it seems that it was passed, but the gist of what the Minister is saying is that the Act takes precedence. This means that hon. Farah and sympathizers, and I must say that I am included among the sympathizers, may have to bring an amendment to the Act. I think that it is affirmative action that he was asking for, and the House approved of it. But the Minister is saying that the law does not allow it.

**Prof. Mzee:** Mr. Deputy Speaker, Sir, this Minister is misleading the House. The Education Act and the various University Acts do not mention anything about the mode of admission or quotas. Therefore, this Minister is misleading the House by hiding behind whatever Acts he has in mind. We can do whatever we want when we think it is necessary so to act. There has been a Motion in this House, and we want an affirmative action on the gender issue, which is a very serious thing in this country. Affirmative action is taken all over the world to correct imbalances. We have serious imbalances in respect of educational opportunities. Is the Minister in order to hide behind non-existent laws so as to cover up what should be done?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, I need to be given evidence to show that a Motion to establish a quota system in public universities was passed by this House. According to our records in the Ministry, we are only aware of a Motion which was brought here by hon. Mcharo, but which was defeated in this House. We are not aware of any other Motion that sought to establish a quota system of admission into universities.

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

**Mr. Deputy Speaker:** Order! Mr. Farah, you can just get what you want from the HANSARD.

**Mr. Kamotho:** I would also like to respond clearly to Prof. Mzee. It is very clear that universities have their own academic freedom. This freedom means that universities should be left alone to decide who to admit and the contents to teach. They should not be interfered with. If we were to set a quota system in our public universities then we would deny the universities their freedom, which is universally enjoyed by universities.

**Mr. Farah:** On a point of order, Mr. Deputy Speaker, Sir. I am rising to seek your guidance. In the first place, the Minister is telling us that there is a body which is more supreme than this House, and that this House cannot pass any Motion regarding the conduct of affairs in our public institutions. I am also seeking your guidance on the point that the Minister does not know what is happening in this House regarding his Ministry. He does not know about the Motion that was passed here and the number of students who qualified for university admission and where they were admitted. In the event that we prove this matter here, what will the Chair or the President do to this Minister? Will the President sack him or will he resign in disgrace? He is not worth holding an office!

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, I do not think it is necessary to respond to a reactionary statement from hon. Farah. If he has any evidence about a Motion which was passed, he should have tabled the Motion and the HANSARD here this morning to prove that such a Motion was passed here.

**Mr. Deputy Speaker:** Mr. Gitau's Question for the second time.

*Question No. 915*

CONSTRUCTION OF KARATU AND  
KAIRI HEALTH CENTRES

**Mr. Gitau** asked the Minister for Health:-

- (a) whether he is aware that the construction work for the Karatu and Kairi Health Centres stalled four years ago; and,
- (b) if the answer to (a) above is in the affirmative, what plans he has to complete these projects.

**Mr. Deputy Speaker:** Mr. Gitau, the usual courtesy has to be respected.

**Mr. Gitau:** Mr. Deputy Speaker, Sir, for the sake of the House, I beg to apologise for coming late.

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

(a) Yes, I am aware that the construction work on the two health centres stalled four years ago.

(b) The construction work had started in 1986, but stopped in 1989. My Ministry has just allocated Kshs13.6 million to the health centres and the contractor is already on site. So, the work is progressing well. The Medical Officer of Health, Thika District, has been requested to submit the project to the District Development Committee, so that it can be included in the planning at the district level. If it is a priority project, it should be included in the public investment programme, and consequently in the forward Budget for funding by the Government.

**Mr. Gitau:** Mr. Speaker, the answer to this Question raises very many questions. This project was abandoned in 1989 for non-payment to the original contractor, who had constructed the buildings to a very advanced stage. Up to now this contractor has not been paid. The contract to complete the buildings at Karatu has been given to a contractor of Asian origin. The question is: Of the Kshs13.6 million allocated to the project, how much is due to M/s Njama Ltd, a contractor of African origin who had actually built these health centres? Two, how was this contract awarded to this Asian contractor to complete the on-going work? The Assistant Minister said that patients were discouraged from going to Kairi Health Centre, but construction of the health was not yet complete! I am yet to hear of patients in Kenya who fail to attend a functioning health centre. What he has said in this House is absolutely untrue. Can we be told when construction of Kairi Health Centre will be completed and when M/s Njama Ltd will be paid their money? The Government failed to pay them their money and then gave the contract to another contractor.

**Mr. Mutiso:** Mr. Deputy Speaker, Sir, the hon. Member has raised several points which actually were not in his original Question. But I would like to tell him that the Ministry has already allocated this money for the completion of the health centres. If there are any complications regarding what he has termed as difference in payment to Asian and African contractors, the matter will be investigated further. As far as I know, the work is progressing well, and sooner or later it will be complete.

**Mr. Kamuyu:** Mr. Deputy Speaker, Sir, can the Assistant Minister tell us the circumstances leading to the cancellation of the contract by Njama(?), the current contractor and the precise date when this place is likely to be opened for operation to the public.

**Mr. Mutiso:** Mr. Deputy Speaker, Sir, the information I have is that the work is in progress and very soon, because the money is there, the contractor is on the site and they are doing the work well. I cannot estimate how soon they are going to complete the work. But, regarding the difference of those contractors he is raising, I do not have that information with me because it was not included in the original Question.

**Mr. Gitau:** On a point of order, Mr. Deputy Speaker, Sir. This Assistant Minister is [**Mr. Gitau**] misleading the House. He has answered very clearly that Kshs13.6 million has been set aside for this contract. Any contract must have a completion date. This is a very, very important project because the Government of President Moi was there to inspect the construction for political reasons and he wants to open that health centre before the next elections. Can you tell us when it will be completed?

**Mr. Mutiso:** Mr. Deputy Speaker, Sir, in fact, the hon. Member is helping me. He knows the date for completion of the health centre, if, as he says, the Government was there and plans to have the health centre opened before the next elections, then, very soon it will be operational.

**Mr. Deputy Speaker:** Next Question, Prof. Anyang'-Nyong'o!

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I would like to apologise for coming late and I hope you accept my apology.

#### *Question No.921*

#### CURRENT STATUS OF MASENO HOSPITAL

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Health:-

- (a) the current status of Maseno Hospital with regard to the three Dioceses that run it;
- (b) how frequently the Hospital Board meets and how effective it is in running the hospital; and,
- (c) what steps he has taken to ensure that the training programme for nurses admits students fairly, is efficiently run and meets the interests of the people in Nyanza and Western Provinces.

**The Assistant Minister for Health (Mr. Mutiso):** Mr. Deputy Speaker, Sir, I beg to give the following reply.

Maseno Mission Hospital was established long ago, as far as 1905 by the Church of the Province of Kenya (CPK). It has since been managed by the three CPK Dioceses until June, 1995. The hospital ran into serious managerial problems and this compelled my Ministry to appoint an interim management committee with effect from July 1995, which has been managing the hospital to date. However, in the interim committee meeting held on 23rd,

April, 1996, it was resolved that the Bishop of Maseno North should be given a chance to constitute the new management board.

The Committee managing the hospital meets once a month to deliberate on policy issues and the administration of the hospital. The Maseno Mission Hospital School of Nursing was closed down in July, 1991 by the Nursing Council of Kenya because of lack of trainers and poor scheme of service for tutorial staff among others. When the school opens, subject to fulfilling the requirements of the Council, my Ministry will issue stern instructions to admit students on merit and ensure fair selection and work-to-work, meeting the criteria set for the training programme.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, following the reply that the Assistant Minister has given me, I would like to provide some information to the Minister before I ask my supplementary question, because this is a very important hospital. You realise that, this hospital was established in 1905, it is in Maseno where there are at least three major educational centres and it has a potential of becoming a university hospital. Therefore, this is something that the Ministry should take very seriously.

Mr. Deputy Speaker, Sir, it is not that the hospital ran into a serious managerial problem. It is because the hospital did not have a proper constitution to run it after more than 80 years in existence. Secondly, the hospital is run by the three Dioceses. The Dioceses of Maseno North, the Diocese of Maseno South and the Diocese of Maseno West. The three Bishops are equals among peers and hence, they should have equal say in running the hospital. The constitution that was proposed, therefore, took this into consideration and should have been implemented. The membership of the Board should also include the Chairmen of the County Councils that are affected, plus the MPs of the area. The hon. Sheldon Muchilwa and I are in agreement in this, but in spite of that, the management Board, so-called, has not found it necessary to call us to deliberate with them on the future of the hospital.

Mr. Deputy Speaker, Sir, this hospital is also very important in the training of nurses. The Ministry is, therefore, out of order---

**Mr. Deputy Speaker:** What is your question, Prof. Anyang'-Nyong'o?

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, my supplementary question is: Given the fact that the Ministry is interested in reviving the hospital, could the Ministry make arrangements for the Board to meet soon, in which the three Bishops, the MPs for the area and Chairmen of the County Councils of the affected Districts within the three Dioceses can meet and make a sensible input into the future of the hospital?

**Dr. Kituyi:** Does he understand?

**Mr. Mutiso:** Mr. Deputy Speaker, Sir, I have been keenly following what the hon. Member was saying, in spite of the insinuations by hon. Kituyi. The point he raised concerning the Ministry calling or intervening to the extent of asking the three Bishops to institute the management committee which will embrace the Councillors, MPs of the area and all other important people in the area, I think is a very valid point because any institution that is worth its name must take into consideration the local leaders' views because they represent the people in the area. Since we have given the Diocese the chance to constitute a new managerial committee, I think, the Ministry will ensure that these views are embraced in the new constitution of the new committee.

**Mr. Deputy Speaker:** Question No.947, for the second time!

**Mr. Mbui:** Mr. Deputy Speaker, Sir, I apologise for coming late.

*Question No.947*

SETTLEMENT OF SQUATTERS IN KIPIPIRI

**Mr. Mbui**, on behalf of **Mr. Githiomi**, asked the Minister for Lands and Settlement:-

- (a) in view of the fact that the residents of Kipipiri who were allocated plots in various villages, that is, Milangine, Miharati, Mawingo, Wanjohi, OIKalou and Tumaini paid survey fees and have been paying rates since the plots were allocated to them in 1992, if he can undertake to have the plots surveyed and the allottees settled in their respective plots; and,
- (b) what plans he has to settle the squatters who still reside in villages in Kipipiri Constituency.

**The Minister for Lands and Settlement** (Gen. Mulinge): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that residents of Kipipiri were allocated plots in various villages, that is, Milangine, Miharati, Mawingo, Wanjohi, Ol-Kalou and Tumaini, to which they have paid survey fee and have been paying rates since 1992. To date, 882 plots have been surveyed in the villages mentioned above in Kipipiri Constituency. Efforts are being made to survey the remaining plots in the course of the financial year.

- (b) There are no squatters in Kipipiri Constituency. However, there are people living in small plots which

were allocated to them.

**Mr. Mbui:** Mr. Deputy Speaker, Sir, arising from that answer from the hon. Minister, first, may I say that the answer to part (b) is erroneous because there are squatters all over Nyandarua and all over the country. The squatter problem is a very sensitive issue both in Nyandarua and this country. To be given any plot in this country, even if it is surveyed, you have to get a legal document which indicates that, that plot belongs to you. Most of the people who were given these plots do not have these papers to show that the plots belong to them. In view of this, much as he says he has surveyed 882 plots, could he tell this House, the time frame he has within which he is going to give our people these papers so that they have a sense of owning these plots? Right now we imagine that the Minister is dilly-dallying, waiting for 1997 elections so that he can come and give us the papers during elections so that our people can vote for KANU. Could he confirm or deny this?

**Gen. Mulinge:** Mr. Deputy Speaker, Sir, the money is available to complete the surveys for the remaining plots. The letter will be issued after the completion of the survey, this year.

**Mr. Deputy Speaker:** The last one, Dr. Kituyi.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, considering the extent to which the squatter problem has grown in this country, given the knowledge of the population dynamics of Kipipiri as a major potential area for having squatters, could the good Minister tell us how his Ministry established that there are no squatters in Kipipiri?

**Gen. Mulinge:** Mr. Deputy Speaker, Sir, I said that there are no squatters in Kipipiri Constituency. I am only aware of people living in villages in small plots. These small plots are allocated to them by the Government and nobody is asking them to move out. They will be settled when the land becomes available.

**Mr. Deputy Speaker:** Next Question.

*Question No. 852*

EWASO NYIRO NORTH DEVELOPMENT  
AUTHORITY PROJECTS IN KIENI

**Mr. Deputy Speaker:** I have received a request from hon. Kairu that his Question be deferred and I direct that the Question be put on the Order Paper at the earliest convenient time.

*(Question deferred)*

Next Order!

**POINT OF ORDER**

DEFERMENT: MOTION ON K.C.C.

**Mr. Kiliku:** Mr. Deputy Speaker, Sir, when the House went on recess, there was a Motion on Kenya Co-operative Creameries, which was moved, seconded, supported and hon. Mulusya was contributing. Today when I saw the Order Paper, I noticed that this Motion which was moved by hon. Kirwa was not there. I do not know what happened. Could the Leader or the Deputy Leader of Government Business, tell this House what happened yesterday? As per yesterday evening, everybody knew that this Motion was coming.

**Mr. Obwocha:** That is why we are here!

**Mr. Kiliku:** Even the Chair had allowed me make an amendment to include the names of the Members of Parliament who would serve in that Committee. Yesterday I was even given the typed list of the names of the hon. Members and I was ready to come and move the amendment today. What happened?

**The Minister for Labour and Manpower Development (Mr. Masinde):** Mr. Deputy Speaker, Sir, I think it is a well known fact that hon. Members discuss matters that are brought to the House as per the Order Paper of the day. I do not, therefore, see why the hon. Member is asking for what is not here.

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

**The Minister for Labour and Manpower Development (Mr. Masinde):** I have not finished.

**Mr. Deputy Speaker:** Order, order! In my view, this is a very simple matter. I think the most elementary rule of democratic conduct of business in any forum is, at least, the right to agree that your opponent has a right to say what he wants to say, however terrible the opinion may appear to you. Let us, at least, allow him to finish, if you have

questions to raise, perhaps--- This is not a question and answer session, but maybe I will allow one or two attempts to seek an elucidation further, but let him finish, he is responding to the point of order. You know our Standing Orders; the rule is that there should be no interruption of a Point of Order or a response to a Point of Order. He is responding to a Point of Order.

**The Minister for Labour and Manpower Development** (Mr. Masinde): Thank you, Mr. Deputy Speaker, Sir. You are right in saying that I had not completed my reply.

What I wanted to say, first is that this House also is aware that the Sessional Committee---

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

**Mr. Deputy Speaker:** He is on a point order. Do you know the rules, Mr. Michuki?

**Mr. Michuki:** Yes, Mr. Deputy Speaker, Sir, I know the rules, but can he speak up so that we can hear him clearly?

**Mr. Deputy Speaker:** Good! Would you speak up, hon. Masinde?

**The Minister for Labour and Manpower Development** (Mr. Masinde): Mr. Deputy Speaker, Sir, I think the hon. Members are also aware that the Sessional Committee has been given the authority by the House to plan and discuss the business of the House. As a result, the Sessional Committee meeting yesterday received reasons why this Motion should be deferred until next week. It has not been erased, but just deferred.

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

**Mr. Deputy Speaker:** Order! I will allow only one point of order on this from Mr. Kirwa!

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, it is common courtesy that the Government must have thought of removing this particular Motion from the Order Paper for reasons best known to the Government. Yesterday up to around six o'clock, I was around and I never got any communication from the Office of the Clerk or the Leader of Government Business to the effect that this Motion was going to be removed. The reasons that have been given by the Deputy Leader of Government Business are not valid in the sense that, my Motion came under the Ministry of Co-operative Development and, yet, it seems to indicate that there are other reasons to have removed my Motion from the Order Paper other than sinister.

Through the Chair, I want to get clarification whether it is in order for the Sessional Committee, to use that privilege that they are supposed to set business for this House, to take that opportunity to misbehave and remove Motions without consulting with the hon. Members who brought the Motions to the House.

*(Applause)*

**The Minister for Labour and Manpower Development** (Mr. Masinde): I would like the House to appreciate that the Sessional Committee is composed of many representatives from most of the political parties represented here and, as a result, it is operating under the set up procedure of this House. I want to state here that there is no evil motive at all because, the Sessional Committee must have been satisfied with the reasons that were given to have this Motion postponed until next week.

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

**Mr. Deputy Speaker:** Order! Order, Mr. Kirwa! I am on my feet hon. Members. Mr. Michuki, I am on my feet, and I have called for order.

**Mr. Kirwa:** This is our milk, and there is nothing to prevent us---

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

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

**Hon. Members:** KCC! KCC!

**Mr. Deputy Speaker:** Order, Mr. Orengo! Order! Well, if you want to shout "KCC" or anything else, you are of course, mature Members, you can do what you want. But I want to say that, I am not a member of the Sessional Committee. The House proceeds on the basis of business on the Order Paper. As soon as I got on the Chair, the Hon. Kiliku did come to see me and said, "Mr. Deputy Speaker, there is a Motion which had been moved, seconded and the debate had started. That Motion should have come first, and it is not on the Order Paper; I understand it has been removed" I could not understand it. He said that he wanted to raise a point of order on it. On further consultation, I learned that it was a decision of the Sessional Committee to defer the matter because they felt that they needed to do certain consultations, given certain facts including the fact that the show is opening today.

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

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

**Mr. Deputy Speaker:** Order, Dr. Kituyi! All I could tell Mr. Kiliku was, very good, that I would give him the opportunity to raise the point of order if the Leader of Government Business or his Deputy was here, since the Leader of Government Business is the Chairman of the Sessional Committee, he could explain the position. Subsequently, a few Members did come to me, including the Official Chief Whip of the Official Opposition, Dr. Kituyi, who said that he had been mandated from both sides of the House, particularly, from the Opposition side to make queries, as to why this Motion is not there and he was seeking my indulgence to raise the point of order and request the Chair to give the Chairman of the Sessional Committee or his Deputy an opportunity to explain the position. I told him that I had already promised to hon. Kiliku, and I thought hon. Kiliku felt very satisfied. Now, hon. Members, I can only guarantee you one thing that, if the Motion had been brought to the House, it is the property of this House.

*(Several Members stood up in their places)*

Order! The House proceeds on the basis of its business. It is not on the Order Paper today, but I do not see how short of an agreement between the two Leaders from the two sides of the House, it could be withdrawn. I am sure if your query is to raise a point of clarification, you can definitely get it from the individual Members of the Committee who represent your parties.

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

**Mr. Deputy Speaker:** Order! I am on my feet. You will do it from your--- I am afraid, we are not debating that Motion today because it is not on the Order Paper.

**Prof. Mzee:** We cannot allow it!

**Mr. Deputy Speaker:** Order, Prof. Mzee!

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

**Mr. Deputy Speaker:** Order, Mr. Orengo! I am sure you will get all the opportunity to do all you want to do, in accordance with the procedures which is--- There is no provision in our Standing Orders under which the Chair can set aside the Order Paper as it is today, to allow you to debate that Motion. I am sorry about that. So, we go on with the next business.

Next Order.

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

Order! This is a House made of two sides which are represented in the Sessional Committee. When the Leader of Government Business or his Deputy---

**Mr. Orengo:** Let us vote!

**Mr. Deputy Speaker:** Order, Orengo! When the Leader of Government Business stands to air his arguments, I will take it that he represents--- Why do you not hear me out however, much you disagree with my views?

I will make special recognition of any right on Members to insist to speak after the Chair has made the ruling, but having had consultation with the Chief Whip of the Opposition, who is a member of that Sessional Committee, I will allow him, and him alone, to take the Floor and that will be the end of this matter.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, I have no right to accept that the condition for my speaking is that other people cannot exercise their right to speak.

Having said that, I think it is very disappointing for the Leader of Government Business, given an opportunity to repeat what Government argued in the Sessional Committee, to totally refuse to give the reasons to the whole House.

This House is entitled to an account of what your side said in the Sessional Committee as to the reasons why they wanted to remove the Motion on KCC from the Order Paper. First, it is dishonest that the Government told the Mover of the Motion that they were "killing" this Motion and then, come to the Sessional Committee, and they are arguing that they are postponing the Motion for one week. And the reasons that were given, which were never satisfactory, were the following:-

(i) The Leader of Government Business said that because the matter of the KCC was before a court, it should not be discussed by Parliament. I am not saying it is a correct argument. I am saying it was said, but it was taken down by another argument that the matter before the court had nothing to do with the Select Committee and since this matter came to the House before it went to court, the Legislature could not cede ground to the Judiciary.

(ii) The second reason which was given was that because of the exemption of KCC from the Co-operative

Act, there was necessary consultation between the Minister for Agriculture, Livestock Development and Marketing and the Minister for Co-operative Development as to which Ministry should take responsibility in replying to this Motion. When asked why they have not done that over the past two months, the only answer elicited was that if they have stayed two months, they can stay another week.

So, can the Minister be forthright and tell the House clearly what more overriding reasons they had other than those two that they gave in the Sessional Committee later, insisting on postponing the matter, instead of insulting the intelligence and dignity of this House?

*(Loud consultations)*

**Mr. Deputy Speaker:** Would you like to respond to it?

**The Minister for Labour and Manpower Development** (Mr. Masinde): Mr. Deputy Speaker, Sir, there are no sinister feelings about this Motion. I think we have heard enough from the representative on your side and the situation is not different from what I had explained earlier on.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Order! I think this is very fair. The manner in which I am conducting this matter could not be fairer, let us face it hon. Members. This is obviously a very sensitive matter, which touches the hearts of millions in this country. But however sensitive the matter is, the first rule of conduct of our Business is that, at least, we follow our own rules. This matter was decided not by the Chair; I did not attend the Sessional Committee; I do not know who attends it, unless, the Speaker is away, where the Speaker sits purely in attendance to observe. I am surprised we are having all this because I understood from those consultations on the Chair, prior to us finishing Question Time that the decision of the Sessional Committee was debated, and the matter, therefore, is being deferred. The reason why I allowed hon. Kiliku to raise the matter is because the matter is sensitive and the vast majority do not attend the Sessional Committee. I decided to give the hon. Member a chance to raise the matter so that it can be explained in the public that there is no sinister reason, and I hope there is no sinister reason, to kill the Motion and for this to be declared in public that the Motion is deferred for one week for the following reasons. Whether the Minister is eloquent enough to give those reasons as satisfactorily as Dr. Kituyi put it or not, it is not really the business of the Chair. All that I am asking, therefore, is that we end the matter there and continue with the rest of the business.

Next Order!

## MOTIONS

### PRIVATISATION OF CITY COUNCIL HOUSES

THAT, considering that the Nairobi City Council has not repaired its houses in various estates for the last 15 years and in view of the fact that the council has not put new estates for a considerable number of years, this House urges the Government to consider privatising all the city council houses and that those currently residing in these houses be given priority and further that the proceeds from the sale be utilised to put up new houses.

*(Loud consultations)*

Order! Order! As far as I am concerned, we have moved to the next Order, and I have the following to say.

Hon. Ruhui is not here, but I did get communication from him that for reasons which the Chair finds valid, if he is not here in time, then we should allow him to have his Motion deferred and proceed on to the next business. I, therefore, direct that the Motion of hon. Ruhui be deferred, and we move to the next Order on the Order Paper.

*(Motion deferred)*

### AMENDMENT OF THE CO-OPERATIVE SOCIETIES ACT

THAT, in view of the importance of the co-operative movement in Kenya and considering the influence the movement gets from the Administration, this House urges the Government to amend the Co-operative Societies Act, Cap. 490 of the Laws of Kenya, to give members more say in decision making.



Hon. Karengi, do you want to move your Motion?

*(Loud consultations)*

Order! Hon. Karengi indicates he is not ready for this Motion. His Motion is deferred and we move on to the next Motion by Prof. Mzee.

*(Motion deferred)*

#### REVENUE FROM WILDLIFE SERVICES

THAT, since the Kenya Wildlife Service collects large revenue from tourists staying at the Coast Hotels in form of fees for visiting the Marine Park and bed occupancy levy, this House urges the Kenya Wildlife Service to make available 40 per cent of this revenue for improvement of education and vocational training in the regions of collection

*(Motion deferred)*

Order! Order! Hon. Members, I hope you do not misunderstand me. I think by now we know each other very well, and you can trust me always to follow the letter of the law. Trust me to follow the letter of the law as fairly as humanly possible, and I believe this morning I have done precisely that.

I understand now that Prof. Mzee too is not ready.

*(Loud consultations)*

Order! Let us, at the minimum, hon. Members, have order in the House. I am sure that hon. Orengo, a distinguished lawyer that he is - if he were in my position - would not want to set the precedence of throwing the Order Paper out and substituting it with what he feels should have been on the Order Paper.

**Hon. Members:** KCC! KCC! KCC! KCC!

**Mr. Deputy Speaker:** Order! Order! I request hon. Members to have order! We will move on to the next Motion on the Order Paper.

Hon. Mak'Onyango, move your Motion.

#### REVIEW OF LANDS ACT

BEING aware of the acute shortage of land in our urban centres and the negative effect this has to development; concerned over the indiscriminate manner in which land, public utility land included, has been allocated within these centres in the last five or so years, this House resolves:

- (i) that the Government Lands Act Cap.280 of the Laws of Kenya be immediately reviewed:
- (ii) a Land Commission be established with branches at district level and its membership to include Parliamentary and civic leaders in order to eliminate the current abuse in land allocations.

**Mr. Deputy Speaker:** He is not here!

*(Question deferred)*

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

*(Applause)*

#### ADJOURNMENT

**Mr. Deputy Speaker:** Order! Order! Order, hon. Members! Well, in accordance with our rules of procedure, we have, in a rather very odd way, come to the end of business for the morning. I am therefore left with no option, but to adjourn the House. The House is, adjourned until 2.30 p.m. this afternoon.

The House rose at 10.54 a.m.