

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 8th July, 2004

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

ADOPTION OF PAC SPECIAL REPORT ON PROCUREMENT OF PASSPORT ISSUING EQUIPMENT

Mr. Omingo: Mr. Speaker, Sir, I beg to give Notice of the following Motion:-
THAT, this House adopts the Report of the Public Accounts Committee on special audit report on procurement of passport issuing equipment by the Department of Immigration, Office of the Vice-President and Ministry of Home Affairs, laid on the table of the House on Tuesday, 6th July, 2004.

ORAL ANSWERS TO QUESTIONS

Question No.227

TARDA'S EXPENDITURE ON KUNATI IRRIGATION SCHEME

Mr. Speaker: Is Mr. Munya not here? We will leave his Question until the end.

Mr. Ndile: Bw. Spika, ninaweza kuuliza Swali hili kwa niaba ya Bw. Munya?

Mr. Speaker: Order! I have postponed this Question twice now. I will be lenient on the hon. Member.

Next Question, Mr. Ndambuki!

Question No.489

MEASURES TO SAVE KITHANGATHINI COFFEE SOCIETY FROM COLLAPSE

Mr. Speaker: Mr. Ndambuki is also not here. We will leave his Question until the end.
Next Question, Mr. Sasura!

Question No.381

CHILDREN'S OFFICER FOR
MARSABIT DISTRICT

Mr. Speaker: Mr. Sasura is also not here. Let us leave his Question until the end.
Next Question, Mr. Sang!

Question No.521

COMPLETION OF KIBWASTUIYO
WATER PROJECT

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

- (a) whether he is aware that Kibwastuiyo Water Project, rehabilitated through *El Nino* Program, was abandoned before completion; and,
- (b) when the project will be completed.

The Assistant Minister, Office of the President (Mr. Mungatana): Mr. Speaker, Sir, may I ask for some time. This Question falls under the Special Programmes portfolio and we are expecting that they will come up with an answer.

Mr. Speaker: That is all right. Next Question, Mr. Mbau!

Mr. Moroto: On a point of order, Mr. Speaker, Sir. Yesterday, you deferred my Question together with Mr. Munya's, but it is not appearing on today's Order Paper.

Mr. Speaker: Mr. Moroto, indeed, I recollect that your Question was half answered and I deferred it. Maybe there was some mistake. We do not have it on the Order Paper. I will, therefore, order that it come up on Tuesday, next week. Is that fine with you, Mr. Moroto?

Mr. Moroto: Yes, Mr. Speaker, Sir.

Mr. Speaker: Next Question, Mr. Mbau!

Question No.535

REPAIR OF THIKA-NAIROBI ROAD

Mr. Speaker: Mr. Mbau is not here. We will leave his Question until the end.
Next Question, Mr. Mukiri!

Question No.127

VEHICLE FOR MOLO TOWN COUNCIL

Mr. Mukiri asked the Minister for Local Government when he will provide a vehicle for Molo Town Council.

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

The Ministry does not provide vehicles to local authorities. Councils are supposed to make provisions in their annual budgets for the purchase of vehicles.

Mr. Mukiri: Mr. Speaker, Sir, some councils in this country are very poor and are not able to buy vehicles. The former Minister for Local Government assisted the Kisumu Municipal Council when it had problems with the payment of salaries to its employees. The Chairman of Molo Town

Council does not have a vehicle and he is not able to perform his official functions. Could the Assistant Minister consider assisting Molo Town Council to acquire a vehicle, so that they are able to move around the jurisdiction of the council and to conduct their duties?

Mr. Kamanda: Mr. Speaker, Sir, it is not true that Molo Town Council has no vehicles. It has the following vehicles:- Land Rover KUL 714, which is grounded, but can be repaired. The others are a Civic car KAB 011Q and a truck and trailer, KWE 083, which are operational.

Mr. Abdirahman: Mr. Speaker, Sir, it is a well known fact that millions of shillings are being sent to local authorities through the Local Authorities Transfer Fund (LATF). More money is spent on Local Authorities Service Delivery Plan (LASDP), which is channelled through the councillors and does not reach communities. This Ministry either has misplaced priorities or they are not serious. Could the Assistant Minister consider utilising that money to provide vehicles to local authorities and even exhausters for districts like the one I come from?

Mr. Kamanda: Mr. Speaker Sir, during the Financial Year 2003/2004, Molo Town Council was allocated Kshs13,147,276 for service delivery and capital projects. As the hon. Member has said, the Council also received Kshs1.6 million for purchase of refuse collection vehicles. It is true that local authorities have been given a lot of money, and it is their responsibility to draw up their budgets and present them to the Ministry. Molo Town Council has not presented its budget, including that for purchase of vehicles. If it presents it, the Ministry will approve it.

Mr. Mukiri: Mr. Speaker, Sir, is the Assistant Minister confirming that the Ministry will assist Molo Town Council with a vehicle? I also wish to ask the Assistant Minister to visit the town council. He is saying that vehicle registration No. KAB 011Q is operational, yet it cannot move from point "A" to "B." Is he confirming that the Government is willing to assist us?

Mr. Kamanda: Mr. Speaker, Sir, I am more than willing to visit Molo Town Council. However, as I have said, the Council has money. This year, we have distributed Kshs4 billion to all local authorities. Let the hon. Member go back to the Council and advise it to put a budget in the Estimates and we shall approve it so that it can buy a vehicle.

Question No.532

HARASSMENT OF MOTORISTS BY NCC

Mr. Midiwo asked the Minister for Local Government:-

- (a) whether he is aware that Nairobi City Council motorists are harassed daily by truck owners contracted by the Nairobi City Council to tow away vehicles contravening City by-laws;
- (b) whether he is further aware that the motorists are forced to pay a penalty of Kshs3,500 after the arbitrary towing of their vehicles; and,
- (c) if he could intervene and ensure that motorists who contravene the by-laws pay fines to the court and not to the council askaris.

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

(a) The Minister is not aware of harassment of motorists. The fact is that the Council has been implementing City by-laws on traffic, which give the Council powers of arrest of anyone who double parks, parks on yellow lines, parks on the roads, blocks other motorists or has not paid parking fees.

(b) The payment of Kshs3,500 is a fine by anyone who commits any of the offenses listed under (a) above, which is the approved charge under our current fees and charges.

(c) The fee is not payable to the Council *askaris* but to the Chief Revenue Officer, after the motorist is invoiced.

(d) The Council is already looking for better ways of arresting the by-laws breakers and avoiding using private motorists or private towing trucks to tow vehicles any more.

Mr. Midiwo: Mr. Speaker, Sir, the Assistant Minister is a City MP and I thought that this Question should have been asked by him. He is, however, now in a position to help City residents. The problem of towing people's vehicles arbitrarily in this City is too much. There is a big problem. Could I ask the Assistant Minister to streamline this process so that people can be surcharged? Let the offenders be given charge sheets and taken to court to pay. Some vehicles are even towed while the owners are seated inside them.

Mr. Kamanda: Mr. Speaker, Sir, the Nairobi City Council has already stopped towing vehicles using private vehicles, probably after the hon. Member raised this Question. The Nairobi City Council is also in the process of putting a cashier at City Hall up to 7.00 p.m for the sake of any motorists who may not have paid their parking fees.

Mr. Sirma: Mr. Speaker, Sir, the way the Assistant Minister has answered this Question is not satisfactory. He is a City resident. We have seen private vehicles towing vehicles. These towing trucks are manned by traffic police in conjunction with city *askaris*. Could the Assistant Minister confirm that he is collaborating with those who do towing business?

Mr. Speaker: Order! Are you implying that the Assistant Minister is somehow assisting in breaking the law!

hon. Members: Yes, yes!

Mr. Sirma: Mr. Speaker, Sir, since he is a City MP, we are not sure if he is not in collaboration with those in the towing business. He has given us information that is not true. We have seen breakdowns towing vehicles out of this City. If he has not seen that, then he should explain why.

Mr. Speaker: Order, order, hon. Members! I am not really worried about the facts. I am worried about the rules of the House. No hon. Member is allowed to insinuate improper motive on another. Therefore, can you please withdraw that?

Mr. Sirma: Mr. Speaker, Sir, I have withdrawn that statement.

Mr. Kamanda: Mr. Speaker, Sir, I want to assure the hon. Member that we have stopped the private towing business. Since last month, I do not think that he has seen any towing truck on City roads.

Mr. Likowa: Mr. Speaker, Sir, the reason that has led to vehicles being towed is that we lack enough parking space. What is the City Council doing to ensure that we have enough parking space, so that drivers do not get stranded when they want to park?

Mr. Kamanda: Mr. Speaker, Sir, we have already formed a task force on this problem between the Ministry of Local Government and that of Roads and Public Works. Once its report is out, we shall bring it to this House.

Question No.419

SEALING OF BANDARI WATER BOREHOLE

Mr. Kingi asked the Minister for Water:-

(a) why the Ministry has ordered the sealing of Bandari Water Borehole in Bamba Division, Ganze Constituency, which was drilled and constructed using donor funds; and,

(b) what plans the Ministry has to supply water to this needy community.

The Minister for Water (Ms. Karua): Mr. Speaker, Sir, I beg to reply.

(a) The Bandari borehole was drilled and equipped in 2003 by the community without consultation with the Ministry. In February, a sample of the water taken from this borehole was tested by the Ministry and found to be unfit for human consumption and livestock due to high salinity and hardness. The community has since abandoned the borehole because of the quality of water. My Ministry did not have to order for the borehole to be closed and sealed.

(b) My Ministry has identified water conservation structures such as dams and pans as the most viable water sources in the area, and is using the participatory approach, involving development partners and beneficiaries for identification and prioritisation of water conservation structures. In the last financial year, my Ministry completed the following projects in Ganze Constituency: Mitsadzini water pan, Kwangenja pan, Tsangalawein Viruake Water Project and Kwakaniki (Sayuni) water pan. In the current Financial Year, 2004/2005, my Ministry has earmarked Kshs4 million for rehabilitation of dams and pans in Kilifi District. Part of this allocation will be used to rehabilitate dams and pans in Ganze Constituency as prioritised by the DDC.

Mr. Kingi: Mr. Speaker, Sir, while I want to thank the Minister for the answer she has given and the work that she is doing, I want to point out that there are about 10 boreholes in Bamba and the quality of water is the same in all of them. Some of these boreholes have been there for over 20 years. People and animals have been using the water and there has been no identified problem. Recently, a borehole was constructed. I am surprised the Minister is saying that they did not order that the borehole should be sealed while I have here a copy of a letter from the Divisional Water Officer which says: "In view of the above, it is further, therefore, ordered that the borehole be sealed off completely." Why should this borehole be sealed and yet the rest of the boreholes there have water that has been used by people from time immemorial?

Ms. Karua: Mr. Speaker, Sir, may I ask the hon. Member to table the letter so that we are able to see the rest of the contents? Once the water was found to be unfit for human and livestock consumption, a recommendation was made that the borehole be closed and the community complied. We, therefore, did not have to order its sealing.

Mr. Ndambuki: The poverty index in Ganze constituency is very high. The water in this borehole was not fit for human or livestock consumption. It could have been used for irrigation or for animals. Why did the Minister order for the sealing of the borehole while it could have been used for other activities?

Ms. Karua: May I once again say that we never ordered for the sealing of the borehole. That letter talks of "advice" and the advice was followed. We, therefore, did not have to order the sealing of the borehole. If the water was found to be fit for irrigation, it would have been so suggested. Saline water is not even useful for irrigation.

Mr. Bahari: Mr. Speaker, Sir, in view of the costs involved in drilling this borehole, and the fact that I am made to understand that if that borehole can be pumped for some time, the level of salinity can go down and, therefore, it can be used, could the Minister consider that option?

Ms. Karua: I do not know whether that is an option. If it was, it would be explored and recommended. This is not the first borehole that has been closed for reasons of the water being unfit. You will remember that previously there was an hon. Member complaining of the death of livestock in their constituency due to use of water that was not fit for human and livestock consumption. My Ministry is, therefore, very cautious whenever a situation like this arises. As a Ministry, we will undertake to ensure that there are other sources of water fit for livestock and human consumption in Ganze.

Mr. Kingi: Mr. Speaker, Sir, as I have already said Ganze people require water. Even the

dams that have been constructed by the Ministry are already dry because of the long drought that has persisted in the area. The only solution we have is that pipeline we have always talked about from Silala to Ganze. What plans does the Ministry have to lay this pipeline so that we can harvest water continuously?

Ms. Karua: Mr. Speaker, Sir, the hon. Member has discussed the issue with my Ministry variously and knows that we are doing everything possible to make his request a reality.

Mr. Y. Haji: Mr. Speaker, Sir, we are made to believe that rats are carriers of plague, yet people in Ganze do eat rats. Why can they not also drink this water because they can survive?

Ms. Karua: I have no answer to that, Mr. Speaker, Sir.

Mr. Kingi: Mr. Speaker, Sir, I wish to state that people in Ganze do not eat rats at all. If the Minister has any evidence that Ganze people eat rats, I think she should be able to table it and substantiate her claim.

Mr. Speaker: Order, Mr. Kingi. You are misdirecting your fire. The hon. Member who alleged that your people eat rats is not the Minister. It is Mr. Haji.

Mr. Kingi: Mr. Speaker, Sir, I directed my fire to the Shadow Minister in charge of water, who is also a former PC and he knows Ganze very well. Let him substantiate his claim.

Mr. Speaker: Mr. Haji, I am sure you are not serious on this. Are you?

Mr. Y. Haji: Mr. Speaker, Sir, I am very serious. If the hon. Member is challenging me, let us go together and I will show him people when they are eating rats.

(Laughter)

Mr. Kingi: Mr. Speaker, Sir, I think that the best thing for us to do is to appoint a few Members of Parliament to accompany the hon. Member so that he can show us where people eat rats in Ganze.

Mr. Speaker: Order, hon. Members!

Mr. Kingi: Mr. Speaker, Sir, we should have a select committee to accompany us to Ganze.

(Laughter)

Mr. Speaker: Order! Hon. Members, I think it is asking too much for the House to have a select committee to investigate the eating, or otherwise, of rats. I think I have much more useful purposes for the funds allocated to the National Assembly. Anyhow, I really do not know whether eating rats is illegal, base or all right because I have never had the opportunity to be tempted by the same.

Next Question!

Question No.598

REHABILITATION OF HOMA BAY
MUNICIPALITY SEWERAGE PLANT

Eng. Okundi asked the Minister for Water:-

(a) whether she is aware that the Homa Bay Municipality sewerage plant ceased to function in the early 1990s;

(b) whether she is further aware that raw sewage from the municipality sewerage plant is being discharged directly into Lake Victoria, which is the source of water for

use by the residents of the municipality, and;

(c) what urgent measures she has put in place to ensure that the plant is rehabilitated and commissioned in the next few months to avert outbreak of diseases from the contaminated water supply.

The Minister for Water (Ms. Karua): Mr. Speaker, Sir, I beg to reply.

(a) Homa Bay Municipal sewerage system was constructed in the mid 1960s, and was designed for both mechanical and biological waste treatment systems. The mechanical waste treatment system, comprising of aerators and scrappers failed in 1999, but the biological system has continued to function to date.

(b) The Ministry is aware that Homa Bay sewage treatment works are not functioning at their optimum level since the mechanical treatment system failed in 1999. However, no raw sewage is currently being discharged into Lake Victoria as the sewage undergoes partial treatment as it flows through the oxidation lagoons and waste stabilization ponds. The overall organic load of raw sewage is thus substantially reduced through the ponds before it is finally discharged into the lake. Considering that the recipient of the final effluent is the open lake, any residue organic matter is quickly disbursed and diluted, making its final concentration into the lake be of no danger to the water system.

(c) My Ministry allocated Kshs15 million to undertake rehabilitation works during the last financial year, and this work is ongoing. We have allocated a further Kshs10 million in the current financial year. The cost of this project is estimated at Kshs25 million.

Eng. Okundi: Mr. Speaker, Sir, I wish to thank the Minister for the work her Ministry is undertaking to repair this very bad sewerage system in Homa Bay Town. However, the repairs that have been taking place have been on and off. I guess this, maybe, could be due to the problem of funds. Could I ask the Minister to ensure that this work is done as quickly as possible, now that we have entered the Financial Year, 2004/2005? The truth is: Raw sewerage has been sipping into the lake. This problem was temporarily arrested, but it is posing a major risk to the residents of Homa Bay Town. The answer is too good, but the reality is that the---

Mr. Speaker: It is not debate time, Eng. Okundi! You are taking all the time to ask your question.

Ms. Karua: Mr. Speaker, Sir, as I stated, the rehabilitation works commenced towards the end of the last financial year. There will be no stopping until all the works are completed. The new financial year is here, we have the monies voted on account and all the money required to complete this rehabilitation is now at hand.

Mr. Kajwang: Mr. Speaker, Sir, I am also a resident of Homa Bay Town. This sewerage system was built in the 1960s for a small population. Now that the population of Homa Bay Town has grown, maybe, ten-fold, are the works merely rehabilitation or expansion of this sewerage system, so that it takes care of the increased population?

Ms. Karua: Mr. Speaker, Sir, it is both rehabilitation and augmentation.

Mr. Speaker: Very well. Next Question!

Question No.406

ESTABLISHMENT OF ALTERNATIVE DISPUTE
RESOLUTION MECHANISMS

Dr. Ojiambo asked the Minister for Justice and Constitutional Affairs what he is doing to incorporate alternative dispute resolution mechanisms into the Judicial System.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Speaker, Sir, I beg to reply.

The Government, through the Kenya Law Reform Commission (KLRC) is undertaking the Governance, Justice, Law and Order Sector Reform Program (GJLOSREP). One of the targeted reforms in justice, law and order is the adoption and operationalisation of Alternative Dispute Resolution (ADR) systems.

Closely related to the adoption of ADR mechanisms is the establishment of Small Claims Courts. The KLRC is working on a draft legislation for the establishment of these courts throughout the country, preferably at the locational level. These proposed Small Claims Courts will be cheap, accessible to all and will not use the technical legal jargon.

Dr. Ojiambo: Mr. Speaker, Sir, I wish to thank the Assistant Minister for that positive response. However, how soon will these Small Claims Courts be in place to help this country decongest the existing legal system? Currently, our courts do not have the capacity to handle most of the cases. It is sad that many people are held up in custody waiting for their trial. I am sure this will not cost the Exchequer any additional funds.

Mr. Githae: Mr. Speaker, Sir, it is not possible to give a definite time frame because it is only last month that we signed an agreement with the donors for the funding of the GJLOSREP. At least the Small Claims Courts Bill draft is being worked on.

At the moment, judges and magistrates are also being requested to encourage the litigants to, first of all, go through arbitration as a way of decongesting the courts. So, subject to the Parliamentary calendar, the Small Claims Courts Bill will be brought to this House for debate before the end of this year.

Mr. Mwenje: Mr. Speaker, Sir, we do not have any allocation for those Small Claims Courts in the Printed Estimates. How much money will these courts cost? Why did the Ministry think it would be more necessary to use the ordinary *wazees* in the villages instead of employing qualified individuals?

Mr. Githae: Mr. Speaker, Sir, it is true that some funds have been voted for the Ministry of Justice and Constitutional Affairs. Establishing these courts will not be an expensive affair; it will be based at the location level. Advocates will also not be allowed to be in attendance during the court sessions. It will be the litigants versus their adversaries. Even the people to be appointed will be those from the location who have good reputations and, obviously, some of the *wazees* the hon. Member has in mind will be appointed after they have been properly trained.

Mr. Mwandawiro: Bw. Spika, je Waziri Msaidizi anafahamu kwamba kuna korti kama hizi hapa nchini? Kuna haja ya kutambua umuhimu wake katika kuendeleza haki nchini? Kwa hivyo, si lazima tutegemea wafadhili.

Mr. Githae: Mr. Speaker, Sir, I accept that some of these courts are operating in the country. However, they do not have any legal basis. It is only that the people from the area where these courts are respect them and the decisions they make. For example, the *Njuri Ncheke*. So, when we come to establish the Small Claims Court, most of those people who are, at the moment, involved in those local disputes tribunals, will be recognised at that time and, probably, even employed to be giving justice at the local level. This is because it is clear that 80 per cent of Kenyans are not able to access justice because it is so expensive.

Mr. Speaker: Very well. For the second time, Mr. Munya's Question!

Mr. Munya: Mr. Speaker, Sir, I am sorry for coming later. However, I beg to ask my Question on the Order Paper.

TARDA'S EXPENDITURE ON
KUNATI IRRIGATION SCHEME

Mr. Munya asked the Minister for Regional Development Authorities:—

- (a) if he is aware of the existence of Kunati Irrigation Scheme,
- (b) how much money TARDA has spent in this irrigation scheme since its inception; and,
- (c) how much money he plans to spend on the project during this financial year.

The Assistant Minister for Regional Development Authorities (Mr. Odoyo): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware of the existence of Kunati Irrigation Scheme, which is part of the larger Tanantu Irrigation Project.

(b) So far, a total of Kshs7,678,000 has been spent and during the last financial year, we forwarded a further Kshs2 million, that has not been spent.

(c) The Ministry expects to spend Kshs4 million in this Financial Year, 2004/2005, of which Kshs2 million was allocated during the last financial year and a further Kshs2 million has been allocated this financial year.

Mr. Munya: Mr. Speaker, Sir, could the Assistant Minister tell the House the specific purpose for which Kshs7,678,000 was spent?

Mr. Odoyo: Mr. Speaker, Sir, in any large irrigation project, we must do preliminary studies and planning. The money was utilised for doing feasibility studies and planning of that particular project.

Mr. Sasura: Most of our regional authorities have failed, and they are not meeting the purposes for which they were created. They spend most of the funds that they receive from donors on feasibility studies. What is the Assistant Minister doing to ensure that those authorities are operational and they help residents in their areas of jurisdiction?

Mr. Odoyo: Mr. Speaker, Sir, it is true that some of the original visions for the authorities were subverted. I would like to inform this House that in the beginning of the year 2003, the Ministry put in place a strategic plan that would enhance the capacity of those authorities to implement integrated rural projects.

Mr. Abdirahman: Mr. Speaker, Sir, as Mr. Sasura has said, many communities do not identify themselves with those regional authorities because the planning is not done by the communities. Planning is done at the top level. What assurance is the Assistant Minister giving us that in the current financial year, communities in Wajir South, where I come from, are incorporated in the planning process and get the funding?

Mr. Odoyo: Mr. Speaker, Sir, Wajir South falls under Ewaso-Nyiro North. I wish to assure the hon. Member that the community is the important stakeholder. We cannot implement any other projects without consultations with the communities. I wish to assure the hon. Member that we are reviewing our approach to the implementation of projects and we shall---

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

Mr. Speaker: Order! What is it?

Mr. Mwenje: Mr. Speaker, Sir, you will realise that between you and the Assistant Minister who is answering the Question, there are two people blocking you. You cannot see the Assistant Minister answering the Question. Are they in order to continue discussing between you and the Assistant Minister?

Mr. Speaker: They are totally disorderly! But, as you can see, they do not even know what

they are doing! Do you, Mr. Kiunjuri?

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Speaker, Sir---

Mr. Speaker: Relax, Mr. Kiunjuri!

(Laughter)

Mr. Odoyo: Mr. Speaker, Sir, as I was saying, we intend to involve communities in all the implementation of projects by the authorities. If the hon. Member has previously seen the lack of participatory management on the part of the communities, I wish to assure him that, from now henceforth, we shall consult on the various categories of planning of those projects.

Mr. Munya: Mr. Speaker, Sir, I would like to thank the Ministry and, specifically, the Managing Director for reviving that important project which was forgotten by the previous regime. But I would like the Assistant Minister to assure the house that the amount of Kshs4 million will be used for providing water, and not for doing a further study. They have been wasting a lot of money on studies. The water is there. The land is there. The people would like to see the water running.

Mr. Odoyo: Mr. Speaker, Sir, I guarantee that I will only use a minimal amount out of the Kshs4 million to update the study, before I implement the project. However, I wish to assure that, before the end of June, 2005, that community project will at some level, start operating.

Mr. Speaker: For the second time, Mr. Ndambuki.

Mr. Ndambuki: Mr. Speaker, Sir, I apologise for coming late.

Question No.489

MEASURES TO SAVE KITHANGATHINI
COFFEE SOCIETY FROM COLLAPSE

Mr. Ndambuki asked the Minister for Co-operative Development and Marketing:-

- (a) whether he is aware that Kithangathini Coffee Co-operative Society is on the verge of collapse due to heavy debts;
- (b) how much was advanced to the Co-operative Society from SCIP I and II Schemes; and,
- (c) what plans the Minister has to save the society from collapse.

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): Mr. Speaker, Sir, I beg to reply.

(a) Yes, it true the society is indebted to the Co-operative Bank of Kenya to the tune of Kshs26,775,851.40. However, the society is not about to collapse, as elections were held at the society on 29th May, 2002, and a new management team installed. The issue of the split that has been besetting the co-operative for a long time was shelved during the meeting, and all members agreed to remain together in all the factories, and even compete in improving coffee production by each factory. The new management committee, with the assistance of my Ministry, is already charting the way forward in line with the Government's policy to streamline society operations for the benefit of its members.

(b) The society did not participate in the SCIP I scheme, which ended in 1990. The society, however, participated in the SCIP II scheme between 1992 and 1998, and was advanced a total of Kshs24,140,651.45 for farm inputs and factory development loans.

(c) Mr. Speaker, Sir, I have appointed an Inter-Ministerial Working Committee comprising of my Ministry, the Ministry of Agriculture, Ministry of Finance and the Office of the President to

verify the genuine bad production loans in the coffee co-operative sector. The report shall be presented to me on 8th July, 2004 - which is today - immediately after answering this Question. I will, thereafter, study the report with a view to taking appropriate action as per its recommendations.

Mr. Ndambuki: Mr. Speaker, Sir, I thank the Minister for that answer. But Kithangathini Co-operative Society has several factories and most of them are not functioning. They have broken down and the society cannot borrow money because of the debt that it has with the Co-operative Bank. That is why I said that they are on the verge of collapsing. Could the Minister tell us what he is going to do to enable that society to borrow money to repair the factories that have broken down?

Mr. Ndwiga: Mr. Speaker, Sir, first of all, I want to thank the Member who has asked this Question because he has really steered that society. He has given the kind of guidance that I expect from Members of Parliament. I want to assure the hon. Member that, as soon as I am through with the report, which I am going to receive today, the society will be able to borrow funds afresh from the Co-operative Bank.

Mr. Kembi-Gitura: Mr. Speaker, Sir, I note that the Minister will receive the report today. Last week, when he answered my Question, he said that he will receive the report today. I hope that it is going to be positive. But there is a real problem. Right now, farmers are being paid by the Coffee Board of Kenya. But 20 per cent of that money is being deducted by the Co-operative Bank. They are getting very little money. Many farmers have refused to collect that money. In view of the problems that the farmers are having, and since the Minister has promised almost to the last point that the debts are going to be waived, is it possible for him to advise the Co-operative Bank not to make any deductions at the moment, so that the farmers get 100 per cent of their payment? If the debt is not waived, farmers will lose millions of shillings and they will not be able to recover the debt from the bank.

Mr. Ndwiga: Mr. Speaker, Sir, it is true that in my answer to his Question last week, I said that I will receive the report today. I have also said today, in the answer to this Question, that the report will be presented to me today. In fact, if I was not here answering this Question, I would be receiving the report. The Co-operative Bank has been advised by the Government not to deduct the total amount of loans owed by coffee farmers, until we look at the report which I am going to receive.

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. The question asked by hon. Kembi-Gitura is if the co-operative society would stop deducting the money from the farmers while they await for the loan to be waived by the Ministry.

Mr. Speaker: Order! That is not what he said.

Mr. Kembi-Gitura: On a point of order, Mr. Speaker, Sir. I think the answer that the Minister has given is not totally correct, because the banks, as we speak here, at least in Murang'a, are making deductions from the coffee farmers. My question was, could he advise them to withhold the deductions---

Mr. Speaker: Who are "them"?

Mr. Kembi-Gitura: The Co-operative Bank. So that, when the farmers get the money---

Mr. Speaker: Order! Order, the two of you now. That is what you asked of the Minister and that is what he has answered and it is on record. Now, the hon. Mwenje wants to take it away from the mouth of the Minister and put it in a way he wishes, which is to advise the society. So, please, can the two of you now relax? Mr. Ndambuki!

Mr. Ndambuki: Mr. Speaker, Sir, I need your guidance on this. Could we defer this Question to wait for the Minister to receive the report this afternoon and then, he can answer this Question next week?

Mr. Speaker: But only for the last bit; what he will have made out of the report.

Mr. Ndambuki: Yes, Mr. Speaker, Sir.

Mr. Speaker: All right, I will give you two weeks. I wanted it to be understood that when a Question is deferred for a specific issue, it comes back for that specific issue only. This Question will now come again for you to answer the findings from the reports you will have received and your reaction. So, are you happy, Mr. Ndambuki and Mr. Ndwiga?

Mr. Ndwiga: Mr. Speaker, Sir, we do not have to wait for two weeks. This matter affects several other co-operative societies. So that we do not get this Question popping up from all Members, I promise to bring that report to this House on Thursday next week.

Mr. Speaker: Very well. The earlier, the better. Are you happy, Mr. Ndambuki?

Mr. Ndambuki: Yes, Mr. Speaker, Sir.

Mr. Speaker: All right. The Question is deferred to Thursday, next week.

(Question deferred)

Question No.381

CHILDREN'S OFFICER FOR
MARSABIT DISTRICT

Mr. Sasura asked the Minister of State, Office of the Vice-President and Ministry of Home Affairs:-

- (a) whether she is aware that there is an increasing number of street children in Marsabit Town; and,
- (b) whether she could urgently post a Children's Officer to the district.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Mr. arap Too): Mr. Speaker, Sir, I beg to reply.

(a) It is true that the number of street children in Marsabit Town and other urban centres in the country is increasing. The situation has arisen due to a number of factors which include poverty, which sometimes leads to abandonment of children, and also due to HIV/AIDS which has led orphans to move to the urban centres in search of basic needs.

I would like to inform the House that the Government, through the Ministry, has set up a National Steering Committee on Orphans and Vulnerable Children, which is in the process of coming up with a policy which will be used to tackle this problem that is facing the country.

(b) One of the issues that the Ministry, through the Children's Department, is looking into is the issue of staff rationalisation and at the moment, we do not have enough officers to post to every district. But in consultation with the Directorate of Personnel Management (DPM), we have seen the need to recruit more Children's Officers and train them to acquire the necessary skills to handle the delicate act. Marsabit will be catered for along the other districts which do not have Children's Officers, once the exercise is completed.

Mr. Sasura: Mr. Speaker, Sir, I would like to thank the Assistant Minister for his maiden answer. But the main thrust of my Question is not really the reason for the increase of street children in Marsabit. Since Independence, there has never been a Children's Officer in Marsabit District. Children's Officers do not only attend to street children. They also attend to children who are in their homes. When husbands and wives disagree, the Children's Officer intervenes on behalf of the children, and mothers normally travel all the way to Meru to get this service. Now that the Minister has said there is shortage of Children's Officers in the country, and since Meru and Isiolo Towns are very close, only 30 minutes drive away, could he consider transferring one of the officers in the two

districts to Marsabit, to serve Marsabit and Moyale, which are about 400 kilometres away?

Mr. arap Too: Mr. Speaker, Sir, the request by the hon. Member will be given due consideration.

Ms. Ndung'u: Mr. Speaker, Sir, is the Assistant Minister aware that there used to be legislation by the name of the Affiliation Act that used to take care of the responsibility of both parents and that, there are no street fathers; there are only street mothers and street children? Could the Minister reconsider re-introducing in the House, an Affiliation Bill to make sure that men are responsible for the children they produce?

(Applause)

Mr. Sasura: On a point of order, Mr. Speaker, Sir. I am not answering the question. Is the hon. Ndung'u in order to say that there are only street children and street mothers when we know very well that the men who are with the street mothers are the street fathers?

(Laughter)

Mr. Speaker: Any further questions? Minister, would you like to answer her?

Mr. arap Too: The Questioner is also a Member of Parliament and she can bring a Bill for deliberation by the House.

Prof. Oniang'o: Mr. Speaker, Sir, I want to congratulate the new Assistant Minister. Obviously, he is trying to settle down to bring a better answer. My question is, this Government pledged to settle street families. We are aware many of those street families are back on the streets. Could the Assistant Minister tell us how successful the programme has been and what the Government plans to do to make sure that those people do not come back to the streets?

Mr. Speaker: Order! I must now intervene. I must bring the Question back to where it truly belongs. A Children's Officer for Marsabit, and as explained by hon. Sasura, a Children's Officer needs not only deal with street children. So, could we come back to Marsabit? Minister, what are you doing about Marsabit?

Mr. arap Too: Mr. Speaker, Sir, I said, we have a very serious shortage of Children's Officers. But as the Member for Saku has asked, we will consider transferring maybe one of the Children's Officers, either from Isiolo or Meru, because the two stations are too close, to Marsabit.

Ms. Mwau: Mr. Speaker, Sir, this Question talks about the increasing number of street children. Could the Assistant Minister consider doing a DNA test on the children to find out who the fathers of these children are?

Mr. arap Too: Mr. Speaker, Sir, it is almost impossible to do this. How will you go about picking fathers? When you find a street child, how will you take blood sample in order to get to know who the father is?

(Applause)

Mr. Speaker: Last question, Mr. Sasura!

Mr. Sasura: Mr. Speaker, Sir, I really want to thank the Minister for his commitment. However, there is real commitment and "*kukuru kakara*" of politics. Could he just give us a time-frame; when he can transfer the said officers from Isiolo to Marsabit? "As soon as possible" has no time-frame!

Mr. arap Too: Mr. Speaker, Sir, I do not know what "*kukuru kakara*" is! However, I want

to assure the hon. Member that, that will be done as soon as possible.

(Laughter)

Mr. Speaker: Order! Who are those? They were just talking too loudly! Nobody is supposed to talk behind my back. You must talk in front of me so that I can see your face.

*(Mr. Kenyatta was applauded
as he entered the Chamber)*

Order! Where were we? Mr. Sang!

Question No.521

COMPLETION OF KIBWASTUIYO
WATER PROJECT

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

- (a) whether he is aware that Kibwastuiyo Water Project, rehabilitated through the El Nino program, was abandoned before completion, and;
- (b) when the project will be completed.

The Assistant Minister, Office of the President (Mr. Mungatana): Mr. Speaker, Sir, I beg your indulgence on this Question. We have had to re-organise this particular Department, I have consulted with my colleague and we are asking the House to give us until Wednesday. We will then have the answer.

Mr. Speaker: What is your reaction, Mr. Sang?

Mr. Sang: Mr. Speaker, Sir, I have no objection.

Mr. Speaker: Very well; it is so ordered.

(Question deferred)

For the second time, Mr. Mbau!

Mr. Mbau: Mr. Speaker, Sir, I apologise for coming a little late.

Question No.535

REPAIR OF THIKA-NAIROBI ROAD

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

- (a) whether he is aware that the section of the highway between Nairobi and Thika has developed so many potholes, and;
- (b) what measures he is taking to restore the above section of this important road to motorable standards to forestall unnecessary accidents.

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

(a) Potholes have been developing on the Nairobi-Thika Highway and they have been patched as they occur.

(b) Rehabilitation design studies have been completed and rehabilitation works are programmed to start this financial year.

Mr. Mbau: Mr. Speaker, Sir, I want to thank the Assistant Minister. It is true that potholes along the Nairobi-Thika and Kenol Road have been developing rather too fast. We do appreciate that this is a main highway that gets to the heart of central Kenya. I want to ask the Assistant Minister to assure this House that the so-called "rehabilitation design studies" that are currently being undertaken will go up to and cover the extremely slippery section of the road; that is between Thika and Kenol that has been the cause of very many road accidents?

Eng. Toro: Mr. Speaker, Sir, the design for Thika-Nairobi Road is totally different from that of Thika to Makutano. This is because the problem from Thika to Makutano is the surface of the road. The programme is on to look into putting another surface layer between Thika and Makutano so that friction of the surface layer can be increased. That one will also be done as soon as funds are made available.

Mr. C. Kilonzo: Mr. Speaker, Sir, the problem we have on this road and, to a further extend Thika-Garissa Road, is poor standards of re-sealing those potholes. On the Thika-Garissa Road, they re-sealed potholes and in less than a month, they had resurfaced. Could the Assistant Minister assure us that we are going to have proper standards? This will ensure that we do not have these potholes every now and then on these roads.

Eng. Toro: Mr. Speaker, Sir, I agree with the hon. Member. We are looking into the improvement of standards of maintenance as far as potholes are concerned. Previously, once they have been done, they would peel off within a month or two. However, we are looking into that so that we could patch the potholes and they would last as long as one year if not more.

Mr. Speaker: Last question, Mr. Mbau!

Mr. Mbau: Mr. Speaker, Sir, we have heard the Assistant Minister say that potholes are going to be repaired for purposes of ensuring that they last for one year. I want to submit that for us to be able to repair roads properly, the Ministry of Roads and Public Works should be able to repair roads that will last for many years. Could the Assistant Minister assure us that the patching that has been done currently is not going to develop into new potholes within the one year that he has talked about?

Eng. Toro: Mr. Speaker, Sir, we are now in the process of making sure that when we re-carpet or rehabilitate roads, we do it to last for more than five years. We are trying to make sure that at least, they last for about 15 years as opposed to the current ones, many of which had been designed and rehabilitated to last five years.

Mr. Speaker: Very well! We will now go to Questions by Private Notice. Mr. Mwanzia!

QUESTIONS BY PRIVATE NOTICE

MEASURES TO SAVE NACICO SACCO FROM BANKRUPTCY

Mr. Mwanzia: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that NACICO SACCO has been taken to court by its creditors and members for non-payment of loans and refunds of contributions and may be declared bankrupt?

(b) Could the Minister inform this House why the Sacco has not been able to meet its financial obligations for the last ten years?

(c) What urgent measures is the Minister taking to save the Sacco from collapse and loss of

contributions of its members?

The Assistant Minister for Local Government (Mr. Kamanda): Mr. Speaker, Sir, I would like clarification from the House whether an hon. Member who has an interest in a matter should NOT declare his interest? This is because in this particular Question, the hon. Member, I think, has an interest in the matter as he was one time an employee of the Sacco.

Mr. Speaker: Mr. Mwanzia, do you have any interest?

Mr. Mwanzia: Mr. Speaker, Sir, I used to be the Chairman of this Sacco.

Mr. Speaker: Are you no longer the Chairman?

Mr. Mwanzia: Mr. Speaker, Sir, I am no longer a Chairman of this Sacco.

Mr. Speaker: Are you a shareholder?

Mr. Mwanzia: Mr. Speaker, Sir, I am an ordinary member.

Mr. Speaker: That is okay.

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

The Assistant Minister is aware that NACICO SACCO has been taken to court by amongst others; M/S Manji Construction Company for Kshs43 million; M/S KUSCO Central Finance, Kshs21 million; M/S D.J. Kihori and Partners, Kshs7.6 million and individual co-operative members, Kshs133 million.

(b) The SACCO, whose members are employees of the City Council of Nairobi (NCC), has not received remittances of members contributions from the Council for the last seven years. This amount has accumulated to Kshs1.2 billion to date, which includes interest at the rate of 30 per cent.

(c) The Minister has initiated a meeting between NACICO SACCO and the Council with a view to getting a solution to this matter.

Mr. Mwanzia: Mr. Speaker, Sir, I thank the Assistant Minister for confirming that NCC owes NACICO SACCO some money and the SACCO has taken the Council to court. These were monies which were deducted from members' salaries. If the contributors were not members of this SACCO, that money should have gone into the bank accounts. I would like him to tell the House why this money was not remitted to the SACCO, whether disciplinary action will be taken against the culprits and whether the whereabouts of this money will be established.

Mr. Kamanda: Mr. Speaker, Sir, the Kshs1.2 billion has been outstanding for the last seven years. The hon. Questioner will recall that the level of mismanagement at the NCC then was very high. I do not want to blame the then governing party, KANU, because we now have Ministers who are KANU members. I would rather blame the individuals who were running the NCC and the respective Ministers for Local Government during that period. However, since the NARC took power, we have been remitting members contribution to the SACCO. We have no arrears. The NCC is owed about Kshs2.8 billion by other Ministries. We are going to do everything possible to ensure that the employees of the NCC are paid their money.

Mr. Ndolo: Mr. Speakers, Sir, the retirees of the NCC are suffering very much. If I am not wrong, the Assistant Minister is also a retiree of the NCC. Could he tell the House what he intends to do to ensure that those retirees do not suffer due to this scandal?

Mr. Kamanda: Mr. Speaker, Sir, I have never worked with the NCC. I have been a City Father, but not an employee of the NCC. I know half of the employees of the NCC. Besides that, I would like to assure the House that we will ultimately pay this money.

Mr. Mwanzia: Mr. Speaker, Sir, I thank the Assistant Minister for that assurance. In response to part (c) of the Question, he said that they have initiated some consultations. I thank the Minister for Co-operative Development and Marketing for spearheading these consultations. He consulted with the immediate former Minister for Local Government, who had promised to have

this money paid by 30th December, 2003, but it was not paid. Previously, the NCC has financial problems. At times, the Minister for Local Government had to involve the Treasury, so that money in *lieu* of rates could be released.

Mr. Speaker: Could you make it short, Mr. Mwanzia?

Mr. Mwanzia: Yes, Sir. The Minister for Local Government had to contact the Treasury, so that money in *lieu* of rates could be released to pay these debts. Could the Assistant Minister tell this House and assure the employees and retirees of the NCC that he is going to use the Local Authority Transfer Fund (LATF) money or urge the Minister for Finance to release the money owed to the NCC in *lieu* of rates to cater for this debt?

Mr. Kamanda: Mr. Speaker, Sir, we are talking about Kshs1.2 billion. During this year, the Council received only Kshs350 million for LATF. Besides that, employees of the NCC have not been paid their salary arrears. So, I urge the hon. Member to be patient and we will be able to solve this problem soon.

Mr. Speaker: Hon. Members, we should have concluded Question Time but, today, I am a little more generous. My generosity runs out of form sometimes. So, I have a little generosity left.

Next Question, Mr. Ngoyoni!

RECRUITMENT OF NURSES IN MARSABIT DISTRICT HOSPITAL

Mr. Ngoyoni: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) How many vacancies were advertised for the Marsabit District Hospital for both enrolled and registered nurses in March, 2004?

(b) How many candidates were interviewed and how many of them were successful?

(c) Why was the Ministry's policy of interviewing and recruiting staff at the district level disregarded in the case of Marsabit District?

The Minister for Health (Mrs. Ngilu): Mr. Speaker, Sir, I beg to reply.

(a) The Ministry advertised in the local dailies a total of 20 vacancies for Marsabit District Hospital for both Enrolled Community Nurses and Kenya Registered Community Nurses on 8th March, 2004.

(b) A total of ten candidates were interviewed and all of them were selected for Kenya Registered Community Nurses. Another 25 candidates applied for the Enrolled Community Nurses vacancies, out of whom ten were recruited on merit.

(c) The Ministry's policy of interviewing and recruiting staff at the district level was not disregarded in the case of Marsabit District. The recruitment was district-based, so that candidates could be interviewed in the districts where vacancies exist and be asked to commit themselves to serve in those districts.

Mr. Ngoyoni: Mr. Speaker, Sir, I have no quarrel with part (a) and (b). My quarrel regards part (c). "District-based" means, one has to prove that he/she hails from a given district by producing his/her national identification card. In the case of Marsabit District, people were brought there from as far as Vihiga and Bungoma. Particularly, on the Enrolled Community Nurses. When the Armed Forces and the police do their recruitment, we rely on the identity cards. How come this time round, people from outside Marsabit District were employed at the expense of qualified people from that district?

Mrs. Ngilu: Mr. Speaker, Sir, this time round, we have not conducted the recruitment exercise in the way we used to do it previously. We advertised existing vacancies in our various

health facilities, because we realised that soon after some health workers were employed and posted to hardship areas, they requested for transfers and moved out.

Mr. Speaker, Sir, the list that I have here shows that out of the ten Kenya Registered Community Nurses with diplomas and certificates, three come Meru South District, which, I learnt, is only half-an-hour away from Marsabit.

Hon. Members: No! No!

Mr. Speaker: Order! Order, Minister! Unless you take a Concord flight, you cannot fly from Meru South to Marsabit in half-an-hour.

Hon. Members: Yes!

Mrs. Ngilu: Mr. Speaker, Sir, I meant to say that the two districts are neighbours.

Capt. Nakitare: On a point of order, Mr. Speaker, Sir. Is the Minister serious when answering Questions on the Floor of the House or she is taking the House for a ride?

(Applause)

Mrs. Ngilu: Mr. Speaker, Sir, I do not know what ride I will be taking the hon. Members on. However---

Mr. Speaker: Order, hon. Members! Order, Archbishop Ondiek and hon. O.K. Mwangi! Relax! Madam Minister, since we are taking too much time on this issue, I think what hon. Ngoyoni is asking you is that the people you recruited were not from Marsabit according to your advertisement and that is all.

Mrs. Ngilu: Mr. Speaker, Sir, we did not actually say that they must come from Marsabit but we said that, when we advertise, we will post the successful candidates to Marsabit. However, we have ensured that most of the people we recruit and hon. Ngoyoni needs to give me a chance---

Mr. Speaker: He must give you a chance! No harassment!

Mrs. Ngilu: Thank you, Mr. Speaker, Sir. I want to say that out of the ten candidates, Mr. Abdi Adan Sura, Halima Chamsi, Wako Konzo, Boya Helema Omuro and Adria Ali Bana come from Marsabit. I agree with him that there is a Mr. Robert Matele who comes from Vihiga but he applied from that place and he had the requisite marks. There is one from Bungoma called Mrs. Monica Wangari Ndegwa. That one does not even come---

Hon. Members: No! Why? On a point of order, Mr Speaker, Sir.

Mr. Speaker: Order! The Minister must be heard! Madam Minister, have you finished?

Mrs. Ngilu: Thank you, Mr. Speaker, Sir. Other enrolled nurses are Ms. Fatuma Yasiri who comes from Marsabit and she had the highest marks of 91 per cent; Mrs. Rosemary Hachu Salo Nomadam from Marsabit; Sammy Lekwesa Lekadan from Samburu and Njiru Wanja from Marsabit and Maina Jesan Lesore from Marsabit.

Hon. Members: No! They do not come from Marsabit!

Mr. Speaker: Let her finish! Go ahead!

Mrs. Ngilu: Thank you, Mr. Speaker, Sir.

Mr. Sasura: On a point of order, Mr. Speaker, Sir. I want to plead with the Chair. You realise, initially, that the Minister said that the earlier recruitments of the previous years were done in a different way and this one was done in a different way and that is very true. Our complaint is not why these people were employed. She said specifically why this recruitment was district-based; by giving the reason that when they post nurses to our areas from other districts, they seek transfers. Our issue here is that more than ten candidates who had attended the interview, and who were all from Marsabit, were turned away and they are all qualified according to the National Council of Nurses which registers nurses in this country. Then how can the Minister justify that she can employ

somebody from Kakamega and then leave another one from Marsabit?

Mr. Speaker, Sir, I just want to plead with you so that we can go through that list with the other hon. Members and then ask this Question another time because she is ambushing us with the list and we are not satisfied, since she might be hiding more people from Mwingi, Kitui and any other place. Could you defer this Question so that we can read that list properly?

(Applause)

Mrs. Ngilu: Mr. Speaker, Sir, I would like hon. Members to listen because I said that we had only 20 positions. Out of these 20 positions, the seven names which I read for you, other than the ones from Vihiga, Bungoma and Meru, all went to people from Marsabit. However, may I also say here that it would be wrong for anybody to just recruit those who come from the area because some of these people are born and brought up in those places.

Mr. Wario: On a point of order, Mr Speaker, Sir. Is it in order for the Minister to mislead the House by saying that the Ministry's policy of interviewing and recruiting staff at the district level was not disregarded while in her list, there are people from Vihiga, Bungoma and Meru?

Mr. Speaker: Order! Could I ask the House one question? Is the House aware that you cannot discriminate against Kenyans?

Hon. Members: Yes!

(Applause)

Mr. Ngoyoni: Mr. Speaker, Sir, we are not here to discriminate against some Kenyans. We are all Kenyans. However, could the Minister tell us one single Kenyan interviewed in Makueni District, and who comes from her constituency, who is a Kisii and who has been recruited there because this was a district-based recruitment? Could she tell us about one single person? Secondly, for the information of this House, of course, her Chief Nursing Officer (CNO) comes from those areas which she has mentioned. If she had been straightforward, she could have told us the truth that "these are the relatives of my CNO and, therefore, we employed them"

(Applause)

Mrs. Ngilu: Mr. Speaker, Sir, if the Ministry of Health was to go by the sentiments that are being expressed in this House, some of the district hospitals would have no health workers.

(Applause)

Mr. Speaker: Order, hon. Members! You are all thinking as I do here and listening and looking. I know some of the deadly things that should never make an entry into this House are tribalism, racism and nepotism. So, could we as Kenyans address Kenyan problems? I think the hon. Members must also understand that when they seek Government affirmative action, they must also understand that there are members of other communities who have, for a long time, delivered services to areas which they do not belong to and they have done it with dedication. So, let us look at Kenyans as Kenyans and the country as a country.

(Applause)

Mr. Wanjala: On a point of order, Mr. Speaker, Sir. I do not want to oppose your ruling but we have seen recruitment of police officers, Administration Police, assistant chiefs and army officers which is district-based. This was the same basis on which the Ministry recruited these nurses.

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

Mr. Wanjala: Mr. Speaker, Sir, my point of order is that I need your ruling. Why is it that when army or police officers are recruited, they never allow other persons to be recruited from other districts and yet here, people from the home district are left out at the expense of people from other districts?

(Applause)

Mr. Speaker: Order, hon. Members! I think you heard me loud and clear. I think I have said that we very much appreciate the services rendered by Kenyans to other Kenyans everywhere. Secondly, Kenyans must have fairplay everywhere. Madam Minister, it does look that what is really giving trouble to the hon. Members from Marsabit---

Hon. Members: Not only Marsabit!

Mr. Speaker: Order, Mr. Serut! If you get agitated, you know what will happen! So, relax! Madam Minister, what seems to be agitating hon. Members are the occasional problems which, I think, made you to localise the recruitment. This is the problem of admitting people to colleges then posting them to some places and they say they cannot go there, because of hardships existing in those places. I think that is the agitation. So, could you address that? Besides that, I urge all hon. Members to keep tribalism out of here! Let us talk about merit and affirmative action, if need be, but on that basis only.

Proceed, Mrs. Ngilu!

Mrs. Ngilu: Mr. Speaker, Sir, may I just add that out of the 20 employees of the Ministry of Health, 15 are from that district. Therefore, only five come from other districts. That is 75 per cent of the recruitment. Indeed, one of them, and because I heard it loud and clear, is called Mr. Maina Jesan Logore. This person, I believe, must have a father who is local and a mother who is from somewhere else. Does this person not have a right to work in that place?

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

Mr. Speaker: Order, all of you! Let us now have the last question on Marsabit.

Proceed, Mr. Ngoyoni!

Mr. Ngoyoni: Mr. Speaker, Sir, there is one thing you have said; that is "fair play." This is the key word.

(Loud consultations)

Mr. Speaker: Order, hon. Members! Could we listen to Mr. Ngoyoni?

Mr. Ngoyoni: Mr. Speaker, Sir, the key word here is "fair play." We should all get fairness from the Minister. The CNO who interviewed people there, of course, had a vested interest which the Minister could confirm here. As I speak, already those who have been posted there from other areas have requested for transfers and they have been granted. What is corruption if this is not corruption?

Mrs. Ngilu: Mr. Speaker, Sir, if I find out that they have actually requested for transfers, they will not be transferred. Instead, they will be suspended from work and be replaced!

Mr. Rotino: On a point of order, Mr. Speaker, Sir. This phenomenon is not only in Marsabit District. Therefore, would I be in order to request the Minister to table the whole list of those who were recruited countrywide?

Mr. Speaker: Order! What is the intention actually? You may demand a fairplay, but it is totally another ball game, if the House wishes to run Ministries.

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

Mr. Speaker: Order, Dr. Godana! You must listen! We will not turn this Chamber into a selection board!

Next Question!

(Dr. Godana stood up in his place)

Dr. Godana, could you sit down?

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

Mr. Speaker: Dr. Godana, could you, please, go out?

(Dr. Godana withdrew from the Chamber)

Order, hon. Members! I think I have already put the House on notice. We must obey our rules. There must be order in this House. We cannot take 30 minutes on one Question. There are other Questions.

Next Question, by Mr. Ojaamong!

COTTON SEEDS FOR WESTERN
KENYA FARMERS

Mr. Ojaamong: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

What urgent measures is the Ministry putting in place to avail quality cotton seeds to farmers in Western Kenya during this planting season?

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

In western Kenya, the normal planting season for cotton is between the months of March to May, but a few farmers may plant as late as June which is the end of the rainy season. In order to ensure that there is enough cotton seed for the next planting season, that is, between March to May, 2005, my Ministry will do the following. One, in collaboration with KARI, KEPHIS, ginneries and assisting Non-Governmental Organisations (NGOs), intensify seed bulking, multiplication and distribution of the hybrid KSA 81M to the farmers. Secondly, the Ministry will sensitize ginners in the region to preserve planting seed and give it back to the farmers for planting rather than dispose all the seed to the oil millers.

Mr. Ojaamong: Mr. Speaker, Sir, when I asked that Question, I had the full knowledge that the planting season in Western Province is still on and it is likely to end around mid-August. I talked to majority of the farmers and they requested to know where they could get quality cotton seeds. What urgent measures will the Ministry put in place to provide farmers with quality seeds between now and mid-August?

Mr. Akaranga: Mr. Speaker, Sir, obviously, the farmers in the area know very well that

there are various companies which sell the seed. For example, we have the Asego(?) Holding Limited who have plenty of seed in place. So, the farmers could buy from Asego Holding Company. Indeed, this company has been providing the seed to the farmers.

Mr. Wanjala: Mr. Speaker, the Government has always told people that agriculture is the backbone of this country. Today, we are being told to go and buy seeds from companies when we have KGGCU. Why could the Ministry not send seeds to KGGCU, so that we are able to buy them at a cheaper price?

Mr. Sirma: On a point of order, Mr. Speaker, Sir. Did you hear Mr. Wanjala refer to a KGGCU which is non-existent? We have the KFA in place!

Mr. Speaker: Mr. Wanjala, what were you talking about?

Mr. Wanjala: Mr. Speaker, Sir, I am sorry! It is the KFA! I had forgotten that it is the KFA.

(Laughter)

Mr. Akaranga: Mr. Speaker, Sir, as we are all aware, the production of cotton in this country was liberalised sometime back. This Ministry will very soon initiate debate on the Cotton Bill. I hope hon. Members will support it, so that we try to re-organise the production of cotton in this country.

Dr. Oburu: Mr. Speaker, Sir, the Assistant Minister is referring farmers to the ginneries to buy quality seeds. We are aware that Kenya does not produce sufficient cotton to supply to the ginneries. Therefore, the cotton ginneries import seeds from Uganda and Tanzania. What measures has the Government taken to make sure that cotton seeds from Uganda and Kenya, which are not of high quality, and are not tested, are not supplied to our farmers, and instead farmers are supplied with quality seeds - KSA 81 - he has talked about from our research institutions?

Mr. Akaranga: Mr. Speaker, Sir, what the hon. Member has raised has been addressed in the draft Bill which will be brought before this House for discussion soon.

Mr. Ojaamong: Mr. Speaker, Sir, the Assistant Minister has said that certain private companies sell planting cotton seeds to farmers. But we also know that we allocate many parastatals such as the Kenya Agricultural Research Institute (KARI) a lot of money to carry out research and produce high quality seeds for the farmers. Are Kenyans not being taken for a ride by the KARI by not producing high quality seeds for the farmers? Instead, farmers are being referred to unscrupulous business people who provide them with low quality planting seeds and they do not harvest anything at the end.

Mr. Akaranga: Mr. Speaker, Sir, indeed, that question has been repeated in a different way. When we say that the cotton industry has been liberalised, it means that it will be dictated by the law of supply and demand. Therefore, it becomes very difficult for us to dictate what should be done in the industry. But something would be done after the Bill has been brought here and approved. We will rectify everything.

ARREST/PROSECUTION OF
MR. JAMES MUIRURI

(Mr. Muiruri) to ask the Attorney-General:-

(a) Is the Attorney-General aware that Mr. James Karanja Muiruri was on 14th March, 2004 arrested and detained in Makindu Police Station until 5th April, 2004 without being charged?

(b) If the answer to (a) above is in the affirmative, under what circumstances was the said person arraigned in court, charged with indecent assault and now in remand

prison having spent a further 23 days in police cells?

(c) What action does the Attorney-General intend to take against the officers involved in the illegal arrest, detention and malicious prosecution of the said James Muiruri?

Mr. Speaker: As I finish Question Time, because I must finish now, Mr. Muiruri, I understand that the Attorney-General has requested that your Question be deferred to Wednesday, next week. So, I defer your Question to Wednesday!

(Question deferred)

EXPIRY OF TELKOM KENYA MONOPOLY

Mr. Osundwa: Mr. Speaker, Sir, I beg to ask the Minister for Information and Communications the following Question by Private Notice.

(a) Is the Minister aware that Telkom Kenya Ltd. monopoly in the area of fixed lines telephone and satellite communications expired on 20th June, 2004?

(b) When will the Government grant a licence to the second national fixed lines operator?

The Minister for Information and Communications (Mr. Tuju): Mr. Speaker, Sir, I beg to reply.

(a) Indeed, the exclusivity of Telkom Kenya Ltd. in the provision of fixed telephone services in Nairobi as well as that of long distance, international services and internet gateway came to an end on 30th June, 2004. This was after the expiry of the five-year exclusivity period given to the company in their licence issued in 1999. The Communications Commission of Kenya (CCK) will now open up these market segments for full competition.

(b) The process to licence the Second National Operator (SNO) started sometime late last year. The process is now in its final stages. So far, three bidders have expressed interest in the licence through application to the CCK. The Commission has been evaluating proposals from those bidders and will next week, all things being equal, announce the winner.

Mr. Osundwa: Mr. Speaker, Sir, I have asked this Question because I am aware that there are more than 120,000 applicants waiting for land lines. This House was at pain in giving Telkom Kenya Ltd. a five-year monopoly. Could the Minister tell this House why he has waited for over four-and-half years to start the process of picking the SNO?

Mr. Tuju: Mr. Speaker, Sir, it has been a long process which I am sure many hon. Members are aware of. I would like to request Mr. Osundwa to be patient with me because I have been in that Ministry for about four days. I will study the file and find out what may have caused the delay.

Mr. Keter: Mr. Speaker, Sir, could the Minister assure this House that licensing of the SNO will be done in a transparent manner?

Mr. Tuju: Mr. Speaker, Sir, we are committed to transparency on this particular issue and I would like to request every hon. Member in this House, who knows anything that I ought to know, to give me that information.

(Applause)

Mr. Speaker: Very well! Mr. Mukiri!

Hon. Members: He is called Mr. Gitau and not Mr. Mukiri!

Mr. Speaker: I am sorry! Yes, Mr. Gitau!

Mr. Gitau: Thank you, Mr. Speaker, Sir. Mr. Mukiri and I look alike. Telecommunication is a lucrative area. The Minister has talked about the process of selecting the SNO. Could he assure

this House that, that will not be a new "Anglo Fleecing Company"?

(Laughter)

Mr. Tuju: Mr. Speaker, Sir, I do not know how to answer that question differently from what I have said earlier on. I know that telephone and communications, in general, is a very sensitive and lucrative area for those who are in that business. The stakes are high. For that reason, I invite every hon. Member of Parliament and Kenyan; anybody who feels that he or she has information that would be useful, to pass it over to me.

Mr. Billow: Mr. Speaker, Sir, about four years ago, regional telecommunication operators were licensed to provide telephone services in the rural areas, particularly, in towns and villages in the region. To date, we have not seen any of them start operating. To what extent is the scope of the services to be provided by the SNO different from those of the RTOs who are yet to provide those services?

Mr. Tuju: Mr. Speaker, Sir, the SNO is supposed to provide countrywide service from the little knowledge that I have. I do not have details with respect to regional telephone operators. But the hon. Member will appreciate that what obtained four years ago in the world of communication, probably is now stone age. As a country, we are now thinking in terms of regional telecommunication as opposed to national telecommunication. If there is anything I ought to know, please, let me know it.

Mr. Osundwa: Mr. Speaker, Sir, indeed, this is one of the few Ministers we have who are honest. He has said that there will be transparency in the selection of the bidders. Could he tell us who are those three bidders and how they were selected?

Mr. Tuju: Mr. Speaker, Sir, as I had alluded to earlier on, I have just been at the Ministry for four or five days. I am told that there is a Norwegian, an Indian and a Chinese Consortium. Each of those consortiums will battle it out with a local entity. I have been told that actual scrutinization of the bidders has already been done. The announcement should be made next week, all things being equal. That also means that if I get any information between now and next week, I will make an announcement.

Mr. Speaker: Very well. That is the end of Question Time!

We have one Ministerial Statement from the Office of the President. That is the only Ministerial Statement I will allow to be made. We are one hour behind schedule!

Dr. Murungaru, could you issue the Ministerial Statement on the Kisumu riots?

MINISTERIAL STATEMENT

CAUSE OF RIOTS IN KISUMU CITY

The Minister for State, Office of the President (Dr. Murungaru): Thank you, Mr. Speaker, Sir. Yesterday, a Ministerial Statement was sought by the hon. Member for Kisumu Town East Constituency, regarding the disturbances that occurred in Kisumu City yesterday. I would like to state as follows:-

Mr. Speaker, Sir, yesterday, 7th July, 2004, at 7.00 a.m. disturbances were started in Kisumu by a group of youths in Kondele, who blocked the Kakamega-Kisumu Road and the Kibos-Nyalenda Road with stones and burning tyres. That action seemed to have been planned following the Nairobi Katiba Watch Rally on Saturday. Their intention was to harass and intimidate *wananchi* and destroy their property. The police had not been notified of any intention to hold a public

meeting or, indeed, a procession, in the town. A combined contingent of regular and Administration Police responded by moving into the area to protect harassed *wananchi* and restore law and order.

The police pleaded with the demonstrators to stop blocking roads, stoning cars, burning tyres and scaring people going about their businesses, but to no avail. Instead, the mob charged at and attacked the law enforcers. That was the start of day-long running battles that rocked the lake-side city, with the youths stoning police, destroying *kiosks* and telephone booths. Their attempts to access the Central Business District (CBD) with the intention of looting was frustrated by the security men. Trouble also spread to Nyalenda slums by 10.00 a.m. The youths barricaded the Kisumu-Nairobi Road and the Ring Road and kept attacking the police, motorists and members of the public.

Mr. Speaker, Sir, the following are the figures on injuries and casualties: One man died at Nyamasaria; 19 people received injuries of varying degrees, and have either been treated or are undergoing treatment; one Administration Police constable was stoned and seriously injured. Initial investigations indicate that some local politicians incited the youths to act in a lawless manner, thereby leading to that unfortunate state of affairs, where life and property has been lost. Investigations into the cause of that incident are still under way. Security has, however, been beefed up in the town. The security officer suspected to have shot the person who died has been arrested. In that respect also, investigations are continuing.

Mr. Speaker, Sir, I wish to appeal to the public for calm and urge all leaders, and particularly, hon. Members of this House, to avoid inciting *wananchi* to violence.

Thank you.

Mr. Sungu: Thank you, Mr. Speaker, Sir---

Mr. Speaker: Mr. Gor Sungu, this is a chance for you to seek clarifications on the Ministerial Statement!

Mr. Sungu: Yes, Mr. Speaker, Sir, but this is a very serious matter! I plead with you to allow me to put the Minister right. This is because he is not telling us the truth!

First of all, I am from Kisumu now. There are 24 people in hospital now! About five of them are school-going children, and some are still in school uniforms. To say that those people were thugs and they were looting is a blatant lie by the Minister!

Mr. Speaker: Order, Mr. Sungu!

Mr. Sungu: Mr. Speaker, Sir, I withdraw and apologise! Let me---

Mr. Speaker: Order! Everything, on a grievous matter like this, must be approached soberly. So, Mr. Sungu, there will not be a riot here, believe you me! So, please, speak quietly in a respectful manner to the House and to the Minister! Restrict yourself to facts!

Please, proceed, Mr. Sungu!

Mr. Sungu: Mr. Speaker, Sir, I apologise for using--- I am a bit emotional! You must understand that it is a very emotional issue in Kisumu. I have talked with those people and it is a very serious situation.

Mr. Speaker, Sir, the police in Kisumu responded to that situation in a very uncivilised and brutal manner! We know the Force Standing Orders. They can use teargas, baton charge, fire blank bullets and finally, as a last resort, they can fire rubber bullets. But, in that case, the police used live ammunition! I have some used cartridges here with me!

(Mr. Sungu displayed to the House a paper bag containing spent cartridges)

Mr. Speaker: Order! Mr. Gor Sungu, you are not a new Member in this House. It does not

help your cause to breach the rules of this House! Will you hand those items over, seek your clarification and sit down, so that your other colleagues may have time to seek other clarifications. You know, Kisumu does not belong to one person. It is a City for all Kenyans! So, will you give those offensive weapons away!

(Mr. Sungu handed over the paper bag containing spent cartridges to the Orderlies)

Mr. Kajwang: Mr. Speaker, Sir, they are not offensive weapons but spent cartridges!

Mr. Speaker: Order! Keep your emotions down! Emotions will never sort out any issue, either here or outside this House! Let us keep emotions down!

Mr. Sungu: Thank you, Mr. Speaker, Sir, for your understanding. I agree with you that, that is a very serious matter. We know very well that it all started at 7.00 a.m., as the Minister has said. With my knowledge and experience of disturbances and protests dating back to 1977, when I was expelled from the University of Nairobi, disturbances do not start at 7.00 a.m! We know that those disturbances were instigated by politicians from Nairobi, who want to show that the people of Kisumu are violent and are protesting against the Government because of the Constitution. They want to portray the people of Kisumu as bad! I want the Minister tell this House why on earth the police are using live ammunition against the people of Kisumu and killing innocent children?

Mr. Speaker: Very well. Is there any other hon. Member who want to seek farther clarification?

(Mr. Sungu interjected)

Order! Order, again! Mr. Sungu, please, cool down! I will give this chance to the Shadow Minister for Defence.

Maj. Gen. Nkaisery: Thank you, Mr. Speaker, Sir. I think that this is a very grave matter. This Government was elected to provide security to its citizens and their property. But, on 14th and 15th May, this year, the Government used maximum force against the Leader of the Official Opposition in this country. On 3rd July, 2004, the Government, having been given notice of a meeting by Katiba Watch citizens, went out and directed the police to harass and beat up *wananchi*. The police are there to take care of the citizens and not to kill them.

(Applause)

The responsibility lies squarely with the Minister in charge of internal security. He has to tell Kenyans why that has happened, because the Constitution provides for freedom of speech and assembly, which Kenyans have been denied by this Government!

(Applause)

Mr. Speaker, Sir, the situation in this country is very volatile. When you look at that side of the House, it is very gloomy. That is because they know they have condemned and killed the citizens. We, therefore, demand an explanation!

(Several hon. Members stood)

up in their places)

Mr. Speaker: Order! I think I will have one more! Is there anybody from this side? Rev. Nyagudi, please, proceed!

Rev. Nyagudi: Mr. Speaker, Sir, this is a very serious issue. The Minister has left the most important part; that the police actually shot at me. Policemen are people who act on orders. Who gave those orders?

I also want the Minister to tell this House why school-going children were shot at, and why a woman, who was on her knees pleading for mercy, was shot in the stomach at point blank range?

Mr. Sungu: Dr. Murungaru's police!

Rev. Nyagudi: Also, Mr. Speaker, Sir, what action has been taken against a police officer, called Mr. Paul Simiyu, who was caught on camera on 3rd, July as he shot at *wananchi*? Who is going to foot the hospital bills of the people who are right now in hospital? This is a very serious issue and we want to know whether we are in a police State because police are harassing Kenyans for nothing.

(Applause)

Mr. Speaker: Very well. I will now finish with Dr. Khalwale. I know this matter is grave and I have given it as much attention as I can. Now, we must make progress.

Dr. Khalwale: Mr. Speaker, Sir, the Minister has told the House that investigations, up to this time, have indicated that a local politician was involved. On the other hand, hon. Sungu told the House that politicians from Nairobi are the ones who stage-managed the disturbances in Kisumu.

Mr. Sungu: You know them!

Mr. Speaker: Order! Relax!

Dr. Khalwale: Mr. Speaker, Sir, in view of those two statements and the fact that none of us "owns" the children in Kisumu; whether we come from Kisumu or not, could the Minister tell us what action he is going to take against politicians who continue misusing our youths when they themselves do not take their children to take part in such demonstrations?

(Applause)

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

Mr. Speaker: What is it?

Mr. Mwandawiro: Mr. Speaker, Sir, could the hon. Member substantiate that there are politicians who are misusing children who belong to others when we know very well what is happening? Citizens are being suppressed for exercising their democratic rights!

(Applause)

Mr. Speaker: Order, Members! Order! You hon. Members can decide to make Kenya a safe or an unsafe place. So, always be mindful of what you say, particularly, from the Floor of this House. We owe it to this country to ensure the security of all Kenyans. Minister, could you respond to the various issues raised by hon. Members?

The Minister of State, Office of the President (Dr. Murungaru): Let me start by saying that the Government is, indeed, very, very, sad that there were innocent residents of Kisumu City who suffered as a result of yesterday's disturbances.

Mr. Speaker, Sir, let me also respond to some of the points raised. Indeed, it is the right of every law-abiding Kenyan to associate and express themselves freely. But it certainly is not anybody's right to infringe upon the rights of other citizens as they purport to enjoy those rights. What the police did yesterday, simply put, was to maintain law and order. Law and order was seriously threatened.

(Several hon. Members stood up in their places)

Mr. Speaker: Order, Members! You know, there cannot be a worse thing in Parliament than gagging a colleague! You asked him to clarify. He stands up to clarify, and then you do not want to hear. Now, what is dictatorship if that is not? You must listen to him! When he finishes, and I notice there is anything to prompt you to stand on a point of order, I may consider that. However, for heaven's sake, hear the other side.

The Minister of State, Office of the President (Dr. Murungaru): Thank you, Mr. Speaker, Sir. I would like to restate, once again, the commitment of this Government to protect the rights of all Kenyans including the right to own and secure property, the right to life and the right to expression. All these rights are accorded even to hon. Members of Parliament and the Leader of the Official Opposition. But in the course of that, the Government must always be conscious that it acts within the law and that, indeed, it must uphold that law.

Mr. Speaker, Sir, what I would like to assure the House is that the incident in Kisumu, yesterday, was caused by incitement. That is what investigations have revealed up to now. Indeed, the Government had sensed a serious threat to security in Kisumu before the disturbances occurred. Let me once again appeal to hon. Members of this House, and to Kenyan leadership in general, that, indeed, this is a very grave matter and we can choose to keep this country intact or to put it up in flames.

(Loud consultations)

Mr. Speaker: Order, Members! Order, all of you! Dr. Murungaru, as the Minister in charge of internal security you can never be heard to say anything near that!

(Applause)

You must be firm on the security of Kenyans and there is no alternative!

The Minister of State, Office of the President (Dr. Murungaru): Mr. Speaker, Sir, I said that leaders must not incite *wananchi*. That is merely what I said. I did not say anything more than that. I said that leaders must not incite citizens.

Mr. Speaker, Sir, please, allow me to reiterate that investigations are under way. We are going to ensure that anyone who may have committed a crime in the incident in Kisumu, is treated in accordance with the law and the Government will ensure that law and order is maintained not only in Kisumu City, but in all parts of the country.

Mr. Speaker: Mr. Kajwang, you will be the last one to have this opportunity.

Mr. Kajwang: Mr. Speaker, Sir, the Minister has spoken about law and order, but I do not know what law and order means to the Minister. Does it also mean massacre of children? I do not know what incitement means to him. However, a police officer working properly does not kill a child and a woman who are not threatening his life especially when he is armed with a gun. What is

the meaning of law and order to you Mr. Minister especially when dealing with citizens of Kisumu in both Kenyatta's and Kibaki's regimes?

(Applause)

The Minister of State, Office of the President (Dr. Murungaru): Mr. Speaker, Sir, I said that the Government is very, very apologetic and sorry because of the innocent law-abiding citizens who may have been injured or suffered anything else during the disturbances in Kisumu. However, these injuries were caused by those who sought to break law and order. The Government was discharging its mandate by trying to protect the innocent ones. I said that investigations are taking place. Indeed, if there was any policeman who may have acted outside his mandate and found culpable for using excessive force, action will be taken against him.

Mr. Speaker: Very well! Next Question!

(Loud consultations)

Order! Order! That is the end of that discussion. Next Order!

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

Mr. Speaker: Order, Mr. Sungu! You are trying to get me to expel you, but I will not! You will sit here!

(Laughter)

Next Order!

MOTION

ADOPTION OF SESSIONAL PAPER NO.4 ON ENERGY

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts Sessional Paper No.4 on Energy laid on the Table of the House on Tuesday, 15th June, 2004.

Mr. Speaker, Sir, the energy sector in Kenya has been undergoing a tremendous restructuring process aimed at improving performance and efficiency. However, the sector still faces a number of technical, financial and operational challenges that constrains its abilities to support the Government's economic recovery efforts.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

The electricity sub-sector experiences low electricity access at the rate of 15.3 per cent of the total population and 3 per cent of the rural population compared to an average of 32 per cent in developing countries. The high cost of electric power is due to the onerous changes by independent power producers, weak power transmission and distribution, poor infrastructure leading to high system losses and intermittent outages which weaken the competitiveness of Kenyan manufacturers in regional markets.

The petroleum industry is constrained by inadequate supply---

(Loud consultations)

Mr. Deputy Speaker: Order, Members! Order! The Assistant Minister is delivering a very important speech; a policy statement on energy. Every now and then hon. Members are asking about when electricity is going to be supplied to their areas. So, would you please give the Assistant Minister a chance? Those who wish to retire, please, do so quietly!

Continue, Mr. Kiunjuri!

The Assistant Minister for Energy (Mr. Kiunjuri): Thank you, Mr. Speaker, Sir. The petroleum industry is constrained by inadequate supplies facilities for fuels including Liquefied Petroleum Gas (LPG), domestic production of motor fuels which do not reach international quality standards, inadequate distribution infrastructure in the remote parts of the country, which contribute to higher product prices; price leadership, which inhibits competition and insufficient legal and regulatory framework to guide the sub-sector operations. On the other hand, accelerated adoption and use of renewable energy technologies has been limited to onerous upfront cost requirements for acquisition of these technologies, lack of proper standards and affordable credit schemes, and inadequate capacity for installation and after-sales maintenance.

Mr. Deputy Speaker, Sir, I would like to highlight the key policy recommendations contained in the Sessional Paper on Energy. Firstly, the Kenyan geothermal resource potential is estimated to be about 2000 megawatts, while only about 126 megawatts of this capacity has been exploited to date. To accelerate the exploration and use of this indigenous renewable energy resource in the country, a state-owned geothermal company will be established to undertake geothermal resource assessment and sale of steam to future IPPs and KenGen for electricity generation. The IPPs will be selected through an international competitive bidding process.

To further strengthen the private and public partnership in the power industry and enhance operational efficiency and productivity, KenGen will be privatized through the initial public offering of 30 per cent of its equity through the Nairobi Stock Exchange. Moreover, Kenya Power and Lighting Company (KPLC) will be bundled into two entities, the first one for power transmission, and the other one for power distribution. In addition, power generation companies will be allowed access to bulk electricity consumers through the power transmission network at economic willing changes approved by the regulator.

Mr. Deputy Speaker, Sir, the Government proposes to divest its interest in all refining and marketing and, eventually, in the Kenya Pipeline Company (KPC) in tandem with the overall Government objective of dis-engaging in activities of commercial nature that can be performed better by private concerns. This will also enable the sector to curb corruption at the same time.

To encourage the wide adoption and use of renewable sources of energy and, thereby, enhance their role in the country's energy supply matrix, the Sessional Paper proposes development and adequate incentive packages and promote private sector investments in renewable energy and off-grid generation, such as coal and wind energy generation. By its very nature, electric power development is capital-intensive and, therefore, two-thirds of the funds required to undertake power generation projects can hardly be mobilized entirely from local sources. Furthermore, the response by the private sector in this area has been inadequate. Our fiscal and income tax regimes have not helped to improve the situation either. To address this constraint, this Sessional Paper proposes a review of the fiscal regime applicable to the energy sector in the medium and long-term.

Of significance to hon. Members of this august House, is the establishment of the new Rural Electrification Agency, with the mandate to mobilize resources for the accelerated Rural

Electrification Programme. The draft Energy Bill is at an advanced stage of preparation by my Ministry. The Bill addresses the inadequacies in the current Electric Power Act of 1997, and the Petroleum Act, Cap 116. It contains rules, safety standards and regulations for managing both electric power and petroleum sub-sectors by innovatively addressing the interests of the regulator, electric power transmission companies and the consumer.

Mr. Deputy Speaker, Sir, my presentation would be incomplete without a discussion on the agenda of action, which covers the short-term; that is from 2004 to 2007, and the medium-term which will cover 2004 to 2012, and the long-term project which will run from 2004 to 2024. In the short-term, in the electric power generation, plant power generation and transmission project will be implemented. The Rural Electrification Authority will be established. A new Energy Bill to create a common energy sector regulator, the Energy Regulatory Commission, will be published. We are aware that we de-regularized the controls in the sector, and this will give hon. Members the advantage to regain back the controls. Transmission and distribution systems will be reinforced to improve quality of electricity services and reduce system losses to about 15 per cent, with a view to putting the KPLC on a sustainable path of financial recovery and reducing consumer tariffs and developing a prudent financial sustainable customer connection policy to accelerate customer connections to, at least, 150 connections annually among other activities.

Mr. Deputy Speaker, Sir, regarding fossil fuels, all relevant Acts, including the Petroleum Act, Exploration, Production and Mining Act will be reviewed. Sizes of the exploration blocks will be reduced to enhance prospecting interest. Regional and core operations in data and information exchange will be promoted. Operations of the KPC will be streamlined. The future of the Kenya Petroleum Refineries will be determined and Liquefied Petroleum Gas (LPG) import handling, storage, bottling and distribution facilities will be constructed, among other measures.

Mr. Deputy Speaker, Sir, under biomass energy, resource assessment surveys and appropriate plans will be drawn. The existing regional energy centres will be revitalised to more effective outreaches. Co-generation will be promoted and incorporated in the least-cost power development plan, and charcoal trade will be licensed to encourage sustainable production. In the medium-term, additional geothermal resource assessment will be undertaken to support new geothermal power plants, trade investment surveys on hydro-resources will be undertaken to define their technical and economic viability. Planned regional power inter-connection project will be implemented and adequate funding to increase rural electrification will be provided to enable electricity penetration in the rural areas to reach about 20 per cent.

Mr. Deputy Speaker, Sir, in fossil fuels, the Paper has proposed to promote the following activities:- Build local capacity in all exploratory training; construct a common user truck loading facility in Mombasa; legislate minimum Kenyan standards for all petroleum products consistency with international standards and extend the oil pipeline to Kampala. The Paper also proposes to encourage the private sector investment in auditioning capacity for handling, storage and distribution of LPG. Under biomass energy, my Ministry intends to review and update biomass energy development plant, implement accelerated dissemination of information for improved charcoal trade and initiate programmes aimed at improving stock promotion and education. The Ministry also intends to commission a study to revisit the viability of power alcohol, launch medium-term bagasse-based co-generation investment programmes in the target of 150 megawatts by 2010 and expand improved stove and charcoal kiln programmes to reduce the fuelwood deficit to five million metric tonnes by the year 2012.

Mr. Deputy Speaker, Sir, in the long-term, the Ministry will develop a regional power pool and supporting domestic electricity industry structure, expand rural electrification penetration to 40 per cent and provide fiscal incentives to investors in power generation. In fossil fuel, additional

pumps will be installed on the Mombasa-Nairobi section of the pipeline. The oil pipeline will be extended to other neighbouring countries and other parts of the country, where feasible. The Government will attain strategic stock equivalent to 90 days of demand and put in place incentives to attract investors in a new refinery.

Under biomass energy, my Ministry will expand co-generation investment programme to realise 300 megawatts target by 2015. It will also expand improved stoves and charcoal kiln programmes to eliminate the fuelwood deficit. It will review and update biomass energy development plans and update biomass energy data bases, among others.

Finally, the following activities are earmarked for implementation with the new and renewable energy:- To develop local manufacturing capability for advance renewable energy technology such as photovoltaic and wind power pipe turbines for electricity generation both for domestic and export markets. We also intend to review the fiscal regime of renewable energy technologies to promote their widespread utilisation.

Mr. Deputy Speaker, Sir, lastly, my presentation today in this august House signals the beginning of the process, which will culminate in tabling of the Sessional Paper on Energy, 2004/2024, during the fourth quarter of this calendar year. It is now my humble request to invite the hon. Members to study the Draft Sessional Paper on Energy in readiness for an informed discussion on the same.

With those few remarks, I beg to move the Motion, and call upon Mr. Ochilo-Ayacko to second.

The Minister for Gender, Sports, Culture and Social Services (Mr. Ochilo-Ayacko): Mr. Deputy Speaker, Sir, I would like to thank Mr. Kiunjuri for the able manner in which he has moved the Motion. This is the first time, since Independence, that the Government has come up with a Sessional Paper on energy. There was an attempt to do this in 1998, but it did not see the light of the day. I do not know why those who made that attempt got shy and did not make the presentation.

Mr. Deputy Speaker, Sir, the Sessional Paper which will culminate in an energy policy will be very useful to this country. It will define the road map that will be followed by the Government in respect of the provision of energy. It will also show what responsibility the private sector will assume when it comes to generation of energy. We know that energy is critical to the revitalisation of the economy. We know that energy impacts on health and the environment. So, it is important that the Government comes up with a policy that addresses all areas that are affected by energy, particularly production.

The theme of the Sessional Paper is affordability, quality and quantity. So, the issue of affordability is being addressed in the Sessional Paper. The issue of affordability is key to the Ministry of Energy. The public is being told of ways and means and what will be put in place to make energy affordable in Kenya. Investors have also complained that electricity is expensive. They have also complained that the quality of electricity supply is bad because we keep on having power black-outs. At times, you wonder whether it is the light fly that flies at night that it is seen here and there, but not seen continuously. This Sessional Paper attempts to give an affordable product. It addresses issues relating to shifting from the traditional ways of generating electricity and emphasises on geothermal, which is a renewable resource.

This country has abandoned prospects of geothermal. OI Karia in the Rift Valley Province has ability to generate about 200,000 megawatts of geothermal power. This ability has not been exploited in the past because there has not been a framework through which this can be addressed. In the Sessional Paper, the proposed GeoThermal Development Company will be put in place. This company will harness public resources, assess and develop geothermal energy as a resource and eventually, choose to sell kiln to the public and the private sector and also to KenGen. The rationale

behind the formation of this company is to underwrite the expensive initial investment in geothermal energy development. When it comes to screening the electricity services, the tariffs will be set after all the heavy overheads have been undertaken by the Geothermal Development Company. Therefore, geothermal method will become an affordable way of generating electricity.

In this Sessional Paper, the issue of enhancing connectivity, particularly in rural areas, is addressed. You will find that only 3.8 per cent of Kenyans who live in rural areas have access to electricity. This percentage is very low and, yet about 80 per cent of Kenyans are residents of rural areas. A policy framework is being derived and developed to give connectivity to the rural folks. The line adopted is to first take electricity to market centres because this is where rural folks come together and add value to the merchandise from their farms. Thereafter, public institutions like secondary schools and health centres will also have electricity connected to them so that life in the rural areas becomes meaningful, and capable of creating wealth and employment in this country. That will address what is captured in the Economic Recovery Paper. Activities will now be geared towards creation of wealth and employment.

The area of petroleum is also addressed in the Sessional Paper. There is a desired shift that the Government is trying to encourage. The Government is trying to encourage consumption of Liquefied Petroleum Gas (LPG). We know that our domestic fuel is largely wood. We know what this country has as stocks of wood fuel.

QUORUM

Mr. Weya: On a point of order, Mr. Deputy Speaker, Sir. We do not have quorum in this House!

Mr. Deputy Speaker: The Chair confirms that there is no quorum. Ring the Division Bell please.

(The Division Bell was rung)

Mr. Deputy Speaker: We have a quorum now. You may proceed, Mr. Minister.

The Minister for Gender, Sports, Culture and Social Services (Mr. Ochilo-Ayacko): Mr. Deputy Speaker, Sir, I was saying that the domestic use of fuel in Kenya is more tilted towards wood. That does not tally very well with the quantity of biomass we have in this country. In this Sessional Paper, a remedy is being proposed, which lays more emphasis on the use of LPG.

LPG is friendly in terms of its impact on the environment. It is also very efficient in terms of usage. Those of us who are concerned with gender matters are happy because our female relatives will no longer be spending endless hours trying to fetch firewood and cook. This Paper is going to address both efficiency and reliance on wood fuel, which is collected by our mothers and daughters. It is also going to address environmental issues.

The Ministry of Energy is proposing to come up with a common user facility, which will be an important storage and handling facility down at the Port of Mombasa. Other storage facilities will be put up in Sagana, Nairobi, Nakuru, Eldoret and Kisumu. The purpose of putting up these common user facilities is to de-bottleneck marketing. We know very well that a country as small and as poor as Senegal has increased its consumption of LPG. Its consumption of LPG, economic factors notwithstanding, is about 11 kilogrammes per capita, which compares very unevenly with our consumption.

We are a bigger economy. We have about 31 million people. Senegal has 13 million people. Our LPG consumption is about 1.3 kilogrammes per capita. The market is there and the facilities are

being put in place. Recently, the Minister for Finance waived VAT on LPG, which was a very positive move in encouraging its consumption. It is also proposed in the policy Paper that containers for LPG be standardised. This will apply to both the cylinders and the valves, so that problems regarding marketing may be addressed. This will go a long way in addressing our over-dependence on wood fuel. Statisticians who assess the impact of our over-dependence on wood fuel have painted a grim future for this country. If the trend continues, and it is not addressed in the manner proposed in the Sessional Paper, then eight years down the road our forest cover, which stands at less than 3 per cent, will have been completely wiped out. The Ministry of Energy is proposing a remedy to that in this Policy Paper. I believe that for the sake of this country, both sides of the House will support this Sessional Paper.

Mr. Deputy Speaker, Sir, the challenge that the energy sector in this country has had is its inability to attract capital investment. A lot of investors have been reluctant to come to Kenya. In the past they were citing issues of governance and a bad political climate. Although there seems to have been an improvement in this regard, the private sector has still been reluctant to come to Kenya. Therefore, mobilisation of capital to invest in this sector has been left to the Government particularly Government utilities, namely the KENGEN, the KPLC, the Kenya Pipeline Company and the Kenya Petroleum Refineries. This has deprived the sector of the capital that is needed to undertake development in this sector. This issue is being addressed in this Sessional Paper.

I had earlier alluded to the formation of a geothermal development company, but there is also a proposition to come up with a more autonomous energy regulatory commission. A regulatory framework will ensure all players, be they State-owned or private sector-owned companies, have a level playing field when they are doing their business. This proposed commission will have functions of regulating the electricity and petroleum sub-sectors. It will be availed resource persons who will apply principles that obtain in the world, so that we are up to international standards.

The private sector has been reluctant to come to the energy sector, claiming that in the absence of an autonomous or semi-autonomous regulator, perhaps the Government may wake up one day and outlaw certain functions to their detriment. In this proposed Sessional Paper a draft energy policy is proposed to create an environment that is conducive to participation of both public and private sector players.

I am sure that people who want to do the extension of the pipeline from Eldoret to Kampala, and hopefully to Rwanda, Burundi and the Democratic Republic of Congo, will be happy, because there will be a regulator. Independent power producers will also be happy because there will be an independent regulator, who will set electricity tariffs scientifically and not whimsically, because of the political mood of the moment or some other mood that may not be quantified scientifically. That proposal is contained in this energy sector policy.

Mr. Deputy Speaker, Sir, there is also a proposal to give licences to people who want to generate electricity for both their use and localised distribution. In other words, there is a proposal in this Sessional Paper that the monopoly of distribution by the KPLC be limited and other players be allowed to participate in distribution. This will open up the sector to many players, who will bring in both expertise and capital and the ultimate beneficiary will be Kenyans. It will also bring more investors on board. These new investors will create more employment and competition. Competition will bring about efficiency which will result in more productivity and reward to the economy at large. It is proposed in the Sessional Paper that the monopoly that has been enjoyed in respect of distribution by the KPLC be done away with, and other players be allowed to participate in this sector that has been monopolistic in the past.

It is proposed in this Sessional Paper that the future of the Kenya Petroleum Refineries be defined, and that the quality of our petroleum products that are processed by the refineries be

improved. It also proposed that the efficiency of the petroleum refineries be improved so that the end users of the petroleum products, and the economy at large, also benefits from that. We know that petroleum refinery as it is now is very inefficient. We know that it is unable to produce certain qualities of fuel, particularly unleaded gasoline.

It is said by researchers and environmentalists that the level of lead in this country is 20 per cent, particularly in Nairobi. This is higher than what is scientifically accepted. I am embarrassed to admit that this is a danger to residents of Nairobi, and children who are being brought up in Nairobi will have their intelligence quotient affected. This matter is so urgent that it must be addressed.

The Ministry of Energy has proposed that by 31st December, 2005, this country will have unleaded gasoline, and there are no two ways about it. That is a deadline that has been imposed. Beyond that deadline, any organisation, including the refinery that will be unable to process unleaded gasoline will die. Organisations must do the necessary adjustments in order that they may have life beyond that deadline. This will definitely require investments by the shareholders. The shareholders are both private persons, 50 per cent, and the Government, 50 per cent. I believe that, as a Government, we will put our heads together with the private sector and improve the refinery, so that the products that come out of it are friendly to the environment and are also not harmful to our health.

In this Sessional Paper, it is also proposed that more capital be put in the search for hydrocarbons. We need to invest heavily in the search for oil, coal and liquefied natural gas. The importance of this search is that this country spends about Kshs48 billion annually to import petroleum products. We can use this money for other things. We can invest this money in other productive activities. For us to save this money, we need to concentrate on the search for hydrocarbons. This is captured in the Sessional Paper.

Currently, there is an ongoing search along the coastal strip. It is called offshore prospecting. It is being done on our behalf by a company called Woodside. I am happy to report that Woodside has made tremendous progress. When it goes to the next stage of search which is the three-dimensional search, hopefully by next year, it should announce whether we have hydrocarbons and what quantity we have. Hopefully, by next year, it will have sunk one exploratory well to reveal exactly where it is, or whether it is of commercial quantity. This Paper proposes that more emphasis be put in this regard, and that, hopefully, we will make discoveries in this area to alleviate our already bad balance of payments or over-dependence on imported petroleum products.

Mr. Deputy Speaker, Sir, in this Sessional Paper, there is a proposition to address both the cost of generation and transmission of electricity. It is proposed that we make certain fiscal arrangements to adopt certain tax-friendly measures, so that people who are involved in transmission and distribution of power enjoy this tax. I am sure there will be more inflow of capital.

Mr. Deputy Speaker, Sir, with those very many remarks, I beg to second and support.

(Question proposed)

Mr. Sasura: Mr. Deputy Speaker, Sir, I stand to support the Motion and congratulate the Minister for Energy for bringing this Sessional Paper. It is very impressive. However, that is not the only Sessional Paper we have seen in this House. We have seen a couple of Sessional Papers preceding various draft Bills, but, at the end of the day, they just end up in very unsuitable places. I hope this one will not end up in those places.

Mr. Deputy Speaker, Sir, certainly, the energy sector is very important to the economy of this country. Therefore, there is need to have a regulatory framework, as the Minister has said, to streamline this sector. When Kenyans talk about energy, what comes into their minds is the

company that distributes electricity; that is the Kenya Power and Lighting Company (KPLC). This is not the company with the best reputation in this country because it has been mismanaged over the years. This company is entrusted with distribution of power. At the end of the day, it is a very important aspect of consumption of electricity.

Mr. Deputy Speaker, Sir, over the last one-and-a-half years, we have had cases of fires in most of our cities. Unfortunately, after investigations, the causes of most of these fires are as a result of electricity. However, the ordinary *mwananchi* does not illegally connect electricity for himself or herself without the support of the KPLC staff. The staff of KPLC have given this company a very bad reputation, and put the lives of Kenyans at risk, where fires normally start as a result of faulty and illegal connections. There is need for the Ministry to restructure the KPLC. They could start by down-sizing the staff, to get rid of the bad seed among them.

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

Mr. Temporary Deputy Speaker, Sir, I want to concentrate on some good news that I heard with regard to this Sessional Paper. This is on the proposed Rural Electrification Authority (REA). The REA has come at a very good time, when most of the Rural Electrification Programmes (REPs) have failed because of the existing system of supplying electricity to the rural areas, which is not perfect. Kenyans, after paying 3 per cent on top of their ordinary electricity bill towards the REP, at the end of the day, do not end up getting electricity. I would rather we change the term REP because, at the end of the day, it is not the rural poor who get electricity. Electricity ends up in the urban centres, or areas where we have cash crops. The rural areas of this country do not have electricity. There is need to have the REA which will specifically deal with the funding, distribution and identification of the projects that will be undertaken in this country under the REP. When I talk about identifying the projects, every area in this country needs electricity.

Mr. Temporary Deputy Speaker, Sir, it is high time now that the Government concentrates its efforts on constituencies. There is need to have rural electrification programmes focused on constituencies, so that we know, within a specific period of time, that a certain constituency has benefited from a certain project under the REA.

Mr. Temporary Deputy Speaker, Sir, when it comes to the issue of exploration of oil reserves in this country, there are a lot of questions left unanswered. The Department of Mines and Geology in the Ministry of Energy has very able Kenyans. However, I do not want to believe that they are properly utilised to carry out the necessary duties they were employed to do. If you look at our borders, especially the northern part of our country; that is our border with Ethiopia, Somalia and Sudan, there is a belief that we have high potential for oil exploration and other minerals, for example, copper.

I remember about 10 years ago, the then Minister for Energy, Mr. Biwott, got a sample of crude oil in Isiolo District and displayed it to Kenyans from a helicopter. These are some of the questions that need to be answered. As I said, there are a lot of questions unanswered. If it is true that, that was crude oil, what happened? If that was not crude oil, what should happen to that person who did not tell Kenyans the truth and gave us false hopes?

Mr. Temporary Deputy Speaker, Sir, it is needless to say that there is need to expand the Department of Mines and Geology to explore every corner of this country for available reserves of oil and minerals. However, there is a very interesting trend which emerged after all these explorations took place in northern Kenya; for example, in Isiolo, Marsabit and Garissa districts.

After exploration ended, there is an emerging condition which is taking place and it is causing trouble. This issue has been raised in this House. We have had our waters poisoned because the level of toxicity has increased in our boreholes. For example, in Garissa District, where these explorations have taken place, people start developing ring like spots on their foreheads. Were these people exploring for oil, or they were dumping radio-active material in those arid zones of this country? Are these regions suitable for dumping of such things? In the northern part of Marsabit District, cases of cancer of the oesophagus are on the increase. Every other day, there are referrals to Kenyatta National Hospital (KNH). That is an area where the same explorations were done. We have a lot of salt in Marsabit District, especially around the North Horr area. The people who have used that salt are the ones who get cancer of the oesophagus.

Mr. Temporary Deputy Speaker, Sir, the Government must investigate what the people who did exploration in this country dumped in those areas. That is because toxicity might or might not end. If it does not end, it will definitely affect the future generations of this country. It will poison our wells and some of our waters are inter-connected. In geology, underground seepage has no boundaries. It can go from one district to another. So, toxicity is not limited and there is need for the Government and the Ministry of Energy to investigate every hole that has been explored.

Mr. Temporary Deputy Speaker, Sir, regarding the sources of energy, the Government is not doing enough to explore other sources of energy.

Mr. Sudi: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the hon. Member on the Floor say that toxicity in his area has caused throat cancer. Could he prove whether that disease is there or not? He has made a very serious allegation. If it is there, we should arrest the situation before it goes out of hand.

Mr. Sasura: Mr. Temporary Deputy Speaker, Sir, the last time I boarded Bus No.42 to Kenyatta National Hospital (KNH), those patients were there. I advise Mr. Sudi to go and get their files. It is indicated that they were referred there from North Horr. The reason why they were referred is indicated in their files. Otherwise, it is difficult for me to prove. The Member for North Horr and the HANSARD can bear me witness. He has alleged it in this House. Patients have been to his House. He is the one who took them there.

Mr. Temporary Deputy Speaker, Sir, on sources of energy, I was saying that 75 per cent of our electricity comes from hydro-generated power. Only 25 per cent comes from other sources, including the 3 per cent that we buy from Jinja. The last time we had problems of power in this country was because all our rivers were dry. That is because we have put all our eggs in one basket. That is the time we started running around and talking to Independent Power Producers (IPPs). We started talking on how we can get other sources of energy. It is only that Kenyans are very patriotic people. The impact of the loss and rationing of electricity was very grave. It impacted on employment, economy and various other productive sectors. Factories laid off their workers because they were getting power only three times in a week. They could not produce enough and so, they had to lay off their workers. We thank God that Kenyans were patient and had to wait for rain to come three or four months later. But if we had invested in other sources of energy like geo-thermal, wind or solar, even if the rivers dried up, we would have relied on them. We should even put some of those generation stations in various other rivers in the country. We did not need to concentrate them at the Seven Forks. We have other rivers in the country and we could have distributed them. But I think the earlier planners were very mean! They put all the hydro-electric power stations on more or less in close geographical proximity. So, there is need for us to explore other sources of energy, if we do not want to be embarrassed like last time.

Mr. Temporary Deputy Speaker, Sir, lastly, the Draft Energy Bill is a welcome move. I would like to advise the Ministry that Bills have become contentious because, most of the time,

stakeholders are not involved. That is common knowledge. That is why the pending National Social Health Insurance Scheme (NSHIS) Bill is causing hitches here and there, because the stakeholders were not consulted. I want to advise the Minister for Energy to consult with the stakeholders before it brings any Bill to this House. At the end of the day, the major stakeholders in any sector are the people of Kenya.

With those few remarks, I congratulate the Minister and beg to support.

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, I am the Member of Parliament for Mwingi South, and I hope my colleagues who are always speaking here will give me a chance to contribute.

First, let me say that I wholly support this Sessional Paper. I have had an opportunity to read it. It is very well written. My only plea to the Minister for Energy is to make sure that this Sessional Paper will not find its way in the shelves of the Ministry and collect dust there, as has happened with many beautifully written documents in the past. It is a very serious effort by the Ministry of Energy to come up with a policy on energy.

Mr. Temporary Deputy Speaker, Sir, I want to start my contribution with rural electrification. I have noticed that in the Sessional Paper, it has been given a very small portion. I think it is the most important area that we need to talk about in this House. Time and again, hon. Members are on their feet asking the Minister for Energy when electricity is going to be supplied in their places. That is because 42 years after Independence, our people are still living in the stone age. Our people cannot access electricity. I wonder how long we are going to continue like that. So, when I read this Sessional Paper, I saw a glimmer of hope that, finally, we may end up getting some power in the rural areas.

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

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

Why do we clamour for rural electrification all the time in this House? First, rural electrification, as you know, and the former Minister for Energy, Mr. Ochilo-Ayacko has said it, it is one of the tools for reducing poverty. For example, wherever you find power in the rural areas, you will find some small *Jua Kali* industries going on. I can say that in the very few market centres that have power in my constituency, *wananchi* are able to sustain themselves. The youth also engage in small *Jua Kali* projects. So, if rural electrification is done as suggested by the Kenya Rural Electrification Authority (KREA), we will go a long way in reducing poverty in our areas. We shall establish small industries in our places. That will go a long way in reducing the influx of people from the rural areas. Nairobi and other cities have many youths who have left their rural areas to seek employment, which is not there! I am sure, if we had power in our rural areas, those small industries would occupy some of those people from coming to the city to look for employment. Rural electrification will improve education in our rural areas. Today, when you look at the performance of schools in the country, schools in the rural areas perform very poorly because students use the old methods of lighting to read. They use lanterns or the so-called "*nishikie nitandike*" lamps. Therefore, those students cannot be expected to study as well as those living in the city where power is available. So, I am clamouring for rural electrification more than anything else because of the many benefits that will accrue if this is stepped up.

I also want to talk about Information Technology (IT). While looking at the Estimates for

the Ministry of Education, Science and Technology, I saw that Kshs4 billion has been allocated for IT. I ask, and I am not anticipating debate, what nonsense is this? How would IT, be implemented in schools in the rural areas where electricity does not exist? So, IT and even general information for the public, would be enhanced if rural electrification is stepped up.

On improved medical treatment, our hospitals where electricity does not exist cannot diagnose diseases efficiently because the equipment that is supposed to diagnose these diseases cannot function because there is no power. I can go on and on.

Rural electrification will also enhance improvement of agriculture. It will enhance irrigation and the storage of vegetables and fruits. By denying our rural areas power, we are just stagnating our nation in terms of growth. We cannot grow for as long as we do not have electricity in our rural areas. So, I urge the Minister, even before going to implement this Sessional Paper, to ensure that everything is done immediately to step up rural electrification. This is because, in my view, rural electrification holds the key to the development of this country. It is sad that we have wasted so many years. It is sad that it is only after 42 years that we are coming up with a Policy Paper.

Mr. Temporary Deputy Speaker, Sir, let me turn to the dams that generate electricity, particularly the Seven Forks, Masinga, Kamburu, Kiambere *et cetera*. I come from Mwingi District, neighbouring River Tana. You will be amazed when you stop and look around certain places. You will think they are cities. But those are dams, because there is power there. As a matter of policy, wherever there is a source of energy, for example, a dam generating power, the communities living around there must be given first priority to get power. How do you explain the case of Masinga Dam? The communities have given out their land and the villages there are in darkness, and yet, huge cables take power to Mombasa, Nairobi and many other places in the country. I think it is unfair and inhuman. The Minister for Energy must look at this. Wherever there is some generation of power, be it the proposed Sondu Miriu, Masinga or Kiambere, the communities around must be the first to benefit from that power.

We have said this before and I want to repeat it again. The Government ought to take action quickly because it will not cost a lot of money. The power is there and you just need to extend a line and supply the communities surrounding. They will appreciate and even look after those dams because they know the advantages. When these dams were being constructed, and I want this matter to be taken seriously because it is a matter of principle; the dams on the River Tana were constructed and owned by the Tana and Athi Rivers Development Authority (TARDA). KEN-GEN or the KPLC was supposed to pay a 2.5 per cent royalty to the local authority so that these funds could be used to improve the lot of the communities living in these areas. These funds should also be used to build good schools and provide the amenities that the rural people want, for example, bursaries, *et cetera*. This is the case in other areas, like the Maasai Mara Game Reserve where wildlife live. Tourists who go there pay to the local authorities. As a result, children are given bursaries and the local authorities build schools *et cetera*. The same thing should happen where dams are located. Royalties should be payable as per that agreement which exists. The Ministry of Energy has failed in its duty to ensure that those who generate power from the dams pay royalties to the local authorities to be able to improve the lot of those communities. So, looking at this Sessional Paper, I failed to see anywhere where this issue of payment of royalties to the local authorities covered by these dams is addressed. I hope this omission will be addressed.

When Mr. Ochilo-Ayacko was seconding this Motion, he talked about exploration. He told us that a firm by whatever name is doing it offshore and maybe, next year, they may announce good results. I want to say this: We have heard this many times before. We have heard that companies A and B are exploring in North Eastern Province or wherever. We have heard that they are drilling and doing a test-well, and that they are just about to announce their results. Sometimes we have even

been treated to news that, in fact, oil has been discovered somewhere, and it is covered. I always ask myself a question. Why do we have so much petroleum in Sudan, which is just to our north and we do not have petrol here? Why do we have so much gas deposits in Tanzania and we have never found anything here? I think there is something wrong here. We are either not being serious in our exploration of this resource, or the people we ask to explore have a sinister motive, and, perhaps, they are not telling us the truth. So, I urge the Ministry to get more serious in the exploration. If they have tried a certain company from a particular country and they have found that they are not performing, for goodness' sake, why not move to other countries?

I am told that countries like China, for example, are very fast in the exploration of this resource. Can I, therefore, appeal to the Ministry not to be dealing with certain companies when it comes to exploration? It should go all over the world and try to find companies that are willing and ready to help. I have been unable to understand why Tanzania should have gas deposits. Would God have been so unfair to us that he gave petroleum to Sudan and denied us? Where does it go? Does it not go under? Does it jump over and go to Tanzania? Minister for Energy, please, be serious! Let us know why we cannot have petroleum in Kenya.

As Mr. Ochilo-Ayacko rightly said, if we had petroleum in this country, we would be using the money that we use to import petroleum products in other ways. We could be using it to create employment in the agricultural sector and to produce more food in all these areas which are very fertile, for example, in Tana River, where Mr. Wario comes from. It is very fertile, and there is a river passing by but he cannot get resources to pump the water to irrigate the land.

Mr. Temporary Deputy Speaker, Sir, we know that our water is being used in Egypt to irrigate wheat which we import. How sad! How can we have water and allow it to go to Egypt? Egypt then uses its power; the petroleum it has to pump water, irrigate cotton and wheat, and then we buy the cotton clothes, oil and everything from Egypt. We are living in the stone age! People are benefitting from our resources while we are asleep. I, therefore, urge the Ministry to get up and make sure that we get this resource called energy. The whole world today is about energy. Without energy, countries are going to war to ensure that they control their energy resource. However, here we are just sleeping on our resources without exploitation.

I was very happy when I was reading the Paper, and for the first time, I saw Mwingi mentioned in it. It is very rare that I read Government Papers and find Mwingi there. Therefore, I want to congratulate the Minister for finally discovering that there is an area with a resource; coal. In the Paper, it is recognised that large deposits of coal are available in Mwingi. So far, so good! But what are we doing about it? In the Poverty Reduction Strategy Paper (PRSP), it is amplified yet again that there are coal resources in Mwingi that can be exploited to provide for cement factories, and above all, be able to generate cheap power. However, what we hear is that the deposits are there but there are no investors to exploit them. That is what the Paper says! For how long are we going to listen to this story, yet we know that there are people in South Africa ready and willing to do it? This is because M/S Bamburi Cement Company now imports all the coal they need from South Africa and it is just, perhaps, in my farm in Mwingi, and we cannot go and get it. We go all the way to South Africa to buy coal. I want to appeal to the Ministry, and the Government at large, to put up policies which ensure that we use our resources instead of running to go and import them from elsewhere. If this coal is exploited in Mwingi, it will create jobs. I am sure that all the roads will be leading to Mwingi; people going to look for jobs. Mr. Khamasi cannot believe me, but I can assure him that it will happen if we pull up our socks!

Mr. Khamasi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Deputy Speaker to say that I do not believe in him when he knows very well that I believe everything he says in this House?

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, I thank him. At least, I now know that Mr. Khamasi believes in what I say. However, on a more serious note, this coal business is a matter of national importance. It is a resource that, if properly exploited, can turn this country round. I, therefore, urge the Minister for Energy to have a look at it again and not just say: "The deposits are there; large deposits have been found but there are no means of exploration." We want this resource to be explored. We want cheap energy from coal which is available locally. We know that this will create employment not only for the locals, but for Kenyans at large.

I know that there are so many people wishing to contribute to this very important Motion and, therefore, with those few remarks, I beg to support.

Mr. Wario: Ahsante, Bw. Naibu Spika wa Muda, kwa kunipa fursa hii ili niweze kuichangia Hoja hii.

Wakenya wanasifika kwa kuandika sera na kuwashawishi wafadhili. Ukimwambia Mkenya akuandikie sera, atafanya hivyo mara moja. Swali ni kwamba, je, ni bora kuandika sera au kutekeleza sera hizo? Tumeshindwa kutekeleza sera. Kwa hivyo, ingawaje sitakuwa katika msitari wa mbele kuunga mkono Hoja hii, nina hofu iwapo Hoja hii itatekelezwa na kuwa sheria.

Katika nchi hii, bei ya mafuta ya dizeli na maji ni sawa. Nchi hii haina petroli yake, lakini tuna mito mingi. Kwa nini bei ya lita ya maji ya *Keringet* na lita ya petroli bei zao ni sawa? Kwa hivyo, ni lazima tuwe na sera ambayo itasimamia sekta ya kawi.

Bw. Naibu Spika wa Muda, ninaunga mkono Hoja hii shingo upande. Ninafahamu kwamba Hoja hii ikipitishwa na Bunge hili na kutekelezwa, itawafaidi Wakenya. Ninafahamu kwamba, hata tukiwa na sheria 100, mimi pamoja na watu ninaowakilisha Bungeni hatutanufaika. Sasa ni miaka 41 tangu nchi hii ilipokuwa huru, lakini sehemu ile haina maendeleo yo yote.

Mwakilishi wa kwanza wa serikali ya mkoloni katika nchi hii, Bw. Charles Eliot, alisema katika Bunge hili kwamba hakuona sababu ya kuishawishi serikali ya Malkia kueleza katika sehemu kame, kwa sababu mapato ya kiuchumi kutoka sehemu hizo yalikuwa kidogo mno. Serikali ya mwanzilishi wa taifa, Mzee Jomo Kenyatta, ilifuata sera za Bw. Charles Eliot. Hatimaye, Rais mstaafu, Daniel arap Moi, alifuata sera hizo hizo. Alipochukua hatamu ya uongozi, Rais Kibaki aliahidi kuboresha hali ya maisha katika sehemu kame, lakini jambo la kusikitisha ni kwamba Bajeti iliyowasilishwa Bungeni hivi majuzi haikusema cho chote kuhusu sehemu kame. Kwa hivyo, yale aliyosema Rais Kibaki katika Hotuba yake ya Ufunguzi wa Bunge yalikuwa ni sera ya siasa tupu yenye lengo la kuwashawishi Wakenya kupenda Serikali yake. Kwa hivyo, hata kukiwepo na sheria 100, hazitazingatia haki za Wakenya wanaoishi katika sehemu kame.

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

*[The Temporary Deputy Speaker
(Mr. Ethuro) resumed the Chair]*

Kwa hivyo, nitaunga Hoja hii kwa sababu, ikipitishwa na kutekelezwa, itawasaidia Wakenya. Sitaki kuwaharibia Wakenya kwa sababu wametudhulumu kwa miaka 40 sasa. Nitaunga mkono Hoja hii iweze kuwafaidi. Miaka 41 baada ya nchi hii kuwa huru, Wilaya ya Tana River haina umeme. Tunaishi katika giza, na Serikali inawatarajia watoto wa wilaya hiyo washindane na watoto wa Nairobi katika mitihani ya kitaifa. Watoto wa Wilaya ya Tana River watashindana vipi na watoto wa Nairobi, ambao hutumia mitambo ya kompiuta katika masomo yao? Kwa hivyo, ni wazi kwamba Serikali imeamua kuwadhulumu wakazi wa Wilaya ya Tana River. Leo mimi nikitangaza katika KBC kwamba naunga Hoja hii mkono, watu wa Tana River wataniona kama

niko na wazimu. Ndio sababu nina hofu kutangaza kwamba naunga Hoja hii mkono. Angalia hali ya umaskini. Hali ya umaskini imetanda katika Wilaya ya Tana River. Kwa nini? Hakuna umeme. Iwapo ingekuwa uko umeme, vijana wetu wangejiajiri kibinafsi na ingekwenda kikubwa kupungza hali ya umaskini katika Wilaya ya Tana River. Iwapo kungekuwa na umeme, hali ya elimu ingekuwa bora katika wilaya hiyo. Leo ikitokea matokeo ya mtihani, bila shaka tunajua Tana River ni ya mwisho. Sikupenda kwao. Sio kwamba watoto wanaotoka huko wote ni maskini, lakini Serikali imeamua kufuata mawaidha ya Sir Charles Elliot wasipeleke umeme Tana River na hivyo, kudhulumu watu wa Wilaya ya Tana River.

Bw. Naibu Spika wa Muda, tukienda kwa Hoja yenyewe, tunapozungumzia sera ama sheria ya kawi, inakuja picha kubwa. Picha ya kampuni ya kusambaza umeme katika nchi ya Kenya (KPLC). Swala ni kwamba: Kwa nini umeme usambazwe na kampuni moja peke yake? Ili Serikali hii ipate pesa, umeme uhalalishwe na makampuni kadhaa yakubaliwe kufanya hiyo kazi. Mambo ya kusema ikipewa kampuni mbili itachomana ni fikira ambayo haitoshawishi mtu mwenye fikira ya kisawa. Serikali ifungue wazi. Hili jambo la KPLC peke yake kuendesha umeme liwachwe na kuleta kampuni nyingine. Watapata mapato mengi hapo na mashindano yatatokea. Katika mashindano hayo, huduma itakuwa rahisi kwa mwananchi wa kawaida. Mtu wa Tana River, ambaye hajapata umeme kwa miaka 41, atapata. Nafasi za kazi, raslimali kwa Serikali na huduma rahisi kwa mwananchi zitapatikana. Kwa nini KPLC wawe peke yao ndio wameaminiwa kuleta umeme? Kwa nini Serikali isibuni makampuni mengine katika usambazaji wa umeme nchini?

Bw. Naibu Spika wa Muda, pili, kwa sababu ya hamu kubwa, Wakenya wengi wanatarajia kupata umeme na huduma wanayopewa na KPLC haitoshi. Sasa, Wakenya wengi wanaona KPLC kama shetani. Ni vigumu kushawishi Mkenya azungumze au atoe picha nzuri ya KPLC. Ukiwaona, unajua hapa kuna habari mbaya bila shaka. Utakuwa na matatizo. Siku moja ukiwa na matatizo nyumbani, wapigie simu, lakini itakuchukua wiki nzima ndipo mtu wa KPLC aje kukutatulia tatizo lile. Kwa nini? Kwa sababu wanajua Wakenya hawana tegemeo lingine. Hakuna mahali pengine wataenda. Hakuna namna nyingine watafanya. Wao ni lazima wanyenyekewe. Mimi ningepigwa Waziri: Waziri, angalau, wezesha KPLC iwe na uso wa kibinadamu, ingawa ni wao peke yao wanayo mamlaka. Ni wao peke yao wanao uwezo wa kusambaza umeme, lakini angalau wawe na uso wa kibinadamu kwa sababu hali ilivyo sasa ni mbaya.

Bw Naibu Spika wa Muda, kama ujuavyo, hakuna kampuni nyingine yenye uwezo na mamlaka ya kusambaza umeme nchini. Angalia ni nyumba ngapi zimechomeka kwa sababu ya umeme? Je, kampuni hii inachukua wajibu gani katika kuwalipia riba wale waliochomewa nyumba zao? Majanga kadha wa kadha yametokea, haswa sehemu ninayotoka ya pwani. Ni hoteli ngapi za kitalii zimechomeka? Watu wangapi wamehasarika? Watu wangapi wamefilisika? KPLC iko hapo ikicheza shere. Namuuliza Waziri, KPLC iwe na uso wa kibinadamu.

Shirika la umeme la KPLC ni lazima liwe na usimamizi bora kwa sababu wananchi hulipa pesa nyingi ili kupata huduma. Hata hivyo, ikiwa mwananchi ana tatizo lolote kuhusu umeme, maofisa wa shirika hili huchukua muda mrefu kulitatua. Ni lazima shirika hili liwahudumie wananchi kwa njia nzuri. Iwapo tutakuwa na imani nao, ni lazima watambue haki za wananchi wetu.

Bw. Naibu Spika wa Muda, kama mhe. Mbunge aliyenitangulia, nitazungumza machache juu ya mradi wa kusambaza umeme mashambani. Kwangu, mradi huu umekusudiwa kuwanyima umeme wananchi wanaoishi sehemu za mashambani. Ni mradi kwa jina tu. Asilimia 80 ya wananchi wetu huishi katika sehemu za mashambani. Huko ndiko umaskini umetanda zaidi kushinda sehemu zingine hapa nchini. Iwapo umeme unaweza kusambazwa sehemu za mashambani, basi umaskini utapungua. Watu wengi wataajiriwa kazi. Wakati wa uchaguzi wa 2002, chama cha NARC kiliahidi kubuni nafasi 500,000 za kazi kila mwaka ikiwa wangechukua hatamu za uongozi wa nchi hii. Ikiwa Serikali ya NARC inataka kutekeleza ahadi hii, haina budi

kusambaza umeme sehemu za mashambani. Ikiwa Serikali ya NARC itafanya hivyo, basi itaendelea kuongoza taifa hili hata baada ya uchaguzi mwaka wa 2007. Lakini kwa vile hawajitimiza ahadi hii, wakati wa kura ukiwafika haitakuwa rahisi kwao kupata kura.

Bw. Naibu Spika wa Muda, kuna visima saba ambavyo vinatoa umeme kwa taifa la Kenya. Visima hivi hutegemea mto wa Tana River. Huko ndiko ninakotoka. Ni aibu kuwa Wilaya ya Tana River haijawahi kuwa na umeme tangu Uhuru. Visima hivi havisimamiwi vilivyo. Visima hivi hutumika kupeleka maji katika Bwawa la Kindaruma. Kitendo cha kufunga na kufungua visima hivi ili kupeleka maji katika Bwawa la Kindaruma huenda kikaleta maafa katika Wilaya ya Tana River. Mashamba yataharibiwa na wanayama wetu wataangamia. Ninashangaa kuona ya kwamba sera hii, kama ilivyopendekezwa na Waziri, haitaji vile Serikali itawafidia wananchi iwapo watapata hasara kutokana na maji kutoka visima vivyo. Watu wetu wamekufa kutokana na mafuriko. Ni lazima tuwe na sheria itakayosimamia visima hivi. Ni lazima tujue, kwa mfano, ikiwa maji kutoka Bwawa la Kindaruma, yatawaua watu wetu, ni taratibu zipi zitakazofuatwa kuwafidia waathiriwa. Wanaosimamia Bwawa la Kindaruma hufungulia maji kama wanavyotaka na watu wengi wamekufa kiholela!

The Assistant Minister for Energy (Mr. Kiunjuri): On a point of order, Mr. Temporary Deputy Speaker, Sir. I have no intention of interrupting my good friend, although you have heard him intensify his attack on us. However, would I be in order to clarify and say Kindaruma Dam, or any other dam, is only opened when it is being serviced. There are experts to do so. They have never killed people downstream. So, could the hon. Member withdraw his allegation and apologise to the House?

Mr. Wario: Bw. Naibu Spika wa Muda, nakuomba unipe fursa nilete majina ya watu ambao mashamba yao yameharibiwa, wanyama kufa na hata watu kufa maji wakati Bwawa la Kindaruma linaposafishwa. Ninasema haya kwa sababu shida hii huwakumba watu wangu kila mara. Kwa hiyo, kabla sera hii haijakuwa sheria, ni vizuri visima hivyo visimamiwe vilivyo.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Wario! You have been challenged to substantiate your remarks! When will you bring the information you have said you have before the House?

Mr. Wario: Bw. Naibu Spika wa Muda, nitaenda nyumbani wiki hii na wiki ijayo, nitaleta majina ya wale wakulima ambao waliuwawa. Ninasema kwamba---

The Temporary Deputy Speaker (Mr. Ethuro): Kama huna majina hayo sasa hivi, ondoa yale ambayo umesema.

Mr. Wario: Bw. Naibu Spika wa Muda, watu wamekufa. Sisemi haya kufurahisha Waziri. Watu wamekufa na ninakuomba unipatie muda ili nilete majina, mashamba na mifugo ya wale watu iliyouwawa na kisima hicho. Hivyo havikuwa vifo vya kawaida. Watu waliuwawa na Kisima cha Kindaruma. Hivyo havikuwa vifo vya kawaida. Tumedhulumiwa.

The Temporary Deputy Speaker (Mr. Ethuro): But the question, Mr. Wario, is: When will you bring that information to the House? Muda huo hauwezi kuwa wiki mbili.

Mr. Wario: Bw. Naibu Spika wa Muda, ninakuomba unipatie wiki moja kwa sababu nitaenda nyumbani, na nitakuja na majina ya wale watu ambao waliathiriwa Alhamisi. Hata kuna barua tuliandika kwa KENGEN.

The Temporary Deputy Speaker (Mr. Ethuro): Sawa!

Mr. Wario: Bw. Naibu Spika wa Muda, nitaleta majina ya watu ambao walikufa. Nitayaleta mara moja. Kwa hivyo, watu waliuwawa. Ninataka Waziri anifahamu kwa sababu wale watu ambao waliathiriwa na kisima hicho ni Wakenya. Ningependa kumwambia Waziri asiangalie watu ambao wanakaa sehemu za juu. Inafaa aangalie wale watu wanaokaa sehemu za chini. Hao watu ni Wakenya na wana haki sawa na wale ambao wanaishi juu ya mlima. Ninamwomba Waziri

atilie manaani jambo hili. Ningependa aweke sera ya kusimamia visima hivi, ili visiwaathiri Wakenya. Tunaweza kuleta umeme ambao utaleta faida kwa nchi yetu na hatukatai faida hii. Tunataka tupate faida ambayo haitatuathiri na kutuua.

Ningependa kumwambia Waziri aangalie mbinu tofauti za kutoa umeme. Ninasema hivi kwa sababu umeme unaotokana na mito unakuwa na gharama ya juu sana na utakuwa ghali kuupeleka katika sehemu kame za nchi hii. Sehemu kame zinaitwa hivyo kwa sababu ya hali ya kimazingira. Jua ambalo liko huko ni kali sana na linaweza kutoa umeme tukitumia *solar*. Watu wa sehemu hizo wanaweza kupata umeme kwa bei nafuu. Pia, wanaweza kupata umeme kwa urahisi kwa sababu jua ambalo liko katika sehemu kame ni kali sana. Kama Waziri angetumia *solar* katika sehemu kame kutoa umeme, watu wanaoishi huko wangufaika kama Wakenya wengine.

The Temporary Deputy Speaker (Mr. Ethuro): Bw. Wario, ukiamua kuongea katika lugha ya Kiingereza, inafaa utumie lugha hiyo mpaka mwisho, na kama ni lugha ya Kiswahili, basi iwe Kiswahili. Sasa, *solar* ni nini?

Mr. Wario: Bw. Naibu Spika wa Muda, hakuna neno tutatumia katika kamusi ya Kiswahili badala ya neno "*solar*". Ni nguvu ya umeme ya kutumia jua. Hatuna neno katika kamusi ya Kiswahili. Hii ndio sababu ninalazimika kuomba neno hili kutoka kwa kamusi ya Kiingereza. Bunge litatusaidia kama kuna neno lingine ninaweza kutumia badala ya *solar*. Ninaomba msaada kutoka kwenu.

Inafaa tuwe na mbinu tofauti tofauti za kutoa umeme na tusitegemee mbinu moja pekee. Kuna upepo ambao unaweza kutumika kutoa umeme katika sehemu kame. Katika kukuza uchumi wa nchi hii, ni muhimu tuwe na umeme, si tu katika miji mikuu pekee. Uchumi wa nchi yetu umezorota. Kama tungekuwa na mbinu nyingine za kutoa umeme, hasa katika sehemu za mashambani, basi uchumi wetu ungeinuka na kubuni nafasi za kazi. Hatuwezi tukahesabu faida kutoka kwa umeme tumalize.

Waziri alinishangaza katika bajeti aliyoisoma juzi. Ni kama Waziri alitaka kufurahisha wale watu ambao wanaishi katika miji mikuu. Alipunguza bei ya gesi na hajui kwamba asilimia 80 ya Wakenya wanategemea kawi nyingine mbali na gesi. Wakenya wangapi watajimudu kununua gesi? Ukipunguza gesi, wale wanaopiga miguu kuja mijini watafaidika namna gani? Kwa nini Waziri asipunguze bei ya mafuta ya taa, ambayo itagusa maisha ya watu wengi maskini? Kwa hivyo, Serikali, inapolenga sera yake, ni kama haitaki kuona maskini. Badala ya kupunguza bei ya gesi, ingepunguza bei ya mafuta taa! Maskini kama Bw. Ali Wario na wenzake watanufaika.

Bw. Naibu Spika wa Muda, ingawa wengi hawatakubali makaa yachomwe yatumike kama kawi, tutafanya nini leo? Idadi kubwa ya Wakenya wanamudu kutumia makaa. Hawawezi kufikia gesi au mafuta ya taa. Kile wanachoweza kutumia kama kawi ni makaa. Lakini sera inasema nini kuhusu uchomaji wa makaa? Ukiwaambia Wakenya wasitumie makaa kwa vile wataharibu mazingara, watatumia nini? Wafe njaa? Wasipike? Lazima tuwe na sera itakayowawezesha maskini kujimudu kimaisha.

Kwa hayo machache, shingo upande, naunga mkono Hoja hii.

(Applause)

Mr. Kagwima: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion. I want to start from where hon. David Musila left, regarding coal.

We know that coal is a cheap source of energy. In areas where we have deposits of iron ore, those countries are able to produce steel. We know very well that this country is endowed with reasonable deposits of iron ore. By very good coincidence, we have discovered that we have huge

deposits of coal. That is what has been lacking for us to produce steel.

Mr. Temporary Deputy Speaker, Sir, in the last few months, prices of steel went up by two to three times. Those who are in the construction industry will know how costly steel is. The kind of money we would save from that cheap source of energy is enormous. So, I would like to appeal to the Ministry to move very quickly and establish, in terms of quantities, how much of those coal deposits are available. Once we quantify it, can even attract investors. There are very many investors who would want to come quickly and invest in the mining of coal. So, I would like to appeal to the Ministry that, as much as it recognises the existence of the coal, let it quantify it. We should know how much there is so that, maybe, if possible, move quickly and liaise with the Ministry of Trade and Industry and see how we can relate coal and iron ore and produce steel, even in small quantities, for use in this country. That way, we will save our meagre foreign currency resources.

Mr. Temporary Deputy Speaker, Sir, I am sure the Ministry, through this Paper, is trying to harmonise the various roles played by Kenya Electricity Generating Company (Kengen), Tana and Athi River's Development Authority (TARDA), Kenya Power and Lighting Company (KPLC), and the Ministry itself. Kengen is a new company. It was formed when TARDA was already in existence. Kengen took over stations developed by TARDA, and TARDA died. So, we want to harmonise and see whether Kengen can refund some of the money used in the development of the hydro power stations along Tana River, so that TARDA can continue playing the role it was created to play. For the last 20 years or so, TARDA has not been active. We now want Kengen to take over the stations and other property developed by TARDA so that it can continue carrying out more development. We have many other rivers, for example, River Tana, which have big falls that can be used to generate hydro-electricity. If TARDA, for example, got its money back, I am sure, it would develop other hydro-electric power stations that would be used to provide electricity which this country lacks. I want to request the Minister to ensure that the laws for the mentioned four organisations are harmonised. I also want to request him to ensure that there is equity in the distribution of electricity.

I do not want to repeat what hon. Wario has just said. However, just like his constituency, where I come from, electricity is a thing not known. For the last 40 years, we have not seen a single cent from the Government or anybody being spent in Tharaka on electricity. I hope that as he takes note of those areas that do not have electricity, he will give Tharaka a priority. The old argument was that the dry areas of this country cannot sustain industries or produce enough taxes to make returns to the investments by the Government. However, it is notable that the high potential areas have been over-exhausted. Actually, the areas that are left for development are the so-called Arid and Semi-Arid Lands (ASALs).

Mr. Temporary Deputy Speaker, Sir, without dwelling so much on Tharaka Constituency, one of the largest deposits of iron ore in the country is found in Tharaka District. That is true and it is a known fact. Those who were making Kenyan cars, during their survey, found out that the largest deposit of iron ore in the country is in Tharaka District. Fortunately, by coincidence, Mwingi and Tharaka Districts are neighbours. It is only River Tana that separates them. So, coal is also found where iron ore is found. It will be a lot easier to produce iron because all that would be required is simply to take coal across the river for the production of steel. If the Ministry can move quickly, that is one way of ensuring that, that part of the country is also made useful.

There are so many other natural resources that can be harnessed to add value to our lives and to be useful to the rest of the country. As we develop hydro-electric power stations, let us not only use them for the production of electricity. The same water that turns turbines which produce electricity can be used to turn water pumps. The same energy obtained from the falling waters of

rivers can easily be used to drive water pumps which can pump water to neighbouring lands. Other countries are doing this. For example, in India, small dams are made use of by creating channels of water which run through a pump. The pump then drives the same water to the land surface. This is a method used, instead of the diesel-powered or electricity-powered pumps. Power harnessed from water can be used effectively to drive pumps which, in turn, pumps water to land surfaces.

We know that charcoal is also a source of energy. The Ministry of Environment and Natural Resources is trying to ensure that usage of charcoal is reduced. The Minister for Finance, during his Budget Speech, said that he was removing Value Added Tax (VAT) from gas so that people do not use so much charcoal.

Mr. Temporary Deputy Speaker, Sir, we can also make synthetic charcoal from other sources other than from trees. If we converted our wastes, like sawdust and coffee husks, properly, they can be converted into charcoal, thus saving our trees. I would like to request the Assistant Minister to look at that line, where we can convert our wastes into a useful source of energy. I am not saying this out of my imagination. I want to inform the Assistant Minister that, sometime back, about 10 years or more ago when I was in the coffee industry, I successfully developed a project and I was able to convert coffee husks into charcoal.

(Applause)

For the information of hon. Members, if you went to Kenya Planters Co-operative Union (KPCU) today, you will be able to buy synthetic charcoal. I developed that project when I was in the engineering world, and I am happy that the project still runs. We use that as a source of energy. We can copy from that and look for other wastes, which we can convert into useful sources of energy.

Mr. Temporary Deputy Speaker, Sir, I am happy that coffee farmers are earning from that project, and I want to appeal to Kenyans to start using that charcoal so that they can save our few trees. Initially, the charcoal might look costly, but it lasts three times as long as ordinary charcoal. So, even if you are adding a little more cents, you have three times the value of that charcoal, compared to what you would have spent if you were to buy ordinary charcoal.

Mr. Temporary Deputy Speaker, Sir, sometime back, there was also an issue of biomass, and we talked for a long time about it, but the Assistant Minister has not mentioned it. Probably, he will tell us what happened to the project of biomass when he will be replying to our contributions. Because in this place we do not talk about biomass. Biomass is derived from cow dung and other wastes. We can probably explore more and carry out more research about it so as to see whether we can improve on the same. By doing this, we will have this source of energy improved further for our use, because we know, of course, that this country is short of power supply.

Mr. Temporary Deputy Speaker, Sir, regarding diesel as a source of energy, I do not know what has happened. The prices have gone too high, and you know that people living in the rural areas depend on it to drive any machinery or engines outside the major towns. With the present cost of diesel, I am not sure if those projects which are not connected to electricity will be able to run for a long time. The present costs would not allow those projects to run economically for a long time.

Mr. Temporary Deputy Speaker, Sir, so, I am appealing to the Assistant Minister to find out what is happening to the prices of petroleum products. I do not want to assume, because the Minister for Finance told us that the price hike is not due to the new taxation, but I find it very strange that the price moved from Kshs60 to Kshs62 and above on regular and premium and, of course, the price of diesel has likewise gone up to about Kshs52 or so per litre. If we are not careful, we are going to close those small industries in the rural areas. Alternatively, the Minister may have to look for a lot of money to connect those areas with electricity so that we can continue running.

With these few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Ethuro): Order! Mr. Kagwima, you will have 15 minutes to contribute to this Motion when the debate resumes.

An hon. Member: It is time to adjourn!

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Members, it is now time to interrupt the business of the House. The House is, therefore, adjourned until Tuesday, 13th July, 2004, at 2.30 p.m.

The House rose at 6.30 p.m.