

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 23rd May, 2007

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

KILLING OF MASTER GEOFFREY LOKIRIAPUS

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Administration and National Security the following Question by Private Notice.

(a) Could the Minister confirm that security forces conducted an operation in Ngoron Vilage, Kolowa Division, East Pokot District, on Friday, 4th May, 2007, rounded up livestock and arrested three people, including a Standard Eight candidate at Ngoron Primary School, Master Geoffrey Lokiriapus?

(b) Why did the police gun down the pupil, Master Lokiriapus, (Index No.517602004) in cold blood on Saturday, 5th May, 2007?

(c) What urgent measures is the Minister taking to apprehend the trigger-happy police officers who killed the innocent pupil?

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, I just saw this Question on the Order Paper today because there was no communication to our office about this Question. I would, therefore, like to seek the Chair's indulgence so that I can answer the Question tomorrow.

Mr. Deputy Speaker: Very well! We should be able to investigate why the Question has not reached the Office of the President as it is supposed to.

The Vice-President and Minister for Home Affairs (Mr. Awori): On a point of order, Mr. Deputy Speaker, Sir. I am sorry that my colleague, the other Assistant Minister in the Office of the President, has not got information from his colleague. Actually, hon. Kingi is ill and that is the only reason. So, may I repeat what the Assistant Minister---

Mr. Deputy Speaker: Your Excellency, I have information that Mr. Kingi is unwell. However, I am told that, that concerns the other Question on floods by Rev. Nyagudi. The first Question by Private Notice falls on the responsibility of Mr. Munya who is here. That is what I have been informed by the Office of the President. Therefore, I think that the issue here is that the Clerk's office will have to deal with the matter and ensure that this Question is addressed. The Question is, therefore, deferred until tomorrow when Mr. Munya will be ready to answer it as he has requested. Is that okay with you, Mr. Ojaamong?

Mr. Ojaamong: It is okay, Mr. Deputy Speaker, Sir.

(Question deferred)

Mr. Deputy Speaker: Very well! Next Question by the Member for Ndhiwa!

VISIT TO KENYA BY
HIS HIGHNESS DALAI LAMA

Mr. Ojode: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

Is the Minister aware that His Highness Dalai Lama, who advocates for separation of Tibet from the Republic of China is due to visit Kenya, a move which is likely to endanger Kenya-China relations at a time when China is about to extend massive foreign aid to Kenya?

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, I beg to reply.

On 16th November, 2006, these applications in respect of eight Tibetans, including His Holiness the Dalai Lama, were submitted at the Kenya High Commission in New Delhi. The request for issuance of the visas has not been granted. No subsequent application has been lodged in respect of His Holiness the Dalai Lama. Kenya supports the one-China policy and that Tibet is part of mainland China.

Mr. Ojode: Mr. Deputy Speaker, Sir, the answer given by the Assistant Minister is quite misleading. When I was an Assistant Minister in the Ministry of Foreign Affairs, we insisted that this rebel should never be allowed into our country, Kenya. The reason being that we have very good relations with China, which is supporting a number of projects in this country. If we can aid this rebel to come to Kenya, it means that we will forego some of the projects being funded by China.

Mr. Deputy Speaker, Sir, there was a letter written---

Mr. Deputy Speaker: Could you, please, ask your Question, Mr. Ojode?

Mr. Ojode: Mr. Deputy Speaker, Sir, a letter was written to New Delhi for purposes of issuing a visa to this rebel so that he could come to Kenya. The letter was written by His Excellency the Vice-President!

Mr. Deputy Speaker: What is your question? There is nothing wrong with the Vice-President writing letters. Ask your question!

Mr. Ojode: Mr. Deputy Speaker, Sir, why should we aid a rebel from China and yet Kenya is now getting a lot of money from China in terms of grants to aid various projects in the country?

*(Rev. Nyagudi and Mr. Owino stood
up in their places)*

Mr. Deputy Speaker: Will you sit down? Yesterday, the Chair actually talked about Mr. Ojode's new tendencies. I think that they are still continuing. The Chair also talked about the ganging up of hon. Members. When one hon. Member stands up to ask a Question, others jump on their feet. I remember the Chair asking hon. Members to refrain from interfering with a Question simply because one of your friends or colleagues is asking the Question. That goes to rebuke the two hon. Members who, even after the Question has been asked and before I ask the Assistant Minister to answer, they are already on their feet!

*(Rev. Nyagudi and Mr. Owino stood
up in their places)*

Will you sit down? Will you, please, sit down and realise that we have to run this House in

a fashion? The Chair spent quite some time yesterday afternoon talking about this thing. The Question has been asked by Mr. Ojode. The Chair was directing that the Questioner goes specifically to the Question. If you look at your Standing Orders, there is a difference between Question Time and Debate Time. We have to ensure that the Questions are specific.

Now, Mr. Assistant Minister, did you hear the question?

Mr. Wetangula: Mr. Deputy Speaker, Sir, I heard a speech. However, be that as it may, I have said very clearly that Kenya has a wonderful relationship with China. That is why in the last 12 months, we saw the President of China, the Prime Minister of China, the Chairman of the China Congress and the Speaker of the China Parliament all visit Kenya. I have also said that an application was made and that it was not granted. I also said that no further application after the first one was declined has been made. Whether a letter was written or not, is not the issue. The issue is that Kenya and China are in excellent relations and nothing will be done by this Government to jeopardise that relationship.

Rev. Nyagudi: On a point of order, Mr. Deputy Speaker, Sir. I respect what you said. You said that we were trying to help Mr. Ojode. But I rose on a point of order because Mr. Ojode alleged that there was a letter which was written. I think it is in order for us to know which letter he is talking about and request him to table it.

Mr. Deputy Speaker: Rev, Nyagudi, in my view, that is trivial! If this House is to probe every letter that comes from Government offices--- If a letter was written, it is not the issue of the Question here. Government Ministers are free to write letters to whoever they want. I do not think the House should concern itself with such a matter!

Mr. Waithaka: Mr. Deputy Speaker, Sir, His Highness Dalai Lama is a religious leader. The alleged letter, if I recall, was for him to visit this country in his private capacity as a religious leader. That is why the Government had considered to write a letter to New Delhi to allow him to come. If he was visiting this country in his private capacity as a religious leader, why was he denied a visa?

Mr. Wetangula: Mr. Deputy Speaker, Sir, I said that the application for the visas has not been granted. I did not say the application has been denied. What is important is that Kenya is an open society. If His Holiness Dalai Lama was to visit Kenya, for example, and his only reason is to visit our national heritage sites such as the new wonder of the world - the Maasai Mara - we would have no problem with that. I am sure the Government of China will understand that. I have, indeed, spoken to the Chinese Ambassador and expressed these views to him. But if His Holiness Dalai Lama was to come to Kenya to pursue a political agenda that undermines the one-China policy that we support, then that is a different matter. We will then not allow him to come in.

Mr. Deputy Speaker: Last question, Mr. Ojode!

Mr. Ojode: Mr. Deputy Speaker, Sir, the Assistant Minister is misleading this House! That rebel has already been given a visa on the strength of the letter written by the Vice-President and Minister for Home Affairs! The Vice-President and Minister for Home Affairs ordered New Delhi to issue a visa to that fellow! I have a protest note from the Chinese Embassy saying that they will sever their relations with Kenya in the event that, that man is allowed to come to Kenya. What is it that was so important for the Vice-President and Minister for Home Affairs for him to write a letter to New Delhi to force the Embassy to issue a visa to that fellow?

Mr. Deputy Speaker, Sir, I want to table the protest letter from the Government of China and the letter from the Ministry of Foreign Affairs saying that we will never issue a visa to that rebel! Why?

Mr. Wetangula: Mr. Deputy Speaker, Sir, first, it is not true that His Holiness Dalai Lama and his team were issued with any visas. The application by His Holiness Dalai Lama and his entourage of eight persons, making a team of nine, indicated that they wished to visit Kenya

between 22nd and 28th January, 2007. That is long gone. The visas were not granted. Whether a letter, which we have not seen, was written or not---

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

Mr. Deputy Speaker: Order, Mr. Ojode! You have to allow the Assistant Minister to finish answering the question!

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

Mr. Deputy Speaker: Mr. Ojode, you have just finished asking your question!

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

Mr. Wetangula: Mr. Deputy Speaker, Sir, have I breached any order?

Mr. Deputy Speaker: No, Mr. Wetangula! Mr. Ojode, what is your point of order?

Mr. Ojode: Mr. Deputy Speaker, Sir, why are you allowing him to mislead the House? I am saying that since the Vice-President and Minister for Home Affairs wrote a letter ordering the Embassy in New Delhi to issue the visas, the visas have already been issued to His Holiness Dalai Lama and his entourage. So, the Assistant Minister is misleading the House!

Mr. Deputy Speaker: Order, Mr. Ojode! Just a minute! The Assistant Minister has said that no visas were issued. You say the visas were issued. Unless you can table the visas, I cannot understand. The Assistant Minister has categorically said that no visas were issued.

Mr. Ojode: I have a letter here!

Mr. Deputy Speaker: That is not a visa you are holding!

Mr. Ojode: Mr. Deputy Speaker, Sir, please, protect me! Do not defend the Government when there is something wrong! You remember---

Mr. Deputy Speaker: Order, Mr. Ojode! Order! Yesterday, Mr. Ojode uttered the same words; that the Chair was defending the Executive. Yesterday, the Chair asked you to withdraw the words and apologise for alleging that the Chair was defending the Executive. I remember the Chair told you that the Executive is able to defend itself.

Mr. Ojode, for this continuous disrespect to the Chair, I have now to order that you are disorderly and, therefore, you leave the Chamber!

(Applause)

Mr. Ojode: But, Mr. Deputy Speaker, Sir, I will be moving a Motion of Adjournment---

Mr. Deputy Speaker: Order, Mr. Ojode! Order! The order is that you leave the Chamber now! If you do not, I am going to apply other rules. The Serjeant-at-Arms is there waiting!

Mr. Ojode: Mr. Deputy Speaker, Sir, I have not even tabled the letter!

Mr. Deputy Speaker: Mr. Ojode, you are a stranger now! You go and table it outside the precincts of Parliament!

(Mr. Ojode withdrew from the Chamber)

Order! I am sorry, hon. Members. The Chair has been provoked beyond endurance. Let us move on to Ordinary Questions.

Question by Mr. Mukiri!

ORAL ANSWERS TO QUESTIONS

Question No.274

PURCHASE OF LAND FOR
SETTLEMENT OF SQUATTERS

Mr. Mukiri asked the Minister for Lands:-

(a) whether he could explain which land has been purchased by the Government and what areas within the country are to benefit from the Kshs400 million set aside in the Financial Year 2006/2007 to settle squatters and the landless; and,

(b) what plans he has to settle tribal clash victims and the landless in Molo Constituency.

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

(a) I am aware that the Government, through the Settlement Fund Trustee (SFT), has purchased several farms throughout the country as follows:-

(i) Kivulini Farm in Nakuru District, LR No.9060. The acreage is 369. The cost was about Kshs72 million.

(ii) Molo Highlands, Kshs49 million.

(iii) Katikati in Nakuru District, Kshs48 million.

(iv) Gathecha Holding Limited in Kilifi District, Kshs33,185,000.

(v) Sambarwal in Kwale District, Kshs28,500,000.

(vi) Chakama Ranch in Malindi District, the acreage is 34,821. The cost was Kshs69,000,500.

(vii) Chakama Ranch, again in Malindi District, with an acreage of 15,638.96 at a cost of Kshs39 million.

The total amount spent was KShs339,185,000.

Mr. Deputy Speaker, Sir, so far, a total of Kshs339,185,000 has already been spent out of the Kshs400,000,000 that was set aside to purchase farms in the Financial Year 2006/2007. The land purchased in various districts is meant to benefit all deserving landless Kenyans.

(b) I am planning to settle tribal clash victims and the landless in Molo Constituency on the land that was purchased in Nakuru District, as indicated above.

Mr. Mukiri: Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for that answer. But if you look at the acreage that he is talking about, it is less than 1,000 acres. I want to know whether they have computed the number of families they intend to settle on that land. On what acreage per family?

Mr. Kamama: Mr. Deputy Speaker, Sir, that is an entirely different Question because the hon. Member wants to know the number of families. I do not have the details here. However, we are attending to the problems of the clash victims and the landless in this country in the best way possible.

Mr. Mirugi: Mr. Deputy Speaker, Sir, I am concerned by the answer given by the Assistant Minister with regard to part "b" of the Question. The hon. Member for Molo Constituency wanted to know the plans that the Government has to resettle the clash victims. There is no way he can say that identifying the families or the victims is not part of the plan. Could he say whether they have identified the families? If they have done so, could he tell us how many they are? Could he also confirm whether the land is enough to settle all the victims of the clashes?

Mr. Kamama: Mr. Deputy Speaker, Sir, that is a valid question. Since there are several settlement schemes in this country, I want to kindly ask the hon. Member to actually ask a substantive Question, so that I can satisfy him.

Mr. Mukiri: Mr. Deputy Speaker, Sir, it is obvious from the answer given by the Assistant Minister that he may not have the requisite details, but the land that they have purchased in Molo is not adequate. Could he inform the House what other plans they have to purchase more land? Could he also inform the House whether they will provide more money to purchase land in the coming budget?

Mr. Kamama: Mr. Deputy Speaker, Sir, in fact, for Nakuru and Molo districts, we are planning to buy a farm that is called Kambala Farm, Land Registration (LR) No.9065, where we will settle the Molo clash victims.

Mr. Deputy Speaker: Next Question by hon. Omamba!

Question No.282

IMPLEMENTATION OF REP
IN URIRI CONSTITUENCY

Mr. Omamba asked the Minister for Energy:-

(a) what plans he has to supply electricity to institutions and markets surrounding Gogo Falls on River Kuja where power is generated; and,

(b) how much money has been set aside for rural electrification in Uriri Constituency.

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

(a) Provision of electricity under the Rural Electrification Programme (REP) is undertaken based on the recommendations of the District Development Committees (DDCs) and is restricted to public facilities such as polytechnics, health centres, markets, secondary schools and water projects. There are no plans to supply electricity to institutions and markets surrounding Gogo Falls because they are not included in the list of priority projects submitted by Migori DDC to the Ministry. Also, the three primary schools in the area do not meet the criteria for the supply of electricity.

(a) A total of Kshs20 million has been committed for rural electrification projects in Uriri Constituency in the past four financial years since 2003/2004.

Mr. Omamba: Mr. Deputy Speaker, Sir, the answer given by the the Assistant Minister is misleading. It is very sad and we can call it marginalisation because---

(Loud consultations)

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I cannot hear the hon. Member because the aspiring presidential candidate, hon. Ruto, is making a lot of noise there.

Mr. Deputy Speaker: Order! Mr. Kiunjuri, you have already drawn my attention to it. Now let me do my work. The Front Bench on my right, the Assistant Minister cannot hear Mr. Omamba! Please, consult in low tones!

Proceed, Mr. Omamba!

Mr. Omamba: Mr. Deputy Speaker, Sir, there are three secondary schools around Gogo Falls. In fact, Gogo Falls was started long time in the colonial days. Could the Assistant Minister inform the House why he cannot supply electricity to institutions around Gogo Falls? His answer is misleading and amounts to marginalisation.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I advise the hon. Member to go to his DDC and make sure that those institutions are prioritised and then I will exactly do what he recommends.

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, Gogo Falls where electricity is generated belongs to KenGen. We are aware that there is corporate social responsibility and local people in areas like the Turkwell Gorge and Kindaruma have benefited immensely from corporate social responsibility. What corporate social responsibility does KenGen have in mind for the Gogo area and the Kuja Basin, both in Uriri and Rongo constituencies?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, the Questioner has been a Minister in this Ministry and he knows for sure that is a very different Question. It will require me to find out what is going on between KenGen and the local people in that area. I will be very much willing to respond to him on what KenGen is doing and what they are planning to do in future.

Mr. Owino: Mr. Deputy Speaker, Sir, I happen to come from the same district with Mr. Omamba. I remember vividly that, in our DDC meetings, we discussed Gogo Primary School and Sibouja Health Centre. They were included in the requests from the district to be funded by the REP. Could the Assistant Minister tell us whether it is possible to include them, so that at least these primary schools and the health centre which are so close to Gogo Falls can be provided with electricity?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I am not doubting that they have put the project in their list, but the problem is whether whoever was taking the minutes and whoever was giving the priorities, prioritised those institutions. If they prioritise them, I will do exactly, as I said once again, according to their wish.

Mr. Omamba: Mr. Deputy Speaker, Sir, you heard the Assistant Minister say that Kshs20 million has been put aside for rural electrification projects in Uriri Constituency. Could he tell us which projects are earmarked and where the money is kept?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, once money is earmarked, it will go directly to Kenya Power and Lighting Company (KPLC) who will later call for tenders. People apply for labour and transport contracts. Once they complete the work, cheques are paid to them. So, the money is with the KPLC.

Question No.240

AMOUNT OF MONEY COLLECTED
FROM "NGURUMA TENA" PROMOTION

Mr. J.M. Mutiso asked the Vice-President and Minister for Home Affairs:

(a) whether the Safaricom "Nguruma Tena" promotion was licensed by the Betting Control and Licensing Board;

(b) how much money was collected by Safaricom Limited between 4th and 15th April, 2007 as entry fees in connection with the promotion; and,

(b) how much of what was collected was given to charitable causes.

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The "Nguruma Tena" Promotion was licensed by the Betting Control and Licensing Board under permit No.001216 with effect from 2nd March to 16th March, 2007.

(b) I am not aware of any money collected as entrance fees. All Safaricom pre-paid customers were eligible for participation in the promotion, and were able to enjoy one entry for each Kshs100 air time value they topped up on their phones.

(c) This was not a public lottery, where the law requires a certain percentage of the sale proceeds to be devoted to charity. However, Safaricom Limited has a policy on corporate social responsibility.

Mr. J.M. Mutiso: Mr. Deputy Speaker, Sir, let me thank the Vice-President and Minister for Home Affairs for that answer. The Vice-President has not provided what was the revenue collection in terms of air time between 2nd and 16th April, 2007 and also what was the cost, or the prize value of the pick-ups.

Mr. Awori: Mr. Deputy Speaker, Sir, the licence given for promoting products does not require that the promoter gives us that information.

Mr. Khamisi: Mr. Deputy Speaker, Sir, there is a proliferation of these kinds of promotions in this country today. What assurances can His Excellency the Vice-President give this House that some of these promotions are not actually out to fleece *wananchi* out of their money?

Mr. Awori: Mr. Deputy Speaker, Sir, in the promotion of products, there is always the prize which is announced before the promotion starts. The Ministry has to watch out to ensure that the prizes that were promised during the promotion are given. This is always given a specific time; it is either one month or two months. The job of our Ministry is to ensure that, indeed, the prize is given. All that I can do is to urge Kenyans not to jump at everything. But as long as they are taking the chance of winning a prize, I am afraid, in a democratic State, there is very little that we can do.

Mr. J.M. Mutiso: Mr. Deputy Speaker, Sir, the Vice-President and Minister for Home Affairs has said, in part (c) of the Question that Safaricom Limited has a policy on corporate social responsibility. I believe that the Safaricom Foundation is the corporate arm which deals with corporate social responsibility. What criteria does the Safaricom Foundation use in trying to disburse funds to different charitable causes?

Mr. Awori: Mr. Deputy Speaker, Sir, I do believe that Safaricom Limited devotes 1 per cent of its profits every year to good causes. The Safaricom Foundation is a public entity, where anyone within Kenya who has got a proposal that requires assistance can apply, and the criteria is that, that project is not for personal gain, but that it will benefit a community.

Question No.140

UNLICENSED SALE OF GAME MEAT

Mr. Khamisi asked the Minister for Tourism and Wildlife:-

(a) whether he is aware that game meat is sold in many restaurants and butcheries around the country;

(b) whether he could tell the House how many such establishments are licensed to deal in game meat; and,

(c) what measures he is taking to ensure that this trade does not lead to the extinction of certain wildlife species.

Mr. Deputy Speaker, Sir, I do not have the written reply.

Mr. Deputy Speaker: Mr. Minister, how come the Member does not have an answer?

The Minister for Tourism and Wildlife (Mr. Dzoro): Mr. Deputy Speaker, Sir, I had discussed the issue with the hon. Member. The answer that I had received, and I discussed this with the hon. Member, was unsatisfactory as far as I am concerned. This is a very important issue and I need to really look into it.

Mr. Deputy Speaker: So, what do you want?

The Minister for Tourism and Wildlife (Mr. Dzoro): Mr. Deputy Speaker, Sir, I was going to ask your indulgence that this Question be deferred until I get a proper answer from my officers.

Mr. Deputy Speaker: Yes, but until when? How long do you require?

The Minister for Tourism and Wildlife (Mr. Dzoro): Could I ask, Mr. Deputy Speaker, Sir, that I discuss this with the hon. Member?

Mr. Deputy Speaker: Well, I think, to be fair, the Minister wants more time. About two weeks? Is that okay?

The Minister for Tourism and Wildlife (Mr. Dzoro): That would be all right, because I need to travel to a number of places to check on some issues.

Mr. Deputy Speaker: Very well, we will give the Minister two weeks. Is that okay, Mr. Khamisi?

Mr. Khamisi: Mr. Deputy Speaker, Sir, as we speak here, our national heritage is being demolished by unscrupulous hunters and poachers. Could the Minister assure this House that, indeed, he will bring an answer to this House within the period that he is indicating?

The Minister for Tourism and Wildlife (Mr. Dzoro): Mr. Deputy Speaker, Sir, I will.

Mr. Deputy Speaker: Thank you.

(Question deferred)

Hon. Members, I am sorry we skipped the Question by the Member for Butula!

Question No.283

AMOUNT OF MONEY COLLECTED
FROM BORDER POSTS/MOMBASA PORT

Mr. Deputy Speaker: Prof. Mango is not here; the Question will be dropped.

(Question dropped)

Next Question by the Member for Nakuru Town.

Question No.157

DELAY IN APPROVAL OF CONSTRUCTION
OF STEM-NJORO JUNCTION ROAD

Mr. Mirugi asked the Minister for Transport:-

(a) what is causing the delay in approving design plans by Rift Valley Railways for the construction of the dual carriageway from Stem to Njoro Junction in Nakuru Town; and,

(b) what action the Ministry is taking to speed up the approval so that the contractor can continue with the road construction work as scheduled.

The Minister for Transport (Mr. Mwakwere): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry of Roads and Public Works approached the Kenya Railways Corporation on the 7th February, 2007 on this issue. The Kenya Railways Corporation is the owner of all railways assets and not the Rift Valley Railways, who is just a concessionaire. The request was for a relaxation of the minimum 30-metre railway safety reserve for the dualling of the Lanet-Nakuru-Njoro Turn-off Road, near the railway line. The infringement on the railway safety reserves raises concern as to the safety of road users and rail operators. In addition, it raises issues with regard to the concessional agreement between the Kenya Government and the Rift Valley Railways. As a

result of these concerns, the Kenya Railways has requested the Ministry of Roads and Public Works to consider certain design variations to ensure that the concerns of Kenya Railways as raised are taken care of. This process is yet to be completed, hence the delay.

(b) The Ministry of Transport, the Ministry of Roads and Public Works, the Attorney-General and the Kenya Railways Corporation will be holding discussions to ensure that a suitable way forward is identified, that will ensure all safety concerns are adequately addressed to enable the project to proceed.

Mr. Mirugi: Mr. Deputy Speaker, Sir, I appreciate the answer given by the Minister. However, my concern is that this project has progressed slowly since October 2006, because of this delay caused by the Kenya Railways Corporation, because of that safety reserve. In the context of collective responsibility, why did the Kenya Government---

(Dr. Keino entered the Chamber without bowing to the Chair at the Bar)

The Assistant Minister for Lands (Mr. Kamama): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for my good lecturer, hon. (Dr.) Keino, to actually enter the Chamber without bowing at the Bar?

Mr. Deputy Speaker: Where is Mr. Kamama's lecturer, Dr. Keino? Dr. Keino, a point of order has been raised that you just walked into the Chamber without bowing at the Bar. If that is correct will you---

Dr. Keino: I did!

(Applause)

Mr. Deputy Speaker: Could you go back and bow at the Bar?

(Dr. Keino walked back to the Bar and bowed to the Chair)

Mr. Deputy Speaker: Very well!

The Assistant Minister for Health (Dr. Kibunguchy): On a point of order, Mr. Deputy Speaker, Sir. I think the House is very excited today because the honourable Nominated Member of Parliament has spoken for the very first time!

(Laughter)

Mr. Deputy Speaker: That was a frivolous point of order!
Yes, Mr. Mirugi!

Mr. Mirugi: Mr. Deputy Speaker, Sir, I thank the Minister for the answer that he has given. However, my concern is that this project has already taken more than six months before the Kenya Railways could give an approval on the safety reserve. My other concern is that once a contractor is delayed, the cost of the project starts going up, because he has employed professionals whom he is paying salaries, despite not doing any work. We do not want to see a similar situation as the one of the Mbagathi Road, where the Government is paying millions because of delayed construction works. In the context of collective responsibility, why did the Kenya Government commit a contractor before all the designs were done and approved, thereby, causing delays and skyrocketing of costs?

Mr. Deputy Speaker: That is strange; that a contractor has been hired before the designs are done!

Yes, Minister!

Mr. Mwakwere: Mr. Deputy Speaker, Sir, I am not aware of the details that the hon. Member has raised. But I would like to assure him that there is close co-ordination between the Ministries concerned. The delay was occasioned by the fact that there must be a 30-metre safety reserve for the railway line. However, we are trying to work out alternative modes of design that will ensure that the project proceeds, under very close co-ordination between the Ministries concerned.

Mr. Mukiri: Mr. Deputy Speaker, Sir, there seems to be a very big problem concerning the project that hon. Mirugi is talking about. This is because, as you approach Nakuru Town, you will find that there are houses that need to be demolished, because they are built where the road is likely to pass. I think this Question should be directed to the Ministry of Roads and Public Works. They have closed part of the road and, yet, nothing is going on. Could this Question be redirected to the Ministry of Roads and Public Works, because I think that is where the problem lies?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, the Question, as it stands, relates to the Ministry of Transport. This is because it requests for the allocation of additional land for the construction of the road, and that land belongs to Kenya Railways. However, there are legal aspects that must be considered, relating to safety measures.

Mr. Deputy Speaker: Well, I do not think I will entertain questions as to whether the Question is properly before the Ministry of Transport. As far as the Chair is concerned, this Question was directed properly to the Ministry of Transport, because it concerns Kenya Railways Corporation. If, perhaps, because of the answer that the Minister has given, you want to draft a Question to the Ministry of Roads and Public Works on the same matter, you could still do so. But I do not think, the Minister having answered the Question, that there is a satisfactory reason for the Chair to order the direction of the Question to another Ministry.

Mr. Angwenyi, what do you have to say?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, could the Minister give us a categorical date by which he will approve those new designs, and allow the road to be constructed?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, as I said earlier, the Ministry of Transport, Ministry of Roads and Public Works, the Attorney-General and Kenya Railways Corporation are already discussing ways of getting a suitable way forward by taking care of all legal and technical aspects of the project. **Mr. Deputy Speaker:** Last question, Mr. Mirugi!

Mr. Mirugi: Mr. Deputy Speaker, Sir, this road is causing a lot of inconvenience to Nakuru Town constituents. Also, because it is a major highway, it is causing a lot of delays, hence, of course, affecting the economy. Could the Minister undertake, using his good office, to take up this matter urgently, so as to prevent the costs going up due to delays and also to assist the contractor to avoid the long bureaucratic process involved in Government, and approve the designs as soon as possible? It is of great concern!

Mr. Deputy Speaker: Mr. Minister, that is a legitimate question. Could you address it?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, I undertake to do just that.

Mr. Deputy Speaker: Thank you! Next Question by the Member of Parliament for Migori!

Question No.260

COMPLETION OF MIGORI
MUNICIPALITY BUS STAGE

Mr. Owino asked the Minister for Local Government:-

(a) whether he is aware that the construction of Migori Municipal Council bus stage has stalled several times and for many years; and,

(b) when the Ministry expects to complete this project.

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

(a) Yes, I am aware that the construction of Migori Municipal Council bus stage has stalled for a period of seven months. The project stalled because the contractor who was implementing it was slow in his work. The concerned company was given a warning letter and has since improved in the construction of the bus stage.

The other factor that caused the delay is the encroachment on the road corridors by the neighbouring plot owners. This problem has since been solved.

(b) Due to these delays that I have mentioned above, it was necessary to extend the contract period to 31st May, 2007.

Mr. Owino: Mr. Deputy Speaker, Sir, whereas I agree with the Assistant Minister partially, I do not think that he is properly informed. The construction of this bus stage started in 1997. The first Mayor who started it using the Local Authority Transfer Fund (LATF) money died in 1998. Therefore, the project has not stalled for seven months.

The Ministry then started constructing the bus stage again in 2004 and it stalled in 2006. I live in that town and I know that up to now, there are only stones on the site. Nobody is working on that project now. When is the project going to be completed?

Mr. Muchiri: Mr. Deputy Speaker, Sir, I am surprised by the sentiments from the hon. Member. This contract was to start on 16th August, 2005. The original date of completion was 16th January, 2007. So, I do not know why the hon. Member is talking about 1997. The contract number is 2004/2005/SDD/UDD/07. I think the hon. Member does not have the information as it were.

Mr. Manoti: Mr. Deputy Speaker, Sir, the Assistant Minister has answered the Question as if the problem exists in Migori only. Most of the projects which were started by the Ministry of Local Government all over the country have stalled. Examples include the ones in Kisii Municipal Council, Gucha, Nyamira and Kibirigo, just to name a few. It is evident that the Ministry does not understand what it is doing. What is the Assistant Minister going to do, to make sure that these projects are completed?

Mr. Muchiri: Mr. Deputy Speaker, Sir, if we are asked a specific Question, we shall answer it. The progress of those many bus parks and markets is going on well. However, if there is a specific project that has delayed, we would like to be told about it and we will take action.

Mr. Weya: Mr. Deputy Speaker, Sir, I do not think the Assistant Minister is aware of what is happening within his Ministry. Even in my constituency, there is a market called Ndere where they have promised and said for a long time--- They just dropped materials and left the site. He needs to have an audit and go around all those areas and the projects they are implementing to follow up. Could the Assistant Minister assure this House that he will go and get reports on all the projects that are going on in the country through his Ministry? He should also get a progress report on them.

Mr. Deputy Speaker: The Chair is more concerned about the project that is the subject of this Question; the project of Migori Municipal Council.

(Loud consultations)

Order, hon. Members! The hon. Member said that he lives there and nothing is going on there. The Assistant Minister has said that something is going on. Mr. Assistant Minister, will you address that issue?

Mr. Muchiri: Mr. Deputy Speaker, Sir, I can only undertake that we will travel there and inspect with the hon. Member, what is happening on site. I undertake to do that if he is agreeable to that.

Mr. Deputy Speaker: Mr. Owino!

*(Messrs. Githae and Kosgey
consulted loudly)*

Order, Messrs. Githae and Kosgey! Consult in lower tones!

Mr. Owino: Mr. Deputy Speaker, Sir, the Assistant Minister has said rightly that he will visit these sites. As I speak to you in this Chamber, cows are sleeping on those bus stages; both Awendo and Migori. Where is the work being done? He is not properly informed! Has he seen the work being done or he is being told by his officers that it is being done? There is nothing going on! We cannot come here to say what we have not seen from the site. There is nothing going on! He is saying that the works will be completed by the end of May, 2007, yet today is 23rd May, 2007. We have only seven days to go and nothing has been going on, one year or two now.

Mr. Muchiri: Mr. Deputy Speaker, Sir, the revised completion date is 31st May, 2007. We shall go and inspect what the contractor has done up to that date. However, I have undertaken to go and visit [Mr. Muchiri] the site with the hon. Member and see what complaints he has.

(Mr. Ogur stood up in his place)

Mr. Deputy Speaker: That was the last question, Mr. Ogur!
The Next Question by Ms. Ndung'u!

Question No.268

DISCRIMINATORY REGISTRATION PRACTICE
AGAINST MARRIED WOMEN

Mr. Deputy Speaker: Hon. Members, Ms. Ndung'u is unwell. She, therefore, requested that this Question be deferred. I want to ask the Minister when he wants the Question to come.

The Minister of State for Immigration and Registration of Persons (Mr. Konchella): Mr. Deputy Speaker, Sir, this is the second week that I have come to answer Questions but hon. Members are not there to ask the Questions. I am asking that this Question be dropped.

Mr. Deputy Speaker: Order, Mr. Konchella! The hon. Member is unwell! The Question cannot be dropped because she is unwell. Therefore, I think I will defer it till tomorrow and hopefully--- She has assured me that she thinks she will be well tomorrow. Is it okay that I defer it to tomorrow?

The Minister of State for Immigration and Registration of Persons (Mr. Konchella): Yes, Mr. Deputy Speaker, Sir.

(Question deferred)

Mr. Deputy Speaker: Next Question by Rev. Nyagudi!

Question No.301

SIGNIFICANCE OF DAILY FLAG LOWERING
AT 6.00 P.M.

Mr. Deputy Speaker: Mr. Kingi, who was to answer this Question, is unwell. So, it is not only hon. Members who are unwell. Even Ministers get unwell!

(Applause)

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

This Question is not properly before the House. It has not been asked! Therefore, if you have any issue on it, let it first---

(Mr. Maore stood up in his place)

What is it, Mr. Maore!

Mr. Maore: Mr. Deputy Speaker, Sir, I have a question with the general approach to Questions when they are being approved. That is why I want to seek the Chair's intervention. When a Question that tends to question the values and duties of citizens for patriotism, when we broadcast it to millions of children in this country and Kenyans, will this House be sending the right message? I wanted to seek your intervention that this Question should just be thrown away before it is asked.

Hon. Members: Yes!

(Applause)

Mr. Deputy Speaker: Well, I still want to believe that the Question has already been approved and it is rightly on the Order Paper. It may be a legitimate question you are raising but I do not think we should spend time dealing with this matter because the Question has not even been asked.

The Minister of State for Immigration and Registration of Persons (Mr. Konchella): Mr. Deputy Speaker, Sir, let me support what the hon. Member has said. I have brought the Act that governs this particular Question---

Mr. Deputy Speaker: Mr. Minister, what are we doing now?

The Minister of State for Immigration and Registration of Persons (Mr. Konchella): It is in contravention of the law!

Mr. Deputy Speaker: Order, Mr. Minister! I just ruled that this Question--- If the hon. Member wants to raise any matter on the Question, he will wait until the Question is asked. As of now, it is not before the House. This Question is, therefore, deferred till tomorrow.

Rev. Nyagudi: But I am here, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Yes, you are here but the Minister is not here.

Rev. Nyagudi: Mr. Deputy Speaker, Sir, then why do you not drop the Minister?

(Laughter)

Mr. Deputy Speaker: We normally do not drop people; we drop Questions!

(Question deferred)

We, therefore, move to the Next Question by Eng. Nyamunga!

Question No.299

COMPLETION OF WARDS PROJECT AT
AHERO SUB-DISTRICT HOSPITAL

Eng. Nyamunga asked the Minister for Health:-

(a) whether she was aware that a project for the construction of both male and female wards that started on 14th April, 2005, at Ahero Sub-district Hospital has stalled due to lack of funds;

(b) when more funds will be provided to complete the project; and,

(c) whether she could further consider supplying the facility with dental equipment.

Mr. Deputy Speaker, Sir, I have not received any written reply.

The Assistant Minister for Health (Dr. Kibunguchy): Mr. Deputy Speaker, Sir, I would like to ask for the indulgence of the House that the answer to this Question is not ready. The hon. Member should, therefore, give us time until tomorrow to give a satisfactory answer. I wish I could be given more time.

Mr. Deputy Speaker: Eng. Nyamunga!

Eng. Nyamunga: Mr. Deputy Speaker, Sir, I do not mind if the answer will be given tomorrow.

Mr. Deputy Speaker: Mr. Assistant Minister, are you happy with tomorrow?

The Assistant Minister for Health (Dr. Kibunguchy): Yes, Mr. Deputy Speaker, Sir.

(Question deferred)

Question No.303

VALUE ADDITION TO KENYAN
COFFEE/TEA EXPORTS

Mr. Wambora asked the Minister for Agriculture:-

(a) whether it is still the Government's policy to have value addition in respect of Kenya's leading exports, namely, coffee and tea; and,

(b) if the answer to (a) above is in the affirmative, what specific measures the Ministry and/or the main stakeholders in the small scale coffee and tea sub-sectors have taken to ensure that there is value addition to Kenyan coffee and tea.

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

(a) Yes, it is still the Government's policy to have value addition in respect of Kenya's leading exports, primarily, coffee and tea.

(b) The Government in collaboration with other stakeholders has taken the following specific measures in order to ensure that there is value addition to Kenyan tea and coffee.

(i) Capacity building for technical staff, farmers, liquorors and factory managers in areas of certified coffees.

(ii) Approved the setting up of the Tea Research Factory and the relevant equipment at the Tea Research Foundation to enhance product diversification and quality.

(iii) Approval of budgetary allocation from Coffee Research Foundation and Tea Research Foundation on on-going research in the following areas:-

Development of coffee brands, development of organic coffee protocol, development of new types of tea products and varieties.

(iv) Finally, commenced on tea and coffee branding programmes which has led to the launching of new tea and coffee brands such as Jani Brand and Kahawa Yetu.

Mr. Wambora: Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for his reply but I wish to draw his attention to a portion of his reply which is talking about the approval of the Budgetary allocation from the Coffee Research Foundation and Tea Research Foundation. The Assistant Minister has told us all about those efforts by the two research institutions but I am wondering whether he is satisfied that we are not spending too much time doing research and not getting out there in the field to actually market the new brands of tea and coffee. When I travel out there, I do not see arabica coffee. There is no high quality of the Kenyan tea.

Mr. Kaindi: Mr. Deputy Speaker, Sir, I specifically want to point out that under the area of tea, we are not just looking at it in terms of white, black or branded teas. We are also looking at research to see whether tea could be improved and grown not just as a beverage but also for medicinal purposes like health and curative purposes. Those are the areas that we are putting a lot of money in terms of research. Regarding coffee, there are areas where we are looking at branding our coffee so that the rules of origin can ensure that we maximise. That, when you sell your coffee out there, it is sold at Kenyan coffee and not like other coffees from other parts of the world.

Mr. Sambu: Mr. Deputy Speaker, Sir, one of the reasons that our tea does not appear in good value is that the factories are congested and so the tea is not properly processed. Could the Assistant Minister allow more factories to be established by individuals using smaller acreages of tea so that the value of our tea could go up?

Mr. Kaindi: Mr. Deputy Speaker, Sir, like I did point out two weeks ago in this House, the work of the task force report has been completed and one of the areas that the report pointed out is exactly what the hon. Member is talking about. We are cognisant of the fact that the 250 hectares may not be ideal and I think we want to go the direction that he has pointed out.

Mr. Deputy Speaker: Last question, Mr. Wambora!

Mr. Wambora: Mr. Deputy Speaker, Sir, the Assistant Minister has told us about Jani brand by the Kenya Tea Development Agency (KTDA) and Kahawa Yetu, most likely by the Kenya Planters Co-operative Union (KPCU). When we go there, we do not see those brands at all. I do not think that the way forward would be to give more assistance to those giants. Could the Assistant Minister consider giving assistance to individual tea factories and individual coffee factories so that they could take the initiative and do as they did in Johannesburg where I was able to have Kenya arabica coffee grade AA?

Mr. Kaindi: Mr. Deputy Speaker, Sir, that is a good point, I think we would consider it.

COMMUNICATION FROM THE CHAIR

DROPPING OF MOTION FOR THE ADJOURNMENT
FOLLOWING MR. OJODE'S EXPLUSION

FROM THE CHAMBER

Mr. Deputy Speaker: Hon. Members that is the end of Question Time! I want to draw the attention of hon. Members to page 160 of the Order Paper. The Chair had approved that there will be a Motion of Adjournment at the end of Normal Sitting Day today, pursuant to provisions of Standing Order No.18(1). The hon. Member for Ndhiwa was to rise on a matter concerning unsatisfactory reply to Question No.3 by Private Notice which was replied to on the 3rd of May, 2007 in connection with the contract for consulting services with the Government signed with a private firm on 17th January, 2007. This morning the Chair declared Mr. Ojode disorderly and those hon. Members who were present know the events leading to that declaration. He was subsequently sent out for the rest of this morning. Therefore, there would be no Motion of Adjournment. The Chair rules that this Motion is now dropped.

Next Order!

MOTIONS

A BILL TO AMEND KTDA ACT

THAT, in view of the Government's prime goal and policy to spur the economy to an accelerated growth to catch up with the Asian economic tigers; conscious that agriculture is the engine of the country's economic development; noting with appreciation that the tea sub-sector has sustained itself as well as the economy through a very long recessionary period without any direct Government investment; cognizant that small tea production has by far surpassed the existing factories' processing capacity with resultant enormous loss and wastage of green leaf; bearing in mind that the cost of factory construction is sky high and beyond the ability of the small-scale farmers; and commending the Government's demonstrated commitment to revamp, boost, rehabilitate, revive and/or expand various important sectors of the economy, this House grants leave to introduce a Bill for an Act of Parliament to amend the KTDA Act to provide for urgent direct Government investment in the rehabilitation, expansion, or construction of tea factories to adequately process tea produced by small-scale farmers throughout the country.

(Mr. Angwenyi on 16.5.2007)

*(Resumption of Debate
interrupted on 16.5.2007)*

Mr. Angwenyi: Mr. Deputy Speaker, Sir, the Motion had been moved seconded and was open to the Floor.

Mr. Deputy Speaker: Sorry, Mr. Angwenyi. You are right. The Question was proposed and debate started. Mr. Kimeto was on the Floor and has nine minutes. Is Mr. Kimeto there? He is not there! Anyone else who wants to contribute?

The Minister for Planning and National Development (Mr. Obwocha): Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to say one or two words about this Motion which is extremely important for this country. As you know, coffee and tea are our leading exports in the agricultural sector. When we have situations like the ones we have in the tea industry, it is very worrying for the country. From the outset, where I come from, in the old Nyamira District, we

have six tea factories: Nyasiongo, Nyangoba, Tombe, Sang'anyi, Kebirigo and Gianchore. The manner in which these factories are being run is commendable but the production of tea in the last two to three years has been going down. It is worrying because if that trend is allowed, this country is going to experience problems. The question that arises is whether the current KTDA, which is the agency, is running these factories in a manner acceptable to the farmers. When we go to the ground, what we are hearing are complaints from farmers. These complaints must be addressed by the agency. The agency has not done what the farmers want it to do. Mr. Muiruri is here and he is taking notes, the Ministry needs to give it some impetus. We want to give it powers to put a hand as Government such that if there is a problem in the tea industry, then we are able to correct it. If the tea production in the country went down last year, we must reverse that trend this year. That is what we are saying. Therefore, I want to commend Mr. Angwenyi for bringing this Motion and we want to say, for our farmers to hear loud and clear, that we are supporting their request that the Government does put their hand in the KTDA in the event of it not doing enough to correct the anomalies in the tea industry. We are aware that the prices offered in the world market for tea and coffee are not adequate.

[Mr. Deputy Speaker left the Chair]

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

The pursuit for value addition should never be stopped. If it was not for the Common Market for Eastern and Southern Africa (COMESA) Conference - that is why the Minister for Trade and Industry is away - he should know that Parliament and the Government are putting in a hand and asking him to pursue the issue of value addition in the World Trade Organisation talks that have been going on. On the Doha rounds, what had been agreed upon and what remains to be done needs to be pursued.

Mr. Temporary Deputy Speaker, Sir, you and I know that farmers are being paid Kshs9 a kilogramme. If you travel the way we travel--- Go to Amsterdam and ask for a cup of tea. You will be given one tea bag which costs US\$1.5. That is a whole Kshs105.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! We can barely hear the hon. Member on the Floor. Order in the background!

The Minister for Planning and National Development (Mr. Obwocha): Mr. Temporary Deputy Speaker, Sir, I know the fishing industry is doing well. I would like those Members to listen to us because this country cannot be developed by developing only one crop or one area in terms of export. Tea is important. Fisheries is important. So, what I am saying is that, with that Kshs105 for just a cup of tea, a farmer is paid is Kshs9. I think that is unfair. Therefore, African countries must endeavour to push the agenda of value addition both in coffee and tea. That way, we can pay our farmers well.

Mr. Temporary Deputy Speaker, Sir, the other problem that is facing the tea industry is non-collection of green leaves from tea buying centres. There are tea factories which are not doing well. What we popularly refer to as "bonus" - the lumpsum payment after the interim payment - needs to be improved. We can only do that if the agency is transformed and the Government has a hand in what is being done. When we adopted liberalisation as Government, we went into it wholesale. We need to review some of those issues as the Government and the people of this

country, so that our people could benefit from liberation. Blind liberalisation cannot help this country. We are not going back on liberalisation, but we need an opening for the Government to correct anomalies as and when they occur.

Mr. Temporary Deputy Speaker, Sir, one other thing that I want to say is about the election of directors in some of the tea factories. There should be provisions to enable the farmers to change their directors when they want. Some of the directors are the cause of problems in the tea industry. That is a major complaint from the farmers, as we know it. There should be farmers representation at the level of Kenya Tea Development Agency (KTDA). People who have more tea should have more directors. Their voice should be heard. Their problems can be articulated, if there is enough and fair representation.

Mr. Temporary Deputy Speaker, Sir, finally, I want to talk about tea expansion; I mean the tea factories. We are seeing piecemeal expansion of the tea sector. Maybe, farmers are not able to get financing by themselves. Therefore, there is need for Government to come in and direct the farmers on how they can get more funding to build new factories. We need to expand the industry.

*(Messrs Mwanzia, Omondi and Gitau
stood up in their places and
consulted loudly)*

The Temporary Deputy Speaker (Mr. Poghisio): Order, Order, Order! You should be on your feet if you are moving or going somewhere!

Proceed!

The Minister for Planning and National Development (Mr. Obwocha): Thank you, Mr. Temporary Deputy Speaker, Sir, for protecting me. I do not know what is itching Members on the other side; not Mr. Sambu, but Mr. Mwanzia and his group!

Therefore, we need the Government hand to direct the farmers to get finance to build extra factories. My own factory, Kebirigo Tea Factory, was producing 16 million kilogrammes of tea. Last year, it produced 13 million kilogrammes. So, where has the 3 million kilogrammes gone? Weather could be one of the factors but the production of tea in this country is going down. It is high time the Governments put its hands together and corrected any anomalies that are there.

With those remarks, I want to support this Motion. Let us put our hands together to correct the anomalies that are in the KTDA.

I wish to thank you.

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

I want to support this Motion by the honourable Jimmy Angwenyi. While we want to expand our economy to increase the number of jobs available to our people; our young people, our farmers in the rural sector, yet we put constraints on a crop like tea, which is labour-intensive. I think it is a situation that needs quick correction and quick action.

Mr. Temporary Deputy Speaker, Sir, when we changed the KTDA Act which--- Because, previously, the Kenya Tea Development was an authority, we brought that Bill here. We amended it from an authority to an agency. But we did make a big mistake because we still allowed KTDA. The KTDA Act should have been repealed completely. Because whereas KTDA, even as it is now as an agency, controls the functioning of the factories which process tea from small-scale farmers, yet no one controls the large tea estates.

Mr. Temporary Deputy Speaker, what will stop us, for example in Mosop, where we grow and thank God because our farms are not too small-- What will control, say five or ten farmers, each with about five, six or ten acres of tea, coming together and registering themselves as a company, so that they can by-pass this Act and establish their own factory? Tea is a labour-

intensive crop from the planting of it, crop husbandry of it, the harvesting of it and even processing. I think in the world, the Kenya tea has a good market. It is even used for blending other teas from other countries. We should encourage farmers to manage and run their own factories devoid of KTDA interfering. This is because KTDA hires unnecessary directors who make the running of factories more expensive.

Mr. Temporary Deputy Speaker, Sir, in the whole of Nandi District, there is only KTDA factory at Chebus. Its capacity is not enough for all the tea delivered by farmers. In fact, farmers in Mosop no longer deliver tea to that factory. We should not allow KTDA to control the functions of tea processing in the country.

Mr. Temporary Deputy Speaker, Sir, tea should be processed to a complete-made tea stage. It should be packaged and sold directly in the market. Consumers can then buy it on retail and wholesale basis. By doing so, a lot of value will have been added to the tea. Currently, tea is sold wholesale in auction in Mombasa. Since it is sold on a large scale, farmers and factories do not make much money from it. The people who taste the tea at the Mombasa Auction are very discriminatory. I would rather that factories are allowed to process their tea up to the stage that it is ready for packaging and selling in whatever packet they want. They can also brand it. They can have their own brand names. It will improve the value of the tea. However, at the moment, tea from all factories is taken to the auction. We know previously small tea scale factories have been fetching high prices in Mombasa. However, tea factories at the moment are congested; tea does not get the value.

Mr. Temporary Deputy Speaker, Sir, the KTDA factories insist on a situation where tea has to be picked with two leaves and a bud. We find that tea estates will buy tea which - forgive me - but we call it, *mang'irito*. This is where farmers just pull the tea leaves, whether they are three or four. The private tea estate factories buy this kind of tea leaves. However, we find the Government and KTDA factories chasing away farmers who deliver *mang'irito* to the private tea factories. They are accused of committing an offence. This happens yet the farmer has no liability to the KTDA factory. The factory cannot buy his tea. What do we expect this farmer to do? I would like the Ministry either to consider this Motion or immediately bring the Sessional Paper they have been talking about. At least, this should be done before this Parliament lapses. It is such a crucial matter for the tea sector. Tea growing for small-scale farmers in this country cannot expand because the KTDA factories are limiting them.

Mr. Temporary Deputy Speaker, Sir, if you go to many leaf-weighing centres, sometimes you have to wait until midnight for the KTDA people to come and collect the tea. Some of them do not have lorries. They come to collect tea using tractors. The tractor keeps the tea which was picked in the morning until the next day. The process of making tea includes fermenting. Tea delivered eight hours, 12 hours or 16 hours after picking will have fermented and withered. The value will go down. Even the weight will go down and the farmer loses.

Mr. Temporary Deputy Speaker, Sir, I want to urge our colleagues that we adopt this Motion. I also urge the Government to consider bringing the Sessional Paper. If it is difficult, then we should repeal the KTDA Act all together and allow groups of farmers to construct their own factories just like the tea estates do without any limitations being imposed by the KTDA.

With those few remarks, I beg to support.

(Mr. Muiruri stood up in his place)

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Muiruri, I thought you are responding! Are you the one responding?

Let the hon. Member for Kigumo Constituency contribute!

Mr. O.K. Mwangi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this very important Motion.

The Temporary Deputy Speaker (Mr. Poghio): Mr. Assistant Minister, if there is something you want to give information on, you should have done so when the hon. Member was still contributing. Now, I cannot ask him if he would accept it. However, you can do it to any hon. Member at any time!

Mr. O.K. Mwangi, please, proceed!

Mr. O.K. Mwangi: Mr. Temporary Deputy Speaker, Sir, tea is one of the most important commodities in this country. It is one of the major foreign exchange earners. However, I must decry the fact that small scale farmers in the tea industries have been given a raw deal by the Government. Why do I say so? This is because when you look at the tea spectrum, particularly small-scale farming, you find very little being done by the Government *per se*. I remember that at one time in this House we made amendments to the KTDA Act. We changed it from Authority to Agency. However, unfortunately, despite the fact that we amended the Act, the KTDA has continued to act like it is an authority. The tea factories have not given a free-hand to the small-scale farmers to do what they want to do to maximize on their profits. We find that the KTDA is holding the hands of the small-scale farmers and it is actually getting the bigger share of the value of the tea that we have.

Mr. Temporary Deputy Speaker, Sir, I want to thank Mr. Angwenyi for bringing in this Motion to this House. If I had known earlier, I would have advised him to bring a Motion on tea development instead of this one on tea factories. There are very many areas that have been neglected in the tea development industry. You will find that roads that serve tea-growing areas have been neglected. The Government is not even putting in a hand. We have tried the little we can through the Constituencies Development Fund (CDF). But you will realise that, that is just a drop in the ocean. It cannot help much.

Mr. Temporary Deputy Speaker, Sir, you will also find that the Government has not even continued to maintain the roads that pass through these areas. In my constituency, I have three fully fledged tea factories but, the roads that serve the factories have been left to dilapidate almost to an extent that they are impassable. Tea farmers in those areas are supposed to use those roads to transport their tea. So, you find that a lot of tea goes to waste before it gets to the market.

Mr. Temporary Deputy Speaker, Sir, I remember that the Minister for Trade and Industry promised this House that he would subsidise the cost of fuel being used in tea factories. Unfortunately, to date, no such a thing has been done. If you look at our environment around tea-growing areas, you will find that the forests and the farms have [**Mr. O.K. Mwangi**] become dilapidated. Trees have been cut down. We have here the "master" of environmental conservation, Prof. Maathai, who can bear me witness that we are heading towards a semi-desert in the tea-growing areas, just because the environment has been reduced to nothing, because people cut down trees and use them for treating tea in factories. So, the Government should come in since tea is a commodity which earns the country a lot of foreign exchange.

I wonder what the Government has been doing and what returns it gives to the farmer. The foreign exchange that comes into the country is not being used for the development of the tea sector. It is being used in all the sectors of the economy, including education and health. The Government should invest in tea development with a view to protecting this hen which lays the golden egg. So, it is now time for the Government to invest in the tea sector, not only in terms of development of factories but also in terms of infrastructural development in tea-growing areas.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghio): Order! Order, hon. Members! Consultations are getting louder. It is possible to consult in low tones. In fact, every time you raise your voice, the hon. Member on the Floor also raises his voice. You then have to raise yours even more. That is what is happening in the House.

Proceed, Mr. O.K. Mwangi!

Mr. O.K. Mwangi: Thank you, Mr. Temporary Deputy Speaker, Sir. You are very right in that observation. Sometimes, one may become inaudible.

I am calling on the Government, particularly on the issue of use of fuel, to come in and subsidise fuel, so that we can save our forests and trees. If we continue this way, what will finally happen is that the costs of tea production will sky-rocket and, at the end of the day, the farmer will not be getting any returns. He will just end up being used like a slave. In my constituency, we sell a lot of tea. However, if you go there, you will find that the people are "bathing" in poverty, and you wonder what is happening. It is because of these costs.

Mr. Temporary Deputy Speaker, Sir, the Kenya Tea Development Agency (KTDA) must also be reduced to work as an agency. Right now, the KTDA controls a lot of the revenue that comes from tea, but that revenue does not trickle down to the farmer. So, if we care about the welfare of our people, the Government must come in and invest in factories, roads, water and other aspects concerning tea-growing areas.

Another aspect that I want to talk about is banks. The banks that operate in tea-growing areas are reducing our people to paupers. I am sorry to say so. Some people think that is very bad to say so, but that is the truth. The banks give farmers what they call "advances". Farmers receive advances from banks upon producing receipts showing that they have delivered their tea to the factories. By the time their tea is paid for, the farmers have nothing to rely on. They have to go to the banks to get more loans, because they cannot take their children to school.

Initially, we never used to care about tea farmers when it came to awarding of bursaries to needy students. Today, tea farmers line up to be given bursaries for their children, because all their money has been taken by the banks in advance on the promise that they have delivered their tea to the factories, which is accepted by banks as security.

Mr. Temporary Deputy Speaker, Sir, another issue I would like to urge the Government to look into is that of value adding to our tea. We have been "crying" year in, year out about value adding to our tea. If you go to foreign countries, you will find that our tea sells like gold. However, if you come back to this country, you find that the farmer is just getting peanuts. That leaves you wondering whether we have been created to become slaves to the rest of the world, or what we are doing. We have a Government in place, which can intervene by bringing in investments to value add to our tea, coffee and other crops, so that we can realise the maximum value that is supposed to come from our labour and land.

I would also like to urge the Government to help rehabilitate the factories that we have, and build many more new ones. We already have three-and-half factories in my constituency. We require another two factories, so that we can handle the amount of tea that we are growing. We need the Government to come in and help us open up new roads in areas where we have continued to grow tea. The Government should also build bridges. In some cases, we have got to travel long distances, looking for a way out, so that we can deliver our tea to factories for processing.

Mr. Temporary Deputy Speaker, Sir, I saw the Minister here. I would also require him to tell this House what happened to the Kshs1.4 billion that was in the accounts of the KTDA as an authority prior to its transformation into an agency. That was farmers' money. It was not supposed to be used by the Kenya Tea Development Agency (KTDA). It was supposed to go into the pockets of the farmers. We have not heard anything about it to date. So, can the Minister address that issue?

I beg to support.

Prof. Maathai: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. I, too, would like to thank Mr. Angwenyi for bringing this Motion, which is extremely important.

Mr. Temporary Deputy Speaker, Sir, I want to, immediately, support Mr. O.K. Mwangi on the point that he has raised, which I was seriously thinking about, and which I know I have raised in this House before. The KTDA has, in its wisdom, and in the management of the tea industry, decided that it would rather not invest in electricity or other sources of energy other than wood. There is no technical reason as to why the KTDA invests in, or uses, wood to cure tea. If you ask the KTDA why they do not use electricity or other fuels or other sources of energy, they will always say that it is cheaper to use wood. It is cheaper to use wood, because this country under values wood. We think that it is a cheap source of energy, but when the wood is grown in the forest, or when it is grown along rivers, or at the source of rivers, we are, in many ways, undermining that industry. In years to come, there will no longer be rivers. They will have dried up especially because of the Eucalyptus that are planted along the river beds, at the source of rivers and in the nearby forests in order to provide wood to the key industries or tea factories.

Mr. Temporary Deputy Speaker, Sir, the reason why some parts of Kenya produce excellent tea is because these farms are around mountains that have indigenous forests. These areas enjoy high rainfall for a large part of the year. It is also true that because of these forests and the general geography of these areas, the rain drizzles rather than falling like a bucket from the sky. This is very important for the growth of tea bushes.

Mr. Temporary Deputy Speaker, Sir, when you replace indigenous forests with exotic plantations the rainfall pattern changes. The rain begins to fall as if it were a bucket falling from the sky and this is not good for tea. That is partly one reason why the production and quality of tea will fall down. Most important is that practice that has almost now become synonymous with tea growing areas where farmers are encouraged to plant exotic species especially Eucalyptus along the rivers and their sources. The Government must stop this. If we are really serious about our country continuing to produce tea for many generations to come, the Government must intervene and stop the growing of Eucalyptus and other exotic species of trees along rivers, sources of rivers and in indigenous forests.

Mr. Temporary Deputy Speaker, Sir, if we do not do this, it is only because we have short term interests in this country. For this reason we tend to think of today and we do not think long-term. No long-term thinking people can allow their most productive areas to be degraded through environmental degradation because they want to grow tea today. Most of the farmers grow those trees because they are not getting enough income from tea. I do not have to address that because other hon. Members have addressed that issue.

Why are farmers not getting enough for their products? This issue has been raised in this House so many times, that our farmers have been turned into slaves by those who manage our cash crops. They pay themselves and use a lot of money in the management and compensation of the many directors they have. Eventually, the farmer who is the producer, gets very little. That is partly the reason why the tea farmer has to grow trees along rivers and sources of rivers because they want to make some money. These trees grow very fast because they get a lot of water from the ground so that the farmer can sell to the tea factory. In many ways we are undermining our industries and economy by allowing practices that degrade the environment.

This Motion is extremely important so that the Government can invest. There is no reason why the Government cannot provide hydro power. As we all know, tea grows in high altitude areas. In those areas rivers are fast flowing and many of them have water falls. It should be possible to produce micro hydro-power to provide energy to these factories so that they do not depend on firewood. If we are going to clear the indigenous forests, allow the *shamba* system and exotic

plantation in the indigenous forests then instead of the water being harvested in the forests and going to supplement the underground water reservoir which then feeds the rivers, the water will run down. When the water runs down it causes havoc in many parts of our country like Budalang'i, Nyando and the Coast.

Every time it rains in this country we have floods and yet we do not change. Much of that is happening because of the destruction of the environment. If we want the factory to have hydro power we ought to protect the forests upstream so that the rivers will continue flowing and then we can produce hydro power.

This is an extremely important issue. If it has almost seemed impossible for the directors of KTDA to address this issue, it is quite often because in many situations in this country, Ministries work in the opposite direction. They do not consult. How can the Ministry of Energy not supply water to the pastoralists? The Ministry of Agriculture is not weakened about what is happening because the tea factories do not have energy. I do not know how to emphasise the need for our Ministries to work in tandem so that they can support each other and have a good end result for our country.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Energy, the Ministry of Environment and Natural Resources, the Ministry of Agriculture, the Ministry of Roads and Public Works and the Ministry of Water and Irrigation should work in tandem. Quite often, every Ministry goes in its own direction, irrespective of the damage that is done to another Ministry. We really need to think holistically as a Government and a people so that we can protect our environment and ensure that this country still continues to produce the best tea in the world for many generations to come. Obviously the KTDA cannot do it. So, it is time the Government came in and invested both in finances and technology so that we can truly have an industry we can be proud of.

With those few remarks, I beg to support.

Mr. Koros: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. I wish to thank Mr. Angwenyi for bringing this Motion. I think it is not late for this Motion to come to this House.

Tea farmers have been suffering for ages. We know that our tea fetches a lot of money outside there. The problem is that we do not have enough factories. As a result of this we spend a lot of money in processing tea. I wish to request the Government that every sub-location or location should have a factory. We should also use firewood in processing tea.

Farmers especially in the Rift Valley suffer a lot because the amount of money they get from tea is too little to sustain them. This tea is exported to other countries and it fetches a lot of money while farmers do not get anything.

Mr. Temporary Deputy Speaker, Sir, as we said, farming in this country is the backbone of our nation. If we do not empower farmers, they will suffer and our economy will continue going down.

Mr. Temporary Deputy Speaker, Sir, where tea is grown, we know it grows throughout the year, and we would like to urge the Government to, at least, encourage those localities to have more tea farms. You will find a farmer who has land, but planting tea is a problem because of the fertilizers and seedlings. So, in this case, I would like the Government to come in and assist the Kenya Tea Development Agency (KTDA) so that the farmers can benefit from subsidized tea inputs.

Mr. Temporary Deputy Speaker, Sir, we know that the Government has a plan, in the next 20 years, to ensure that Kenya will be industrialized. But it will not be industrialized if our farmers are still poor. I wish to request the Government that, if they will subsidize farm inputs, then our farmers will manage to grow tea and prices should be increased.

Mr. Temporary Deputy Speaker, Sir, if go back to our history, the White settlers invested so

much in tea because they knew that was where they would get profits. But still, the White settlers are the ones who are owning these tea farms. So, I would like to request the Ministry that, if there is a way where we can have--- It is now over 40 years since we got Independence, yet the White settlers are still controlling our tea farms. I would like to request the Government if we can have tea farms being controlled by our indigenous Kenyans. I know that the Government is willing to support tea farmers, but if they cannot move very fast in five years--- The other day, I was young and I used to see White settlers farming tea and, up to now, they are still there. Why can the Government not force them to accommodate the blacks or indigenous Kenyans?

With those few remarks, I beg to support.

Mr. Khamasi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to support this important Motion which has been brought to the House by hon. Angwenyi.

Mr. Temporary Deputy Speaker, Sir, tea farmers are Kenyans, just like the coffee, sugarcane, maize or livestock farmers. This is only one sector where the Government has really not invested much, and where it has invested, the farmers pay through the nose.

Mr. Temporary Deputy Speaker, Sir, factories managed by the KTDA, if you look at the cost at which they were established, it is too enormous; far, far beyond their realistic value. I want to take an example of a tea factory near my home, where I deliver my green tea, in the name of Mudete Tea Factory. This factory was built at a cost of close to Kshs500 million. There was a lot of debate as to whether that was a realistic value or not, and we had experts go out and compare exactly what a realistic value for a factory of similar size would cost. We were amazed! This factory could have cost just below Kshs200 million and yet, the farmers are supposed to pay close to Kshs500 million. This is robbery of tea farmers!

Mr. Temporary Deputy Speaker, Sir, I know that you do not have the experience of tea farmers. But I live with them myself and I know what they go through. If you compare the sort of energy and effort they put into that particular crop to get a little money, you will really sympathize with them.

Mr. Temporary Deputy Speaker, Sir, I am a little reluctant with what has been proposed here, for the Government to directly inject funds. I would rather we have it in a similar manner that was done for coffee, sugarcane and dairy farmers, where these funds had, somehow, to reach those farmers immediately so that they, themselves, would be able to manage how they use them. I would expect a similar situation would arise where the monies will go to the factories.

Mr. Temporary Deputy Speaker, Sir, I do not think that we need only to expand. If we need to support and help tea farmers, we need even to add value in the processing of tea, because at the moment, we produce black tea which we export as raw material for other big tea producers in this world in the auction to buy and blend their teas and, still, we import the same in this country. It is for this reason I said that, in as much as we want to expand and increase the production, we need also to add value so that we can do the processing and blending here, and export our tea as a finished product.

Mr. Temporary Deputy Speaker, Sir, it is important that the KTDA Act, which came into effect 33 years ago, has to be re-looked at, because, particularly, the directors in most of the factories leave a lot to be desired in terms of the services they provide to the farmers. It is, therefore, necessary that we amend this Act, particularly as regards procurement of goods and services. The KTDA still holds the key to the most important raw materials, goods and services which are consumed by these tea factories, and they leave them with very little to do. Therefore, those costs are eventually passed to the tea factories and, eventually, to the farmers. It is necessary that, that is checked so that there is proper control of that.

Mr. Temporary Deputy Speaker, Sir, I just wanted to add my voice on this issue and say

that, this is a very important Motion. We should be able to pass it so that we move fast and amend this Act for the benefit of tea farmers in this country.

I beg to support.

The Temporary Deputy Speaker (Mr. Poghisio): Actually, I only have five minutes for you, Mr. Mwancha.

Mr. Mwancha: Thank you, Mr. Temporary Deputy Speaker, Sir, for the five minutes. I wish to join all the hon. Members who have supported hon. Angwenyi for bringing the Motion to the House.

Many times, I have said in this House that tea farmers still have their tea because it is a perennial crop. If it was an annual crop, they would have pulled it out. They are paupers. They have nothing to make from their tea farms. Establishing tea farms is very expensive. They have to build the factories and like hon. Members have said, in some cases, they have to construct roads. I will leave that issue and deal with the manner which I think hon. Angwenyi should have brought this Motion. It should have been on expansion, rehabilitation, construction, development and more importantly, the marketing aspect of the tea.

It costs Kshs400 million to do one line. To do three lines, it would cost Ksh1.2 billion. It is unthinkable for the Government to expect farmers to raise Kshs1.2 billion to construct a factory. They would have to go for financing elsewhere and interest rates are heavily inflated. Hon. Khamasi has given an example of an incident where farmers were asked to raise Kshs500,000 million while it cost less than Kshs200 million to construct a factory. We need Government intervention and financing, so that factories can be built. The Government should also put in place the required machinery to add value. We do not want to add value and leave it at that. We would like to know if we are selling our tea in supermarkets in South America. We should print the packets and even the price tags here in Kenya.

Mr. Temporary Deputy Speaker, Sir, with regard to marketing, we have seen that Lipton has been given the authority to market our tea. They only re-package and then sell our tea in the world market. If the Government financed the factories, they could be able to market our own tea. When you travel around the world, you find tea from Sri Lanka and India. It is only Kenyan tea which is sold as Lipton tea.

The Assistant Minister for Agriculture was with me in the Departmental Committee on Agriculture, Lands and Natural Resources. We travelled a great deal with him and we saw Kenyan tea packed as Lipton tea in the world and tea from Sri Lanka, India and other countries packed as tea from those countries. Our tea should be packed as Kenyan tea, so that if buyers want Kenyan tea, they will come here. They should not go to Lipton. I hope the Minister will take a cue from this Motion and have our tea packed and sold as Kenyan tea, which is high quality tea. The Kenyan tea farmers should also earn a premium after their tea is used to blend poor tea from Asia. That is the only way to help the tea farmers, so that when they walk at night from the tea buying centres back to their homes to eat, they will not be called night runners.

With those many remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghisio): I will now call upon the Government official Responder to respond.

The Assistant Minister for Agriculture (Mr. Muiruri): Thank you, Mr. Temporary Deputy Speaker, Sir. The Government and the Ministry of Agriculture welcome this Motion in total.

The Motion is asking for the amendment of the Kenya Tea Development Agency (KTDA) Act, which does not exist. The tea industry is regularised by the Tea Act. The Kenya Tea Development Authority (KTDA) was formed in 1964 by a Legal Gazette Notice No.44.

The Temporary Deputy Speaker (Mr. Poghisio): Assistant Minister, I want to get it

clearly. You have said that there is no KTDA Act?

The Assistant Minister for Agriculture (Mr. Muiruri): That is correct, Mr. Temporary Deputy Speaker, Sir. The KTDA Act does not exist. The KTDA was formed in 1964 by a Legal Gazette Notice No.44 by the Minister for Agriculture which took over the functions of the Special Crop Development Authority. That is the position.

Tea farmers got 100 per cent loan facilities to construct factories. The KTDA would then finance on the conventional leaf basis. These loans were payable over a period of ten years plus a two year grace period. This made it very easy for the tea farmers to repay their loans without a lot of hardships. However, after the privatisation in 2000, the KTDA reviewed this provision and demanded 30 per cent equity from the farmers and 70 per cent as loans. This was a further burden because they went further to reduce the repayment period to eight years.

With the rising cost of construction of new factories, a new policy came into place which raised equity participation to 50 per cent, to be contributed by all growers through deductions from tea payments. These payments burdened the factories with huge debts and the repayment period was reduced from six to five years.

Mr. Temporary Deputy Speaker, Sir, in a nutshell, the tea industry is one of the major movers of the country's national economy. However, the KTDA is faced with diverse challenges of over-production, declining prices, high cost of production, poor infrastructure, mismanagement, global competition and they have continued to perform below optimum. Considering that half a million farmers are engaged in this industry, it is a must for the Government to intervene in the industry and address the challenges facing the KTDA.

I am the Assistant Minister for Agriculture, but I am also a tea farmer. This problem has come about because we ourselves in the tea industry and Members of COTEPA in the last Parliament, removed Government control over the KTDA to a limited company. In the process, a lot of things have gone wrong in KTDA.

The Temporary Deputy Speaker (Mr. Poghisio): Have you stated that the Government supports this Motion?

The Assistant Minister for Agriculture (Mr. Muiruri): That is the position, Mr. Temporary Deputy Speaker, Sir. The Government supports this Motion fully.

The Temporary Deputy Speaker (Mr. Poghisio): But do you really know what this Motion is asking for?

The Assistant Minister for Agriculture (Mr. Muiruri): Mr. Temporary Deputy Speaker, Sir, I was coming to that. I was coming to that small amendment. If you look at the fourth line from the bottom of the Motion, it reads thus:

"---this House grants leave to introduce a Bill for an Act of Parliament to amend the KTDA Act---"

I was proposing that we now amend the Motion so that, that line reads thus: "to introduce the KTDA Act", or whatever Mr. Angwenyi sees fit. So, I was looking for a small amendment in consultation with Mr. Angwenyi.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Assistant Minister! Not only the Assistant Minister, anybody who proposes to make an amendment, must put it in a form that is acceptable. You are not going to start creating the words as you go along. I propose that if any of you has an amendment, then you do it the way it is supposed to be done.

Mr. Assistant Minister, we know that you have an amendment, but, please, get it done in the format that is acceptable.

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker! We are going to introduce an amendment to the Motion which will read:

"--- leave to introduce a Bill to establish---"

The Temporary Deputy Speaker (Mr. Poghisio): It cannot be you, Mr. Angwenyi. You are the mover of this Motion!

Mr. Angwenyi: Very well, Mr. Temporary Deputy Speaker, Sir. Somebody else can do that.

Mr. Mwanicha: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to introduce an amendment to this Motion to include the marketing of tea, to delete the KTDA Act and insert the "Tea Act" and to add "development of the tea industry".

The Temporary Deputy Speaker (Mr. Poghisio): Order, Members! I am still telling you that if you want to make an amendment, just do not rise on a point of order and make the amendment. You really have to get it written and approved. It is not just that you rise in your place and you form the words of the amendment as you go along.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! The issue [**The Temporary Deputy Speaker**] here is that you have been debating and now it has come to our notice that what you seek to amend here is not in existence. That is what we want to deal with.

Mr. Assistant Minister, you know that your time is not going to be stopped.

The Assistant Minister for Agriculture (Mr. Muiruri): Mr. Temporary Deputy Speaker, Sir, if you remember, I stood up earlier. I wanted to bring this amendment early enough. That was my intention, but you told me that, that would come during my contribution. So, it has come up now---

The Temporary Deputy Speaker (Mr. Poghisio): You had an amendment before?

The Assistant Minister for Agriculture (Mr. Muiruri): Mr. Temporary Deputy Speaker, Sir, I said that I had corrections to make.

The Temporary Deputy Speaker (Mr. Poghisio): You wanted to give information, if you remember.

The Assistant Minister for Agriculture (Mr. Muiruri): I did not say that, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Order! You have your time. Please, proceed!

The Assistant Minister for Agriculture (Mr. Muiruri): Mr. Temporary Deputy Speaker, Sir, I would like to make an amendment so that the Motion can read as follows:

"This House grants leave to enact a Bill to be called the Kenya Tea Development Authority (KTDA) Act."

That line will fall between--- It should read:-

"This House grants leave to enact an Act of Parliament to establish the KTDA Act."

Mr. Temporary Deputy Speaker, Sir, can I---

The Temporary Deputy Speaker (Mr. Poghisio): What are you saying?

The Assistant Minister for Agriculture (Mr. Muiruri): Mr. Temporary Deputy Speaker, Sir, I have to sit down and draft this thing. Can I consult with Mr. Angwenyi? Let us consult.

*(Messrs. Muiruri, Angwenyi
and Mwanicha consulted loudly)*

The Temporary Deputy Speaker (Mr. Poghisio): This is very unconventional. Can somebody continue to consult as the Assistant Minister finishes up his time? I cannot just hold this House in abeyance while they consult. Mr. Assistant Minister, let somebody else consult.

Maj. Madoka: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for this House to be kept waiting simply because this Assistant Minister came here unprepared for this amendment? Is it in order?

The Assistant Minister for Agriculture (Mr. Muiruri): Mr. Temporary Deputy Speaker, Sir, it is in order, given the fact that this is my time.

The Temporary Deputy Speaker (Mr. Poghisio): That was not directed to you!

The Assistant Minister for Agriculture (Mr. Muiruri): Thank you, Mr. Temporary Deputy Speaker, Sir.

I propose an amendment that the Motion be amended on the third line, to delete the word "amend" and insert the words "establish Kenya Tea Development Authority".

I move the amendment.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Assistant Minister, do you know what that would say?

"That this House grants leave to introduce a Bill for an Act of Parliament---

Mr. Angwenyi: To establish!

The Assistant Minister for Agriculture (Mr. Muiruri):" --- to establish the Kenya Tea Development Authority (KTDA)"

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, it is okay. The other one is an agency.

The Temporary Deputy Speaker (Mr. Poghisio): Really? You are trying to do everything now. Let me tell you how that reads like:

"That this House grants leave to introduce a Bill for an Act of Parliament to introduce the KTDA to provide for urgent direct Government investment---

Is that what the KTDA is all about? If you are establishing the KTDA, then what will you do with the Government direct investment? The KTDA was there before!

The Assistant Minister for Agriculture (Mr. Muiruri): That is the position, Mr. Temporary Deputy Speaker, Sir. That is why the Government guaranteed all the loans and it even had people sitting on the Board.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Why do we not do it properly, Mr. Assistant Minister? Let us give the Assistant Minister time to really put his thought together and come up with an amendment.

Mr. Angwenyi: So, we defer the amendment until next time.

The Temporary Deputy Speaker (Mr. Poghisio): Is that what you would like?

The Assistant Minister for Agriculture (Mr. Muiruri): Mr. Temporary Deputy Speaker, Sir, that is very kind of you.

The Temporary Deputy Speaker (Mr. Poghisio): We could give you more time so that we go to another Motion.

The Assistant Minister for Agriculture (Mr. Muiruri): No, Mr. Temporary Deputy Speaker, Sir, because as far as I am concerned, the amendment is properly in the House. I have already made the amendment. The amendment will read as follows:

"This House grants leave to introduce an Act of Parliament to establish the Kenya Tea Development Authority (KTDA) Act to provide for urgent---

Mr. G.G. Kariuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Am I in order to ask you to give a clear ruling on this situation? This is a situation which has never been witnessed in this House before. The Assistant Minister and the Mover of the Motion seem not to really understand where we are going!

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! If I went that way, I would have to say that, that is a totally different Motion. Mr. Angwenyi, you cannot, through an amendment, introduce something which is totally strange and new. You cannot, through an amendment, change the spirit of a Motion that hon. Members have debated all along, up to this point. You are introducing something which was not in the original Motion in the last minute! That is why I tried to save the day by saying that we can think through it.

The Assistant Minister for Gender, Sports, Culture and Social Services (Mr. Onyancha): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Yes, Mr. Assistant Minister!

The Assistant Minister for Gender, Sports, Culture and Social Services (Mr. Onyancha): Mr. Temporary Deputy Speaker, Sir, really, the spirit of the Motion was meant to amend the Tea Act. Tea is the gist of the whole thing. The Kenya Tea Development Authority (KTDA) is an agency within the Tea Act. What we are trying to amend here is the Tea Act to provide for other things. So, let us not talk about introducing the KTDA Act. We are actually amending the Tea Act and do all sorts of things that we want to do.

The Temporary Deputy Speaker (Mr. Poghisio): But at what point are you going to amend the Tea Act?

The Assistant Minister for Gender, Sports, Culture and Social Services (Mr. Onyancha): Mr. Temporary Deputy Speaker, Sir, the amendment that should be brought in this House is to amend the Tea Act and not to introduce the KTDA Act!

Maj. Madoka: On a point of order, Mr. Temporary Deputy Speaker, Sir. I really think you should go with your earlier suggestion to give the Assistant Minister more time. That is because these sorts of amendments are not clear. Mr. Assistant Minister, I do not think you know what is really required. So, really, I would recommend that you allow the Assistant Minister to go and sit down, go over his thoughts and bring a proper Motion. Let there be order in these things.

The Assistant Minister for Agriculture (Mr. Muiruri): Mr. Temporary Deputy Speaker, Sir, when the Motion was moved and the first speaker spoke, I stood up because I could foresee these problems. But that is already gone. The Motion only requires a very slight amendment. The amendment---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Muiruri! The best thing to do is very simple; either you accept the Chair's magnanimity or you go the difficult route that you are trying to follow. This Motion is already having a problem!

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, maybe, you can defer the Motion!

The Assistant Minister for Agriculture (Mr. Muiruri): Mr. Temporary Deputy Speaker, Sir, this is a very important Motion. I am sure you also agree with me that this is a very important Motion. But I concur with your ruling that we defer the Motion for further consultations.

The Temporary Deputy Speaker (Mr. Poghisio): Well, we are only deferring your reply and, of course, the Mover's reply. We are not going to re-open debate on this Motion. The issue is, if any of you knew that there was a problem, you could have consulted Mr. Angwenyi early enough so that it could be easier for the House. All right?

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, I accept the deferment of this Motion.

The Temporary Deputy Speaker (Mr. Poghisio): Well, the Motion is deferred!
Let us move on to the next Order!

The Assistant Minister for Agriculture (Mr. Muiruri): On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the importance of this Motion, could I request that it be listed on the Order Paper of---

Ms. Abdalla: We are proceeding on recess!

The Assistant Minister for Agriculture (Mr. Muiruri): Mr. Temporary Deputy Speaker, Sir, could it then be listed on the Order Paper of the first Wednesday when we resume?

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Muiruri! You know who places the business of the House on the Order Paper! It will be done as per that.

Let us move on to the next Order!

The Assistant Minister for Gender, Sports, Culture and Social Services (Mr. Onyancha): On a point of order, Mr. Temporary Deputy Speaker, Sir. May I seek your guidance?

The Temporary Deputy Speaker (Mr. Poghisio): Go ahead!

The Assistant Minister for Gender, Sports, Culture and Social Services (Mr. Onyancha): Mr. Temporary Deputy Speaker, Sir, given that the Motion has been deferred, and I respect your ruling, you have already said that what you have deferred is the response of the Assistant Minister and the reply of the Mover. But, given that there will be an amendment, would you not allow more participation---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Onyancha! The amendments can come in the middle of the presentations or any time during that time. But it has to be done within the time. We have already come that far. I had called the Government Responder. It was at that point that we developed this problem. We need to come back to it at that particular point. Hopefully, the consultations will have yielded something at that time.

(Motion deferred)

Next Order!

IMPROVEMENT OF EDUCATION STANDARDS
IN MARGINALIZED REGIONS

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

THAT, being aware of the important role education plays in the development of any country; noting with grave concern that admission for undergraduate courses at public universities has become extremely competitive and, therefore, thousands of students who have attained minimum qualifications are shut out from university education; taking cognizance of the fact that, students who come from marginal areas have continued to have less access to public universities thereby re-enforcing the marginalization of such areas, this House urges the Government to urgently consider:-

- (a) putting up more schools with requisite facilities in marginal areas;
- (b) offering sufficient bursary to cover tuition fees for the needy students who hail from marginal areas; and,
- (c) establishing one public university in Coast, Eastern and North Eastern provinces as a means of stimulating local interest in university education.

Mr. Temporary Deputy Speaker, Sir, with the inception of free primary education in 2002, there were 6 million primary school pupils. But between 2003 when the Free Primary Education Programme (FPEP) commenced up to 2006, we now have 7,600,000 pupils going to primary schools. Right now, there are another 200,000 more students in primary schools. That totals up to 7,900,000 children who are accessing primary school education. As children join schools in lower primary, their numbers thin out as they go to Standard VIII because the rate of drop out is quite

high. Many parents are unable to even buy the simple requirements like school uniforms, school bags and other necessary materials. By the time most children get to Standard V, the girl-child is usually older---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Dr. Shaban! Did you read out the whole Motion?

Dr. Shaban: I did, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Sorry, but I did not hear you go through "a", "b" and "c" of the Motion. Did you?

Dr. Shaban: I did, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): All right! Proceed!

Dr. Shaban: Mr. Temporary Deputy Speaker, Sir, the number of children thin out as they get to Standard VIII because of lack of facilities. The girls mostly drop out of school because, when they reach their maturity stage, the parents are not able to afford the materials that they require.

Last year, for example, 643,000 students sat the Kenya Certificate of Primary Education (KCPE) exams. Only 50 per cent of those students were admitted to secondary schools. Many of the secondary schools where those students were admitted might not have the required facilities. The Form IV students who sat for the Kenya Certificate of Secondary Education (KCSE) exams were 268,000. There has been an upward trend with the Constituencies Development Fund (CDF) putting up more schools, classrooms, laboratories and other facilities. Out of the 268,000, only 63,000---

Mr. Karaba: On a point of order, Mr. Temporary Deputy Speaker, Sir. I need some guidance on this Motion. This is a very important Motion. But when I look around, I cannot see the Minister for Education or even any Minister of the Government. Are we in order to debate a Motion which no Minister will respond to at the end?

The Temporary Deputy Speaker (Mr. Poghisio): As you can see, the Front Bench is completely empty. No Minister is around. There is nothing that the Chair can do to bring the Minister here. It is, of course, good practice that when an hon. Member is moving a Private Motion, that there is a Government side to respond. Hopefully, since she is just moving the Motion, somebody representing the Minister will be here. I hope so. While she is moving the Motion, the Government Chief Whip should try and ensure that somebody, at least, from the Government side, is here.

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, but we are here!

The Temporary Deputy Speaker (Mr. Poghisio): They are not obligated, but it is good practice if they were here.

Proceed, Dr. Shaban!

Dr. Shaban: Mr. Temporary Deputy Speaker, Sir, out of the 260,000 students who sat the Kenya Certificate of Secondary Examinations (KCSE) last year, only 63,000 got C plus and above. Out of this 63,000, only 3.8 per cent would most likely gain entrance to university. In other words, about 50,000 will be left out. Even when you look at the figure of 3.8 per cent of the 63,000, most likely very few of those students will join universities. There are many reasons why the universities do not have the capacity to accommodate all the 60,000 students.

Mr. Temporary Deputy Speaker, Sir, the mean grade of C plus to A runs as follows: C plus is 46 points to 52 points; B minus is 53 points to 59 points; B plain is 60 points to 66 points; B plus is 70 points to 73 points; A minus is 74 points to 80 points; A is from 81 points and above. However, when the 8-4-4 system of education started, the university was able to admit the first lot of C plus. In fact, they were very strong C pluses. Even most of the C pluses were left out because of lack of cluster points. It is only for the first one year when we saw those students admitted

together with the last Form Six lot. After that, of course, along the way the C plus was left out completely after one academic year. The following year they jumped up to B minus and it has been an upward trend.

Mr. Temporary Deputy Speaker, Sir, the dropout rate from secondary school has been annually about 5 per cent and for primary schools it has been 3 per cent. However, when we look at that 5 per cent and 3 per cent respectively, we see more dropouts from the disadvantaged background or the marginalised areas, especially the real Arid and Semi-Arid Lands (ASAL).

Mr. Temporary Deputy Speaker, Sir, emphasis has been put so much on the girl-child that in the process we have promoted the girl-child, so much and we have sort of forgotten about the boy-child. Right now, the boy-child is becoming slowly an endangered species. We, as a country, need to do something about both the boy-child and the girl-child. We must make sure that these children stay in school and then join tertiary colleges and universities.

Mr. Temporary Deputy Speaker, Sir, the number of teachers in primary schools in the year 2006 was 162,993. In secondary schools, was 42,403 which is a far cry from what is really required on the teaching staff and the needs of the schools. We have a shortage of about 46,000 in primary schools and 12,000 in secondary schools. This is bound to continue because we are registering more schools which have been built through the Constituencies Development Fund (CDF) facility. The Government must do something about the shortfall. I know there has been talk about the increment of the number of teachers in primary and secondary schools level. Most of the schools in the rural areas do not have enough teachers. We find that most of the teachers have been moving to where their spouses are. Schools in the rural areas are left without enough teaching staff and their replacement becomes a problem. I think the policy of the Government had been to put husband and wife together. In the process, there has been that big migration and loss to the rural areas.

Mr. Temporary Deputy Speaker, Sir, something must be done in the marginalised areas. Not only about the schools because most of them are built using CDF funds, but I believe the Government and the private partners must work together to put up many secondary schools in marginalised and very remote areas in this country. These children need to go to schools so that they qualify to join tertiary colleges and universities.

Mr. Temporary Deputy Speaker, Sir, of course, there are other issues which are affecting these marginal areas. Even children who are qualified to go to universities or colleges to pursue diploma courses, the main factor which affects them is lack of fees. The fees have been prohibitive. These children have been left out and they feel quite harassed, unhappy and frustrated. After working so hard and being admitted to colleges and universities, they are unable to pursue further education. We all can imagine a student coming to join University of Nairobi all the way from Taita Taveta District. Once he is in Nairobi, he is required to pay so much money which the Higher Education Loans Board (HELB) did not give him. Most of them get even more frustrated because they are admitted to pursue courses they never applied for. So, in those admissions as they come to university, we find that somebody had most likely asked for admission for medicine or education and then they end up being admitted for Bachelor of Arts or Bachelor of Science degree, for that matter. That is a general degree. They fall out on the way. It would be very difficult for me to complain about the difficulties of admissions of those students simply because our universities are so bogged down by lack of facilities. They do not have enough capacity to accommodate everybody.

Mr. Temporary Deputy Speaker, Sir, the Joint Admissions Board (JAB) has only a capacity for about 11,000 students in the regular programme. These students are determined by the listed programmes. The JAB would look at the cluster subjects to be able to qualify who will pursue which course. As I said, the numbers are quite prohibitive and they cannot be able to go beyond. Say for example, 50 or 100 students in the country have applied for dentistry and their only

capacity is about 20 students. They cannot accommodate the others even if they were qualified. They end up giving them different courses or their second choices or even courses they never really applied for.

In the last academic year alone, the total capacity for all the university was as follows: University of Nairobi has a capacity of 2,704. However, it was able to admit slightly more than that because of the affirmative action. They admitted 2,735. Kenyatta University has a capacity of 2,525, but also they were unable to accommodate everybody because of some breakdown of some facilities. They only took 2,377. Maseno University whose capacity is 870 only, took 826. Jomo Kenyatta University of Agriculture and Technology (JKUAT) has a capacity of 631, but they were able to admit 660 only. Moi University which has a capacity of 1,975 was only able to take 1,904. Egerton University which has a capacity of 1,451 was only able to take 1,361. Masinde Muliro University was able to admit 357 against a capacity of 350. The total intake was 10,506. However, because of affirmative action, the JAB increased the number by another 10 per cent to make it 11,000. This has been the trend in the last five years. The Kshs800 million is the money which has been given by the Ministry of Education to them for disbursement to the students, and Kshs1 billion is what they usually recover after a big improvement in their collection.

Mr. Temporary Deputy Speaker, Sir, almost 100,000 students have been relying on this Kshs1.8 billion, compared to Tanzania where they have approximately 50,000 students and they have been spending up to Tshs100 billion, which is equivalent to Kshs6 billion. So, there is a need for the HELB to be given more so that they can reach their target of about Kshs4 billion to be able to make a real impact.

Mr. Temporary Deputy Speaker, Sir, as I was giving out those figures, I think the children who are coming from marginalised areas have been left out. Looking at the points which are going to go to university this academic year, if they are a bit lucky to go university, mostly likely it will be either 71 or 72 points onwards, plus grade A minuses and As. A place like North Eastern province, which, from Independence, has not even been able to produce more than 60 students to the regular programme will now be locked out completely, because none of its students is going to reach the B plus of 72 points. So, most likely all of them will be left out of the regular programme. Most likely, the only ones who will be able to come from there and go to university are the ones who are able to go to schools outside the province. This does not affect only North Eastern, but also the Coast Province, other remote areas, the upper Rift and south Rift Valley, where we have a big problem, and the upper Eastern.

Mr. Temporary Deputy Speaker, Sir, I wish to urge the Government to provide a public university in each province, and looking at the provinces the way they are, it looks like it is only Coast, Eastern and North Eastern Provinces which have been left out. It will be very important because it is going to stimulate the local interest of those students to be able to go to school. The other problem which the universities usually face is lack of facilities. The factors which affect are usually accommodation, staffing of teaching and non-teaching staff, other materials and equipment. For example, if you train somebody for dentistry, they will require far much more than a person who is being trained in Bachelor of Arts. But the Ministry of Education has been able to just give a uniform amount for a student who is going to do Bachelor of Dental Surgery and a student who is going to do Bachelor of Arts at the rate of Kshs140,000 per student. This does not make sense because the demand is high, but it has only been able to take 16 students for so long, and then finally now they can only accommodate 20 students, when so many other children are qualified.

So, we want the Government to sit down with universities and come up with a strategy of getting students because of the labour demand. It is very important for them to look at the labour demand and be able to say, for example, in agriculture you need more students than in anthropology, because you will roll out students from anthropology but they will not be able to get

jobs, yet we need more graduate agricultural officers to be able to help in building this nation.

Mr. Temporary Deputy Speaker, Sir, with those remarks, I beg to move and call upon hon. Dr. Sammy Rutto to second this Motion.

Dr. Rutto: Mr. Temporary Deputy Speaker, Sir, I beg to second the Motion. This Motion is quite timely and I think we all need to support the sentiments expressed by it.

Mr. Temporary Deputy Speaker, Sir, I have noted three salient features that the Motion wishes to address, particularly, with regard to the marginalised communities and groups in this country. The first salient feature relates to access and retention of children in those marginalised groups. The Motion assumes, and rightly so, that children or students in the marginal areas have problems of access and retention in the education circle.

The other issue relates to quality. This Motion asks the House to urge the Government to improve the quality of education in those marginal areas. The other feature is equitable distribution of educational resources.

Mr. Temporary Deputy Speaker, Sir, I want to emphasize that regarding the issue of access, our children in the marginal areas experience a lot of problems. The harsh living conditions in those areas make them not to access education, perhaps, in a manner that those children who are endowed, who come from urban and rich areas do. In other words, I am saying that the children in marginal areas go through very harsh conditions, particularly, in trying to satisfy their basic needs.

The Temporary Deputy Speaker (Mr. Poghismo): Order! I would like to know whether it is well understood by every hon. Member when you refer to marginal areas. Does every hon. Member understand "marginal areas?"

Dr. Rutto: Mr. Temporary Deputy Speaker, Sir, I suppose so, but I can explain. I understand marginal areas to be areas that are not sufficiently endowed, particularly, in terms of economic capacity. I am talking about Turkana, Pokot, the coastal region, Maasai and Kuria. I am also referring to the women and the girl-child.

The Temporary Deputy Speaker (Mr. Poghismo): We are talking about areas here!

Dr. Rutto: Mr. Temporary Deputy Speaker, Sir, I am talking about the girl-child education in those areas. Those are the marginalised areas and groups.

Mr. Temporary Deputy Speaker, Sir, in some of these areas also, children are not sufficiently supported by their families. Families, perhaps, do not see education as being very important for their children and, therefore, they do not support them sufficiently in matters of education, because of other pressing needs which have to do with satisfaction of basic needs.

Mr. Temporary Deputy Speaker, Sir, the third factor which affects access to education, are physical facilities. The Motion specifically mentions that the Government should be urged to build more schools which are more equipped than those which are there today. Children in those areas are also affected by distances between schools and homes. Children have to travel long distances to reach school.

Mr. Temporary Deputy Speaker, Sir, I had a chance to visit schools in the Southern and Northern Coast as a member of the Departmental Committee on Education, Research and Technology. When you look at the children in some of those places, you sympathise because at the end of the day, they are more tired than when going through education provision.

Lack of teachers, as the Mover of the Motion has mentioned, is rampant in some of those areas. The motivation to go to school is also very low because those places do not have sufficient role models.

On the quality of education, curriculum development in some of those areas is very weak. In other words, teachers do not have sufficient time to merge curriculum needs with the needs of the children, to the extent that they can improve the quality of education of those children. We are saying that the enormous problem that children go through in those places is just unimaginable.

Children do not cover the curriculum sufficiently. At the end of the year, children have not covered what they were supposed to cover in school for them to be prepared enough to go through the challenges of examination. We are saying that the Government needs to move with speed and to put more effort in the development of education in those marginal areas than, perhaps, they pay attention to other endowed places.

Mr. Temporary Deputy Speaker, Sir, we need to know and understand that education is a basic human right. The moment we subject our children in certain places of this country to conditions which are not favourable to access quality education, we are, essentially, denying those children access to education as a basic human right. Education as a basic human right involves viewing education as providing means for the children to access values. Values make us different from animals. I know scientists define us as animals. However, we are special animals in the sense that being human, involves getting access to values. When we get access to those values only through education--- The moment we do not give access to education sufficiently to certain sectors of our population, it means we are denying them access to basic values.

Mr. Temporary Deputy Speaker, Sir, secondly, education as a basic human right involves access to knowledge and understanding. We cannot deny the fact that education makes, in fact, our children access knowledge. The moment you deny those children access to knowledge in a very specific way, it means we are reducing their values as human beings. That would mean, denying them access to skills; life or vocational skills.

The point that education is life does not need to be emphasised here. When we provide education that is not sufficiently geared towards developing the lives of our children, it means we are denying those children a basic right and basic avenues to fullness of life in that sense. That is why we are urging the Government to stress the provision of facilities and equipment to schools in the marginalised areas. We need to provide those avenues so that education can be meaningful to children in those areas.

Mr. Temporary Deputy Speaker, Sir, we also talk of education being power; indeed, education is power. The moment we do not provide education, it means we disempower those children. In other words, we provide opportunities that are not sufficiently suited accessing power.

Mr. Temporary Deputy Speaker, Sir, I wish to say that education is also wealth in a very fundamental way. Education has a capacity to distribute wealth between the poor and the rich. The moment you deny children access to opportunities to fulfilling education, it means that we are not addressing the distribution of wealth as well. In other words, the Motion is timely. The Government needs to put up more schools in those marginalised areas particularly the development of centres of excellence. The Ministry of Education---

The Temporary Deputy Speaker (Mr. Poghisio): Your time is up!

Dr. Rutto: With those few remarks, I beg to second.

(Question proposed)

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, this Motion is long overdue and I am standing here to support it. But just supporting the Motion is not enough. The Motion is concentrating on building more universities in the so-called marginalised areas. We should not refer to any place as marginalised because nobody has marginalised any person except the way this country is geographically. It can be said that these are the areas which have economically been forgotten by the system from the time of Independence. Some areas have been forgotten and they have now been baptised "marginalised areas." It is also said that the people are marginalised.

As you asked a question, and I was listening, the continued use of the word "marginalization" is giving some people a way of avoiding reality. Geographically, there are some

people in this country who are in the most unfortunate areas. They cannot afford whatever they want to do like any other people in the country because of where they come from. So, the economic planners in this country need to understand and to know that there is no way Turkana or Pokots--- The Government should come up with a crash programme to make sure that those people are given an opportunity to develop like other people. If we start boarding schools in those areas, we will transform those areas and make those people equal to others by providing them with facilities. We used to have harambees. Harambee was just a way of making the people who have to continue having. That is because they had enough to give out in harambees. If you have a harambee meeting in an area like Kericho and another one in Pokot, you will see the difference. The people in Kericho will build that school in two or three days. But the Pokots will struggle for another five years, before they manage to put up a building. So, let us be open and clear in our minds. Are we being fair to the so called marginalised areas? Can we claim to be free from diseases or ignorance when we have so many people affected by those vices?

Mr. Temporary Deputy Speaker, Sir, even if you put up universities in the areas that are recommended here, those facilities will still be enjoyed by students from other areas. That is because we are not suggesting that the requirement of admission in a university in North Eastern Province would be lower than that of the University of Nairobi. If it is going to be the same, then I want to submit that all those facilities will be occupied by students from advanced areas. They will continue to be advanced. So, the basic thing to do is to improve primary education and facilitate the teachers, students and parents. That is where the problems starts.

Mr. Temporary Deputy Speaker, Sir, after doing that, we have to be very concerned about secondary school development. Unless you do that, you cannot expect students just to come from areas where facilities are almost nil and compete with students who come from well do to families. It can never happen! That is a way of creating a "class system" in a country like ours. Some people will be so rich, some people will be so educated and others will remains as their servants. When we attained our Independence, some people who were still poor continued to serve people who grabbed the opportunity of the Independence. They employed them as *askaris* or soldiers to protect their wealth.

Mr. Temporary Deputy Speaker, Sir, this matter will continue. It continues even today. So, the important thing here is to improve primary school education. When we say that education is a basic right, it is obvious that a fellow who has never gone to school and a fellow who has gone to school have a great difference. We must, therefore, categorise education as one of the most important human rights. I feel that education needs to be given its due consideration.

Mr. Temporary Deputy Speaker, Sir, if you go to Pokot or Laikipia West - we neighbour with Pokot - you will see that harsh conditions are affecting teachers, students and parents. What do you expect from there? Teachers have no toilets. They have no facilities and yet, we expect them to teach our children. Children go to school today and, after three days, they do not come back. They stay for another five days and come back when they get food from their families. What is important here is to attract students to schools by providing all the facilities that are humanely required. I have in mind the Schools Feeding Programme. You have to feed children from those poor families. You have to provide teachers with facilities. You have to give teachers security to stay in those areas. This is a matter that needs a Sessional Paper or an Act of Parliament which will force the Government to do what we think ought to be done. Time spent in passing Motions in this House, is very badly spent.

Mr. Temporary Deputy Speaker, Sir, in the next Parliament, some of us need to come up with a Motion that will seek the permission to introduce a Bill that will compel the entire system to deal with this situation once and for all. We have continued urging the Government to do so in the last 43 years.

Mr. Temporary Deputy Speaker, Sir, maybe 43 years ago, you were just about to be born. Up to now, we are still urging the Government to do so. When will this House exercise its power? Sometimes when I look at ourselves talking about weaknesses in the Government and what we cannot do, yet we have the facilities. It is as if we are deceiving the public that we are here for them. We are not here for them! It should better be known that we are here for ourselves. Today, we have attended the sitting of the House. We do not do anything for the people yet we have the powers to move this nation forward. We can move and transform this nation without fear.

Mr. Temporary Deputy Speaker, Sir, we have the opportunity of having a very tolerant President. We should take advantage of this situation before we get a dictator in the next few years. We should bring in what we want to do for the betterment of our people. The public proprietors talked about education and we are very happy. We argue in Parliament. What do we do in Parliament? Just talking! As I am doing now. This Motion is very important. The hon. Member needs to bring in a Bill that will specifically deal with the marginalised areas and poor people. I am very sure that this Parliament will pass that kind of Bill. If we keep on talking about poverty and poverty index--- All these things are done by people from developed areas.

With those few remarks, I beg to support.

Prof. Olweny: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to make a contribution to this Motion. If you look back at the history of university education in this country, just 30 years ago, it was very easy for one to get admission into university if one had minimum qualification. Those days, the minimum qualification was two principles and one subsidiary. That is an equivalent of C plus today. It was very easy for candidates with such grades to get admission to universities. However, even though it was that easy at that time, if you went to the universities, you would still find very few students from disadvantaged areas of this country; the so called marginalised areas.

Mr. Temporary Deputy Speaker, Sir, so, while it was that easy for Kenyans to get to the university in those days, it was still difficult for kids from marginalised areas to get admission into the universities. Today, it is terrible. One gets the minimum qualification but one does not get admitted to university. It means that life has become worse for those candidates from marginal areas to get admission into university. It is because of inadequate accommodation space in the universities. We have inadequate space in the classrooms as well as inadequate accommodation facilities.

Mr. Temporary Deputy Speaker, Sir, that makes it difficult for Kenyans to get admission into the universities. The teaching facilities are too inadequate. Some universities do not even have laboratory equipment. Microscopes are not even there in some universities. I know a university which had only four microscopes. So, that means that admission into university will be pegged on the facilities available, including accommodation and teaching facilities. So, that---

The Temporary Deputy Speaker (Mr. Poghismo): Prof. Olweny, if one has to quote you, what do you mean by saying that you know a university which has only four microscopes? One would ask you which university. So, which university is that?

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, I will not mention the university.

The Temporary Deputy Speaker (Mr. Poghismo): So, why are you telling the House about it then?

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, that is what I know.

The point I am trying to drive at is that the number of students that are admitted to some of these universities will be pegged on the teaching facilities available. I am just giving a live example I know of. The universities admit very few students. That affects particularly students from the marginalised areas, who end up getting poor grades. That is because they do not have good teaching facilities in their schools as compared to other places where we have academies.

Nairobi has some of the most wonderful schools. Mombasa Town has some of the most wonderful schools. So, students who go to those schools end up with better grades than students from, say, Garissa, whose schools have poor teaching facilities. Students from Garissa cannot be compared with students in areas where schools have better quality teaching facilities. That is what I am trying to put across.

Mr. Temporary Deputy Speaker, Sir, therefore, we need to address the problems that students from marginalised areas are facing, in terms of the quality of education they get. It is the quality of education that they get in schools which will land them in university, or fail to land them in university. I am sure that more often than not, they end up with the minimum admission qualification of C+ (plus) when they sit the national examination. With the minimum admission qualification, if we had universities in those areas, such students would have a chance of getting admission into the universities.

So, the Government needs to address the problem of inadequate space in the universities, that of lack of facilities in the universities, with particular focus to the marginalised areas, where we need to create more university space by establishing universities in those areas or, at least, some kind of colleges. If that is done, it will create opportunities for Kenyans in those areas to be exposed to the learning institutions.

Mr. Temporary Deputy Speaker, Sir, one of the reasons as to why many Kenyans, particularly those in the marginalised areas, have problems in getting university education is the cost of learning. Even if one is admitted to the University of Nairobi, Nairobi is a very expensive city to live in. If one does not get accommodation in the university which is itself very expensive, then one opts to look for alternative accommodation. You will note that the cost of living in the city of Nairobi is very expensive for students particularly those who come from poor backgrounds. Definitely those from marginalised areas do not come from rich backgrounds.

Mr. Temporary Deputy Speaker, Sir, in order to address this problem we should create more universities in these marginalised areas because accommodation will be cheaper for the students who come from there. The cost of living in some of these towns is not as expensive as it is in Nairobi. That would lower the cost of education for some of these students. If we take that approach then we will create more opportunities for students to get university education.

The Government needs to address the issue of tuition because of learning. The Government needs to avail more bursary and scholarships particularly for students from marginalised areas so that they have an opportunity of getting university education.

Mr. Temporary Deputy Speaker, Sir, the Government should create more space in our universities, particularly by taking the approach of increasing opportunities for day scholars in our public universities. If this is done in universities, then we will have an opportunity for more Kenyans, not only in the marginal areas, but in other areas where we have a large number of dropouts from regular education because of lack of enough space.

With those few remarks, I beg to support.

Mr. Karaba: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this wonderful Motion.

We have problems. We need not pretend that we have problems in expanding education facilities in this country. We have problems caused by geography. We have areas which by nature are difficult to access. We have areas which are impossible to imagine that they are in this country not of their own fault but just because of fate. We, therefore, have students in the same areas who are supposed to compete with other students from elsewhere in the country which are well endowed like Central Province, Western Province, Nyanza Province and Nairobi.

Some of these students who come from marginalised regions are by nature marginalised in the provision of infrastructure. When they are expected to compete with students who come from

well-endowed regions, they are disadvantaged. It is important that this Motion addresses the needs of students staying in those areas.

Mr. Temporary Deputy Speaker, Sir, in such areas you will find that the infrastructure which facilitates education is missing. We have poor roads and lack of piped water such that if they were to carry out experiments in schools, their results will be faulty because the water is not clean. Pupils are supposed to do experiments using power supply, particularly if they are doing physics and there is no power. They will not get the required results if they do not have controlled power supply. So, these are some of the issues that we should address ourselves to here.

Since we have the kids and students staying in those areas, the Government should, therefore, be urged to study this Motion and see to it that it is necessary that those kids and students are provided with the necessary facilities as it is stated in this Motion; that, the Government provide extra money in form of bursaries and ensure that we have good schools in those areas. I hope that, with the other Motions that we have passed here, the coming up of centres of excellence should not be seen like something that is just a passing cloud. It should be a reality, particularly so in those areas. We also need to stimulate the students staying there so that they can access university education because this is their right. If it is not possible, therefore, we are going to have a situation in our society where those who have will continue having and those who do not have will not even have access to what is necessary to have, and the vicious cycle of poverty will be seen to be entrenched in our society. This is what we are addressing here.

Mr. Temporary Deputy Speaker, Sir, we are addressing areas, some of which can have universities. One time, the Departmental Committee on Education, Research and Technology visited Kibwezi rangeland, where the University of Nairobi is coming up with a university campus. But the problem we noted in that area, much as, of course, the land is almost 60,000 acres which is for the university--- The distance between the University of Nairobi and Kibwezi is great, such that if the lecturers have to go and teach students in Kibwezi, come to report again in Nairobi, the transport difference or even the cost itself disallows the lecturers even to attend lectures in Kibwezi.

So, Mr. Temporary Deputy Speaker, Sir, this Motion is, therefore, calling upon the Government to come up with relevant courses, institutions and universities to be established where the ecosystem allows such institutions to be located. For example, I have in mind Kibwezi. Anybody doing a degree relating to rangeland management, livestock or animals, the best location would be Kibwezi, where they will all go and see the flora and fauna of the region. They will be able to study the environment relevant to the course. What happens after that? We have students who will be studying rangeland management, for example, in Kabete, and who would not even be exposed to the same rangeland that they are supposed to live in and, after that, we have half-baked graduates. We are, therefore, asking the Government to address this Motion with all the seriousness that it deserves to enable us have relevant students studying in those institutions so that when they come out, they will be absorbed in what is there for them; that is, the degrees related to the labour market.

Mr. Temporary Deputy Speaker, Sir, the other thing we noted is that these marginal areas have a lot of problems and hardships. We have problems of tribal clashes, drought, nomadism, and, maybe, shortage of facilities. These problems, compounded, will lead to the students in those areas not having access to quality education, and the same student is supposed to do the Kenya Certificate of Secondary Examination and get, maybe, grade "A" so that he or she can do medicine in the University of Nairobi. If this person has not studied biology or, maybe, chemistry or even physics at the "O" level, that is, in forms one and two, how do you expect him or her to compete with somebody who has been in a school like Alliance Boys High School or Starehe Boys Centre, for that matter and who has been subjected to the study of the same courses not in those areas

because even the infrastructure is missing? That is why we are calling upon the Government, therefore, to make sure that even those students who stay in those marginalized regions are facilitated, equal to those students who are in well endowed areas because that is not a fault of their own making; it is just nature. That is what the Motion is calling for.

Mr. Temporary Deputy Speaker, Sir, there is a course called computer teaching. Computers in Nairobi and other urbanised regions are an in-thing; Standard one or two pupils are exposed to them. But you will find that Form Three or Form Four students in North Eastern Province and some parts of Eastern Province have never seen a computer. So, you cannot expect the students to do computer related courses in Nairobi or Egerton universities.

Mr. Temporary Deputy Speaker, Sir, this, therefore, calls for the Government to take charge and make sure that students all over the country are treated the same. They are innocent and they do not know why they are in those areas. The Government, therefore, should step in and make sure that quality education is provided in those areas, so that these students can take any course in our universities and then they can go to their provinces and plough back their knowledge. Students from these areas do not access university education in Kenya and even in other parts of the world.

Kenya is losing many students to other countries. It is losing a lot of money as students study in Uganda, America, Australia and other parts of the world. Why should we lose that income while we can spend that money to put up one or two universities in those areas? We should put up universities in North Eastern, Coast and Eastern provinces using the same resources, so that our students, who otherwise, would not have known what a desert is, can go and see a desert in real life. We should expose our students to different environments.

Mr. Temporary Deputy Speaker, Sir, most of the students who join our universities are the former pupils of private academies. They are from schools like Alliance Girls and Cardinal Otunga. When shall we have students from the ASAL areas studying in our public universities? As I support this Motion, I would like to urge the Government to take it seriously. In this country, we have seen that a blind eye has been turned against the people who live in harsh areas.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghio): I need to inform the hon. Members who have just come in that there will be no Motion of Adjournment. The Chair had ruled earlier that there will be no Motion of Adjournment.

ADJOURNMENT

It is now time for the interruption of business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.