

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 29th November, 2006

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTION BY PRIVATE NOTICE

DRYING UP OF LAKES ELEMENTAITA/NAKURU

Mr. Mirugi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Tourism and Wildlife the following Question by Private Notice.

(a) Is the Minister aware that the Lakes Elementaita and Nakuru are about to dry up completely?

(b) What measures has the Minister taken to ensure that the status of these two lakes does not deteriorate any further?

(c) How much money has been set aside this financial year towards conservation of these two lakes?

Mr. Deputy Speaker: Is the Minister for Tourism and Wildlife here? I do not seem to have the Leader of Government Business in the House, but I have a senior Minister in the person of Mr. Shakombo. Mr. Shakombo, there is a Question by Private Notice by Mr. Mirugi to the Minister for Tourism and Wildlife.

The Minister of State for National Heritage (Mr. Shakombo): Mr. Deputy Speaker, Sir, the Minister is out of the country and unfortunately, we do not know whether he has left any message with anybody. He is definitely not in the country.

Mr. Raila: Mr. Deputy Speaker, Sir, day in, day out, we hear these kind of excuses in this House. The Front Bench represents the Government and there is what we call collective responsibility. Why should the House be treated to this kind of irresponsibility all the time? If the Minister is not there, the Government exists. I would like to invite your ruling on this matter to the effect that a Minister who is not able to answer Questions is censored by the House.

Mr. Deputy Speaker: There are several options here, Mr. Shakombo. Even if the Minister is out of the country, he has two Assistant Ministers. Otherwise, there is the Leader of Government Business, who takes brief for Ministers who are away and are unable to answer Questions. Indeed, this is a matter that the Chair has dealt with for a very long time. It is very disappointing when we keep on talking about one matter directed to the Government. So, Mr. Shakombo, can you give a better explanation than the one you have given?

The Minister of State for National Heritage (Mr. Shakombo): Mr. Deputy Speaker, Sir, indeed, this is the Government and we take full responsibility of whatever happens in this Chamber. When I was coming, because we share the same building with the Leader of Government Business, he was called to go to State House. So, this is why he is not here.

Mr. Deputy Speaker: So, where are the Assistant Ministers, Mr. Shakombo?

The Minister of State for National Heritage (Mr. Shakombo): Mr. Deputy Speaker, Sir, I want to be very honest with you. I know the whereabouts of the Minister, but not of the two Assistant

Ministers. However, I can assure this House that I will do everything possible, so that tomorrow the Question will be answered. I would like to beg your indulgence.

Mr. Deputy Speaker: Mr. Minister, I do not want to belabour this issue. This is a matter I have dealt with for a very long time. I have even had to seek the intervention of His Excellency the President on the matter. Although the matter had really improved drastically, it looks like you need another reminder. So, I just hope that before we finish, the Minister or one of the Assistant Ministers will show up. We cannot allow this kind of situation to go on.

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

Mr. Deputy Speaker: I have already ruled on the matter.

ORAL ANSWERS TO QUESTIONS

Question No.177

PROVISION OF WATER/SANITATION SERVICES TO POLICE STATIONS

Mr. Ndolo asked the Minister of State for Administration and National Security:-

(a) what steps he is taking to ensure that police stations in the country have adequate toilets and proper sanitation; and,

(b) what specific measures he is instituting to curb perennial water shortages that have been facing most police stations in the last ten years.

However, I do not have a written answer for this Question.

Mr. Deputy Speaker: Minister of State for Administration and National Security, where is the answer for the hon. Member?

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, I beg to apologise that the answer has not been given to him. This Question was not originally in the schedule and we discovered that it is there this morning. It was not in the original schedule that was sent to the Ministry.

Mr. Deputy Speaker, Sir, however, I beg to reply.

(a) The Government has allocated Kshs200 million this financial year, 2006/2007, for the rehabilitation of existing police houses and buildings in the country. Priority has been given to the rehabilitation of toilets and other sanitation facilities within the police stations in the country.

The Government has commenced rehabilitation of old water supply systems in police stations with a view to ensuring that there is regular water supply to all police stations.

Mr. Ndolo: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for that answer. However, unless we ask Questions here, this Government does not take action in rehabilitating our institutions. The Assistant Minister has said that the Government has allocated money for the rehabilitation of all police stations in the country. If you go to police stations, you will find that there are no toilets up to now.

Could he tell this House when the Government is going to be serious and rehabilitate all police stations? If you visit police stations now, you will find that there are no toilets and other essential facilities. He should tell us because next year, one of these current Ministers will be put in some of the police stations.

Mr. Deputy Speaker: Mr. Munya, if a police station has no toilets, where do you expect the policemen to relieve themselves? This is very strange!

Mr. Munya: Mr. Deputy Speaker, Sir, it is an exaggeration to claim that there is a police station without a toilet. I have been to police stations and I have seen toilets there. But it is true that some of them are dilapidated and the Government has already allocated enough money to rehabilitate the facilities. One of the measures we are taking is that we are digging boreholes where water supply is not enough. In this financial year, Kshs200 million has been allocated. There is a major programme to improve housing and sanitary facilities in police stations across the country. The work may not have been seen because it has started this financial year. But in a few months' time, we will see a lot of rehabilitation activities taking place in police stations across the country.

Mr. Kimeto: Mr. Deputy Speaker, Sir, the Assistant Minister says the Government has allocated Kshs200 million for the rehabilitation of police stations in the country. Who is the recipient of that money?

Mr. Deputy Speaker: What have you asked?

Mr. Kimeto: Mr. Deputy Speaker, who will be the recipient of that money? Where will that money go directly to?

Mr. Deputy Speaker: All right. Mr. Assistant, you may reply.

Mr. Munya: Mr. Deputy Speaker, Sir, the money is being spent through the normal procurement processes towards the rehabilitation of police stations. There is no particular individual who will receive the money.

Mr. Raila: Mr. Deputy Speaker, Sir, the situation in police stations around the country is pathetic. Even where there are toilets, if you are arrested and put in the cell, they do not allow you to go out in the toilets. They usually put a bucket inside the cells and people relieve themselves in your presence. That happens all the time. The violation of human rights that goes on in police stations in this country is enormous. The law says that you are innocent until proved guilty through due process. However, the police officers take it upon themselves to punish suspects before they are found guilty. Will the Assistant Minister ensure that when people are arrested and taken to police stations, they are treated humanely and are allowed to go to the toilets?

Mr. Munya: Mr. Deputy Speaker, Sir, in the past, it is true that our police have not been very good to the citizens of this country and there is a programme of changing their attitudes. They are to be educated so that they can treat citizens of this country humanly. It is known that the police are now changing their attitudes and we can see that the way they used to treat people when Mr. Raila was in the cells is not the same way they are treating people now.

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

Mr. Ndolo: Could the Assistant Minister talk about water. When are they going to make sure that the flow of water in those police stations continues now that they have allocated such an amount of money? It has taken ten years for this country to know that there is no water in the police stations.

Mr. Munya: Mr. Deputy Speaker, Sir, I have already said that the programme is going on. But it is also important to realise that the water shortage problems in police stations is connected with water shortage problems in areas where they are situated. For example, the shortage of water in police stations in Nairobi is connected with the general water problems in Nairobi. Now there is a new company in Nairobi that is making the provision of water first priority. But we have already allocated money to deal with the problem. I think in a year or so, that will be a matter that we would not talk about again.

Mr. Deputy Speaker: Thank you, Mr. Assistant Minister.
Next Question, by the Hon. Member for Maragua.

Question No.178

NAMES OF MARAGUA DEOS SINCE 2000

Mr. Deputy Speaker: The Assistant Minister for Education is ready with an answer. Are you ready, Madam Assistant Minister?

The Assistant Minister for Education (Mrs. Mugo): Yes, Mr. Deputy Speaker, Sir, I am ready.

Mr. Deputy Speaker: It is unfortunate that the hon. Member is not here to ask his Question. That is why I said that it is not just the left side of the House blaming the right side.

An hon. Member: Who is on the right?

Mr. Deputy Speaker: Of course, the hon. Member is on the right, but he is missing when the Assistant Minister has an answer. His Question will, therefore, be dropped.

(Question dropped)

*Question No.593*MEASURES TO ENSURE DISABLED
PERSONS BENEFIT FROM FPE

Mr. Wamunyinyi asked the Minister for Education:-

(a) what specific measures he is taking to ensure that the free primary education programme is benefiting persons with disabilities; and,

(b) when Kenya will comply with the 1994 Salamanca Resolution on integrated/inclusive basic education.

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

(a) The Ministry has taken the following measures to improve the education of children with disabilities:-

Disbursement of grants and grants-in-aid to each special primary school to make the environment for persons with disability friendly. For the last four years, the Ministry has allocated a total of Kshs786 million to all special needs programme in the current Financial Year, 2006/2007. The Ministry will allocate Kshs380 million for the same. In addition to the free primary education fund, the Ministry allocates Kshs2,000 per every disabled child per year in all special primary school units and integrated programmes totalling Kshs37 million. The Ministry has also disbursed Kshs153,660 to all special schools with enrolment above six children, totalling Kshs134 million and Kshs17,400 to all units with enrolment below six children totalling Kshs2.3 million. Under the Kenya Education Sector Support Programme (KESSP), the Ministry has disbursed Kshs306 million, for the improvement of boarding facilities, teaching and learning, and food to all special schools and a few new roofing units. A task force set up in 2003 on special needs education, for planning and provision of quality education to children with disabilities submitted its final report which has been incorporated into the KESSP programme for implementation.

(b) Mr. Deputy Speaker, Sir, the Ministry is already complying with Salamanca Resolution for promoting inclusive education to all children, including those with special education needs through the implementation of free primary education programme and greater collaboration with other Ministries, Non-Governmental Organisations (NGOs), UNESCO, UNICEF, UNDP and the

World Bank on integrated education programme. The Kenya Institute for Special Education (KISE) has introduced a two-year, three-year and in-service diploma course in special needs education and has already trained 7,500 primary school teachers in special needs education to support all children with special needs in all the 18,000 primary schools in the country.

Mr. Deputy Speaker: Thank you, Madam Assistant Minister. That is quite a lengthy answer. Mr. Wamunyinyi, do you have a supplementary question after that lengthy answer?

Mr. Wamunyinyi: Yes, Mr. Deputy Speaker, Sir. I want to thank the Assistant Minister for that elaborate answer, but when we talk about children and student with disabilities, we can train the teachers and provide the funds. However, there are specific facilities and provision of ramps at schools, special toilets and rooms. But I have not seen any of those facilities put up in schools. Even in our own Parliament, it is only recently when Mr. Leshore and His Excellency the President were involved in the accident that you put up a ramp outside Parliament to allow them to be wheeled in. I have not seen any of such facilities in schools. What is that money being spent for, because there is nothing to show that something is being done for the disabled children?

Mrs. Mugo: Mr. Deputy Speaker, Sir, first of all, I would like to say that this programme is not for children with severe disabilities. We still have the special units and schools with special facilities for children with severe disabilities. When the integrated programme was started, we disbursed Kshs10,000 to each primary school to make some disability-friendly changes. However, most children are able to use the normal facilities just like normal children. The most important thing about this programme is that if the disabled children can adopt to normal environment and study with other children, it would be easy for them to integrate their working life with other people. In every district, there is a disability centre that evaluates the children's inability so that they are placed in schools where they can cope.

Mr. M.Y. Haji: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Assistant Minister in order to say that they have disability officers in all districts when we do not have one in Ijara Constituency, not even a school?

Mrs. Mugo: Mr. Deputy Speaker, Sir, I have a list of all the areas and schools where we have support programmes. I would like him to tell me which one---

Mr. Deputy Speaker: Would you like to lay the document on the Table?

Mrs. Mugo: Yes, Mr. Deputy Speaker, Sir. I will lay the document on the Table. We are always ready to listen and improve where necessary. However, in every province, we have a special workshop and centre where all teachers in the province order their teaching aids and report their shortages to KISE.

Mr. Deputy Speaker: That is an important list and I will also have a look at it later.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, one of the 1994 All-Inclusive Education Resolutions was that children with disabilities should be provided with facilities within their neighbourhoods; that they go to schools within their neighbourhoods and that they join their peers in regular schools. The resolution was that facilities to aid such children would be provided in regular schools. What is the Government doing to make sure this is implemented? As the Assistant Minister explained, we still have special schools in far distant areas where children have to go. Could the Assistant Minister tell us what they are doing?

Mrs. Mugo: Mr. Deputy Speaker, Sir, there are some aspects of that question I did not get. Could the hon. Member repeat his question?

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, according to the regulations of the All-Inclusive Education Resolutions of 1994, children with special needs should be provided with facilities within their neighbourhoods. However, as of now, we only have few schools within their neighbourhoods. What is the Government doing to ensure that children who require special attention go to ordinary regular schools within their neighbourhoods and that special facilities are provided for them in those schools?

Mrs. Mugo: Mr. Deputy Speaker, Sir, as I said earlier, the integration programme is exactly about that. It is about children going to ordinary schools next to their houses. Those are the schools we provided with Kshs10,000 per primary school so that they could facilitate the children. I also said that those who are severely disabled, we have specialised schools where we take them. Otherwise, in all schools now, we have children with disabilities and the teachers are properly trained, as I said, to handle those children. We also give an extra Kshs2,000 on top of the Free Primary Education (FPE) Programme allowance, to cater for every disabled child.

Mr. Deputy Speaker: The next Question is by Mr. Masanya. He informed the Chair that he would not be able to make it this morning. He requested that his Question be deferred to tomorrow or next week. Assistant Minister for Roads and Public Works, what do you say about that?

Question No.272

CONSTRUCTION OF BUS STAGES
ON KISII-CHEMOSIT ROAD

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Deputy Speaker, Sir, sometimes it would be better, if an hon. Member is not present, to request a colleague to ask the Question on his or her behalf because I am ready. Some Questions continue to be deferred because an hon. Member is not around. It is not necessary that the hon. Member has to ask a Question himself.

Mr. Deputy Speaker: I agree with you, Eng. Toro, because we end up having many Questions pending and that denies other hon. Members an opportunity to have their Questions listed. Hon. Members, if you know that you are unable to come, instead of calling to say that you will not come, it is better if you can nominate a colleague to ask your Questions. I want to encourage hon. Members to use their colleagues to ask Questions on their behalf because we have a backlog of Questions. We do not want to have Questions piling up and that is not in the interest of this House. We will defer this Question to Wednesday, next week.

(Question deferred)

Question No.535

VIOLATION OF LAND EMBARGO IN
CHEMBE-KIBABAMCHE SQUATTER SCHEME

Mr. Kombe, on behalf of **Mr. L. Maitha**, asked the Minister for Lands:-

(a) whether he is aware of simmering tensions among residents of Chembe-Kibabamche Squatter Scheme due to the constant violation of land embargo imposed by the Ministry in 2000; and,

(b) if he could table the list of all the plots whose title deeds had been precessed and those that had not been processed at the time of imposing the embargo.

Mr. Deputy Speaker: That is okay, but when such arrangements are made, it is important for the office of the Clerk or the Chair to know. How do I know why the hon. Member is not here to ask his Question? I need to know if he is absent. However, it is important for the Chair to know when an hon. Member will be asking a Question on behalf of another. Assistant Minister for Lands, you may go ahead and answer the Question.

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

(a) I am not aware.

(b) The list of beneficiaries will be handled by the Inter-Ministerial Task Force on the Ten-Mile Coastal Strip.

Mr. Kombe: Mr. Deputy Speaker, Sir, it is rather unfortunate that the Assistant Minister has said that he is not aware of the emotional tempers which are about to flare up in the area. Last week, surveyors were sent away by villagers. Could the Assistant Minister consider getting to the ground to see what is going on there? He should also lay the list on the Table of this House because there are title deeds which are being issued by the Ministry.

Mr. Kamama: Mr. Deputy Speaker, Sir, the issue of title deeds being issued is actually not true. We suspended all programmes related to land matters until the Inter-Ministerial Task Force on the Ten-Mile Coastal Strip is through with its work.

I also want to point out that the issue of tension in that area should be handled by the Provincial Administration and the police because they are mandated to do so. Therefore, the leaders of that region should not leave things until they get out of hand.

Lastly, we have had problems of double allocation and issues of genuine squatters being left out. This issue will be handled in a month's time by the Inter-Ministerial Task Force on the Ten-Mile Coastal Strip.

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

Mr. Kombe: Mr. Deputy Speaker, Sir, I seek the indulgence of this House to request the Assistant Minister to table a list of the title deeds that were issued after the embargo.

Mr. Kamama: Mr. Deputy Speaker, Sir, the issue of land in the Coast Province is a serious matter. So, the issue of tabling a list of the plots whose title deeds had been processed will not resolve this matter. The hon. Member is aware that we have a serious task force that is handling this matter. The report will be completed in a month's time. Let him hold his horses. This report will assist solve this problem. We will tackle this issue comprehensively. We will also fast-track the issuance of title deeds.

Question No.508

ELECTRIFICATION OF PUBLIC
FACILITIES IN MATHIOYA DIVISION

Mr. Deputy Speaker: Hon. Members, Mr. Kamotho informed me that he will not be in. Just to repeat what I said, I want to encourage hon. Members to delegate their Questions to other hon. Members if they are unable to come.

Mr. Kiunjuri, what do you have to say about this?

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I have nothing to say because it is my duty to be in the House.

Mr. Deputy Speaker: Sorry about that. The Question is deferred until Wednesday, next week.

(Question deferred)

Question No.614

NUMBER OF GROUP RANCHES
IN TAITA-TAVETA DISTRICT

Maj. Madoka asked the Minister for Livestock and Fisheries Development:-

- (a) how many group ranches there are in Taita- Taveta District;
- (b) if he could inform the House how many people, who are not members of the ranches, are grazing in these areas;
- (c) what steps are being taken to ensure that there is no overgrazing in these areas; and,
- (d) what further steps are being taken to ensure that the presence of such people is not causing insecurity in these areas.

Mr. Deputy Speaker: Hon. Members, we have a request by the Minister for Livestock and Fisheries Development that this Question be deferred until next week. Therefore, it is both ways, the Ministers are asking for Questions to be deferred for one reason or the other and hon. Members are also asking for deferment.

Maj. Madoka, the Minister for Livestock and Fisheries Development has called and asked that this Question be deferred until next week. What do you have to say about this?

Maj. Madoka: Mr. Deputy Speaker, Sir, I have got the written answer to the Question. In fact, last week, the Assistant Minister told me he will be here to answer the Question. I do not know why he is not here. If the Minister is out of the country, where is his Assistant Minister?

Mr. Deputy Speaker: As a matter of fact, I got this information from the Vice-President and Minister for Home Affairs, who is the Leader of Government Business. So, I did not even talk to the Minister; I talked to the Vice-President and Minister for Home Affairs. Since the Leader of Government Business had information that the Minister is not around, we will defer the Question, as we have done to the others, to Wednesday next week, to give way for other Questions.

Hon. Members, let us go back to the Question by Private Notice by Mr. Mirugi.

QUESTION BY PRIVATE NOTICE

DRYING UP OF LAKES ELEMENTAITA/NAKURU

Mr. Mirugi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Tourism and Wildlife the following Question by Private Notice.

(a) Is the Minister aware that Lakes Elementaita and Nakuru are about to dry up completely?

(b) What measures has the Minister taken to ensure that the status of these two lakes does not deteriorate any further?

(c) How much money has been set aside this financial year towards conservation of these two lakes?

Mr. Deputy Speaker: Hon. Members, is the Minister for Tourism and Wildlife here? I did not make a ruling on this Question. Deputy Leader of Government Business, we were told the Minister is out of the country. Where is the Assistant Minister?

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Deputy Speaker, Sir, if you could kindly defer this Question to tomorrow afternoon, we could find out from his office. Even if both him and his Assistant Minister are not in, I can undertake to answer the Question.

Mr. Deputy Speaker: Very well. I will defer this Question until tomorrow afternoon because it is a Question by Private Notice. We cannot extend it beyond tomorrow.

Thank you, Ms. Karua, for rescuing us on that.

(Question deferred)

Hon. Members, that marks the end of Question Time.

The Minister for Justice and Constitutional Affairs (Ms. Karua): On a point of order, Mr. Deputy Speaker, Sir. What about Question No.614?

Mr. Deputy Speaker: We had deferred it because the Vice-President and Minister for Home Affairs asked that it be deferred.

The Minister for Justice and Constitutional Affairs (Ms. Karua): But I have the written answer!

Mr. Deputy Speaker: Hon. Members, on Question No.614, I said I got a report from the Office of the Vice-President and Ministry of Home Affairs requesting that it be deferred to next week. However, the Deputy Leader of Government Business says she has the answer.

Since we have time, Maj. Madoka, you can once again ask your Question!

ORAL ANSWER TO QUESTION

Question No.614

NUMBER OF GROUP RANCHES IN TAITA-TAVETA DISTRICT

Maj. Madoka asked the Minister for Livestock and Fisheries Development:-

- (a) how many group ranches there are in Taita Taveta District;
- (b) if he could inform the House how many people, who are not members of the ranches, are grazing in these areas;
- (c) what steps are being taken to ensure that there is no overgrazing in these areas; and,
- (d) what further steps are being taken to ensure that the presence of such people is not causing insecurity in these areas.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Deputy Speaker, Sir, I apologise for us not being able to answer the Question when it was first called. However, on behalf of the Minister for Livestock and Fisheries Development, I beg to reply.

(a) There are seven group ranches in Taita-Taveta District namely: Mbulia, Ndora B, Kishamba, Teri B, Nyangala, Oza and Isangaiwishi.

(b) Grazing in group ranches is done by registered members, however, there is a small Maasai community which has temporarily settled along the road and railway reserves between Maungu and Mackinnon Road with their livestock. They mainly graze their livestock in Tsavo East National Park and Bachuma holding grounds.

There are also private companies and individual ranches which have entered into lease agreements with livestock traders who use the ranches for fattening of livestock.

(c) To ensure that there is no over-grazing in the ranches, the Ministry has taken the following measures:-

(i) The ranchers are advised to keep the correct number of livestock according to the ranches' carrying capacity particularly in the leased areas.

(ii) Livestock extension officers are on the ground monitoring and advising ranchers on the best ranching practices.

(iii) Ranchers and livestock traders are advised to practise rotation grazing to ensure that forage is available for livestock throughout the year.

(iv) In order to address the scarcity of pasture during the dry season, ranchers have been advised to conserve fodder in form of hay.

(d) At present, there is no security threat which has been reported in the area. However, the Government personnel have been alerted to be on the look out and deal with any insecurity which may arise.

Maj. Madoka: Mr. Deputy Speaker, Sir, I thank the Minister for that answer. However, when they say there is no security risk, in fact, that is where our problem is. We have different communities who are coming to these areas and causing a lot of problems to the local communities. We have even had deaths as a result of this. We are worried that if there is a continuation of these people coming to these group and private ranches, we might get a Laikipia type of incident. We would like to request that the Government takes more specific measures to ensure that we do not get the flow of people to these areas.

Ms. Karua: Mr. Deputy Speaker, Sir, as I stated in the written answer, we are aware of only a small Maasai community that is grazing outside the ranches. I have also noted that the security apparatus in the area is alert. Further, the Government will involve the local leaders in ensuring that peace is maintained and that a lasting solution to this problem is found. I would urge the Questioner and other local leaders to join in this effort.

The Assistant Minister for Energy (Mr. Kiunjuri): On a point of order, Mr. Deputy Speaker, Sir. The procedure and Standing Orders of the House provide clearly that on the Front Bench of the Opposition, only shadow Cabinet Ministers should sit there---

Mr. Deputy Speaker: Order, Mr. Kiunjuri! Can we finish what we are doing first and then I will come back to you.

Maj. Madoka: Mr. Deputy Speaker, Sir, I want to assure the Minister that it is not just a small Maasai community. There are other communities and I think this is our concern.

Ms. Karua: Mr. Deputy Speaker, Sir, we appreciate that everywhere in Kenya these days, there are many communities living together. We will address the problem and we will involve local leaders in ensuring that the communities live peacefully and a solution to those without grazing ground is found.

Mr. Deputy Speaker: All right. That is the end of Question Time.

POINTS OF ORDER

HARASSMENT OF HERDSMEN BY GSU OFFICERS AT MUTUNGA RANCH

Mr. M.Y. Haji: Bw. Naibu Spika, ningependa kumuomba Waziri ambaye anahusika na mambo ya usalama katika Ofisi ya Rais kutoa habari kamili kuhusu jambo fulani ambalo lilitendeka mnamo tarehe 24 na 25 mwezi huu, ambapo mtu mmoja alienda kuwakodi maofisa wa GSU kutoka Wilaya ya Kwale kuja hadi tarafa ya Voi kule Taita-Taveta ili kutisha na kuua mifugo na kuwanyang'anya wananchi ambao walikuwa wamelikodi shamba linaloitwa Mutunga Ranch. Hawa maofisa wa GSU waliuwa ng'ombe wawili na madume zaidi ya 30 walitoroka kwa sababu ya milio ya risasi ambazo askari walipiga kwenye hiyo boma ambapo, waliwanyang'anya wachungaji dawa za *tsetse fly* ya thamani ya Kshs300,000 za kutibu hao ng'ombe na kuharibu vyombo vya kupikia. Hilo ni jambo hatari sana kufanywa na maofisa ambao wanatakiwa kulinda amani. Kwa hivyo, ningemuomba Waziri aichunguze hivyo vitendo na kutoa taarifa kueleza vile hayo mambo yalivyofanyika.

Mr. Deputy Speaker: Ninafikiri Waziri Msaidizi yuko hapa na anaelewa kuwa jambo hilo ni la dharura. Una yapi ya kusema?

The Assistant Minister, Office of the President (Mr. Munya): Bw. Naibu Spika, tutatoa taarifa kuhusu jambo hilo.

Mr. Deputy Speaker: Kwa vile ni jambo la dharura kuhusu hali ya usalama, utaweza kutupa siku ambayo utaleta taarifa hiyo katika Bunge?

The Assistant Minister, Office of the President (Mr. Munya): Bw. Naibu Spika, nitaleta taarifa Jumanne wiki ijayo.

Maj. Madoka: Mr. Deputy Speaker, Sir, this emphasises the point I was making, because this is in the same area. That is why it is so important that it is addressed.

Mr. Deputy Speaker: Very well. I think the matter Mr. M.Y. Haji has raised is more or less related to the question by Maj. Madoka because it is on the issue of security. So, I think the Deputy Leader of Government Business would like to co-ordinate with her colleague to ensure that this matter is addressed comprehensively.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Deputy Speaker, Sir, I want to agree with my colleagues, but also to point out that the community Mr. M.Y. Haji is talking about has leased land. So, we acknowledge there are many communities and we will do what we can.

Mr. Deputy Speaker: Very well. Now, what was your point of order, Mr. Kiunjuri?

FRONT BENCHES RESERVED
FOR MINISTERS ONLY

The Assistant Minister for Energy (Mr. Kiunjuri): On a point of order, Mr. Deputy Speaker, Sir. I was raising a matter of procedure. It is provided clearly that only Government Ministers and Shadow Cabinet Ministers should sit on the Front Benches. You have observed that since hon. Salat came in, he is seated at the Front Bench, yet he is not a Shadow Minister. We have not received proper communication on whether he is now the Deputy Leader of the Official Opposition. At the same time, you can see the former Foreign Affairs Minister who is no longer a Shadow Minister has just addressed the House from the Dispatch Box. We would like to know which is which. What is the current official position?

(Applause)

Mr. Deputy Speaker: Order! I do not think that you need to respond to that, Maj. Madoka. First of all, you are referring to former Shadow Minister for this or that. The Chair has no information of any change on that matter. Secondly, the Chair has repeatedly said that it will not take the role of supervisor of political parties. Thirdly, if a substantive matter is raised, the Chair will make a ruling. But as you can see, you are trying to get the Chair to go into matters that are completely out of his purview. The Chair has repeatedly said, particularly in the 9th Parliament, that it will not take the role of supervisor of political parties. That position remains.

(Applause)

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. You heard the hon. Kiunjuri talking about "chadow" Ministers. Can he explain who is a "chadow" Minister?

(Laughter)

Mr. Deputy Speaker: Order! Mr. Kiunjuri, are you saying "chadow" or "shadow"

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, you know I come from the Mt. Kenya region, and I am very proud of my culture and I remain a Kikuyu. You know, from Kabete, we have some people who even regret why they were born to be Kikuyu.

But still on the same issue, the Standing Orders do not allow anybody who is not a Shadow Minister to sit on the Front Benches. Therefore, it is not in order for hon. Salat to be seated where he is.

Mr. Deputy Speaker: You know, Mr. Kiunjuri, Members sit on the Front Bench on my left and the Chair does not have a list of who sits here or there. Really, this is not a serious matter. But if you wish to bring a substantive point of order on the matter, please, do so and the Chair will make a proper ruling.

The Assistant Minister for Lands (Mr. Kamama): On a point of order, Mr. Deputy Speaker, Sir. I think you are the custodian of the Standing Orders of this House. It is clearly stated that the Leader of the Official Opposition should be seated on the Front Bench with his deputy next to him. You are also aware that the Registrar of Societies certified hon. Biwott as the new Chairman of KANU. So, we need your guidance on this matter.

Mr. Deputy Speaker: Order, Mr. Kamama! I am not going to allow this. First of all, the House is not run by the Registrar of Societies. This is the Kenya National Assembly. But as I said, if you want to raise that matter, please, do. But hon. Salat has not claimed to be anything anyway. You are just imputing things that he has not claimed. He has just taken a seat. So, to me, I take it like an everyday affair where hon. Members sit wherever they want and feel like.

MOTIONS

INTRODUCTION OF MOMBASA FREE PORT AUTHORITY BILL

Mr. Balala: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the unique location of Mombasa as a port, urban and industrial complex on the East African Coast, supported by landlocked neighbours and the East African Community and being aware of the enormous potential for job creation, attraction of foreign direct investments, opportunities for large scale exports, transfer of technology and management know-how, regional development and industrialization; this House grants leave for the introduction of a Bill for an Act of Parliament entitled The Mombasa Free Port Authority Bill, to provide for the establishment of a locally controlled and indigenously managed Free Port Authority and for matters incidental thereto and connected therewith.

Mr. Deputy Speaker, Sir, this is a very important subject that we are about to debate in this House. It is not only important to the people of Mombasa, but to the whole country. The Port of Mombasa is an economic power that we have, for a long time, underestimated. It is, indeed, a natural resource that has been well known for a long time even before colonialists came to this country. This is an opportunity that we do not want to waste. The harbour at Mombasa can be used to create more jobs for Kenyans.

We know that other countries in the world are powerful not because their politicians make a lot of noise, or they are enormous in size. Their power is actually economically based. In these countries, areas have been designated where trade is done freely. They have different names for these areas; for instance, free port, free zone, Export Processing Zone (EPZ) and so on. Those are names that define areas where people are allowed to do business freely. A free port is a section of the port where traders are exempted from paying any tariffs and sticking to certain regulations

within that area. Here, I am particularly talking about Customs Duty.

Mr. Deputy Speaker, Sir, we have seen countries rise from nothing to economic powers. A good example that we have here in Africa is Mauritius. This country is now a free port. For that reason, it has attracted so many businesses and has, indeed, made a difference in our continent.

Dubai is a desert country, but it has developed tremendously in the last 30 years. With regard to Mauritius, which is a small isolated island, it has been able to develop into an industrialised country that has successfully lowered its unemployment rates from 20 per cent in 1970 to 3 per cent currently. We all know how Dubai has transformed. They have made tremendous advancements in the area of free trade. They have created a country in which taxation is very low and security is actually state-of-the-art. Also, they have created a city called the UAE-Dubai Double Ali Port and Free Zone, which as we talk today, is the only one that employs 50,000 people with a total turnover of US\$10 billion. The licenced companies in this city number about 2,200.

In our secondary schools, children are taught about the Panama Canal. This is the largest free trade zone in the western hemisphere. It boasts of 500 licenced companies and sustains about 80 per cent of Panama's trading activities which make it a proper free trading zone.

Singapore is a major world trading centre and the busiest free port in the world in terms of the shipping tonnage and many bunkers. It is also the world's third largest oil refining centre. What about Hong Kong? It is a major free port within China and the world's busiest container port. Shipping performance in China is the best in the world and port charges there are among the lowest in the world. I could give many examples of ports that have been properly managed. Of late, television channels, for instance, DSTV, have been showing an advertisement of TINAPA, which is an industrial zone in Nigeria. Why can we not ape the rest of the world?

Mr. Deputy Speaker, Sir, it is important for us to look at what the rest of the world is doing and borrow a leaf from them. That way, we shall be able to do so many things to develop our country. I know people are asking themselves: "What happens to the revenue generated by the Kenya Ports Authority (KPA) in Mombasa?"

(Messrs. Kenyatta and Ruto were applauded as they entered the Chamber)

The duty collected in the country is Kshs21.6 billion. Excise duty collected is Kshs29.6 billion and VAT, Kshs65.3 billion. We appreciate the fact that 70 per cent of this revenue, that is, about Kshs82 billion comes from Mombasa. I believe that we can raise three to four times what we are generating now. All we need to do is to conceptualise two things: We could designate Mombasa District as a free port with an expanded area. We should also allow businessmen to set up industries there. There are so many ways we can encourage that.

[Mr. Deputy Speaker left the Chair]

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

Mombasa is already the largest tea export port in the world. So, Mombasa can be turned into a port where African countries can exchange commodities. African countries can bring their commodities at the Port of Mombasa and trade them their for export. We can even go further and process some of those commodities in Mombasa. It could be tea, coffee, pyrethrum and so on. That way, we shall really boost our manufacturing industry.

Mr. Temporary Deputy Speaker, Sir, another area that we need to develop is the motor vehicle industry. Africa hardly manufactures motor vehicles. Almost all African countries import

vehicles from Japan or get reconditioned vehicles from Dubai. We can create an area in Mombasa specifically for motor vehicles. We can deal directly with countries that manufacture vehicles, say, Japan, and import the vehicles. After we have imported the vehicles, we should be able to check them and then export to other countries. Let us not underestimate countries like Ethiopia, Uganda, Rwanda, Burundi, Eastern Congo, Northern Tanzania because they can support us greatly and enable us make a difference.

In the hospitality industry, we have seen what has happened in Cape Town and the water front. Why can we not create a proper water front that is free of hustles of taxation? We should be able to create a cruise ship tourism and benefit largely from it. The linkages and benefits of tourism are so much that we can be able to create more jobs not only in Mombasa, but also in other parts of the country. This will also enable us support our agricultural sector upcountry. It is important that we rethink how we can use our natural resource, that is, the Port of Mombasa so that it can benefit all Kenyans.

Mr. Temporary Deputy Speaker, Sir, the revenue that will be generated and the employment opportunities that will be created in Mombasa once it becomes a free port will be a major boost. Another boost will be the doubling and tripling of our tourism business activities because it is cheaper for one to travel from Uganda to Mombasa to clear his or her goods in Mombasa. One cannot afford to travel by air because road and rail transport is cheaper than going all the way to Dubai and be conned. They also encounter language problems and cultural differences there. Mombasa is a natural economic hub for not only Kenya but the whole region.

Mr. Temporary Deputy Speaker, Sir, it is important for us to know why Nigeria is implementing the Tinapa Project. They are doing it because that is where they will mint their money. Nigeria already has a free port for oil and gases because they produce them. Why do we not look at our port as a trading area? Mombasa has a history of being a trading hub. It is very important that we create an opportunity not only just to create jobs but to transfer technology and know-how, increase tourism as well as develop infrastructure so that we have easy flow of business transactions.

Mr. Temporary Deputy Speaker, Sir, this is a very important Motion that we need to look at and I believe my colleagues in this august House will support it and act as fast as possible to bring a Bill that will enact the Free Port Authority of Mombasa and with its attendant opportunities that will benefit this country. I know that there will be an opportunity to later go into the nitty-gritty of how this Act will be. That is the time when we will be able to have discussions and interactions with the private sector and colleagues in Parliament and brainstorm on the best way forward on this Free Port Authority. Today, I just want to create this concept of "yes, it can be done".

Mr. Temporary Deputy Speaker, Sir, we are already aware that there are about 4,000 hectares of land just behind the current Mombasa port which has been earmarked for the last ten years as a potential area for a free trading zone. Why do we not do it professionally and put the right structure of managing that free port and not having it manipulated politically? We have seen managers brought to the port as ordinary civil servants but leave as billionaires while the port is actually "milked". It is neither benefitting the people of Mombasa nor this country.

Mr. Temporary Deputy Speaker, Sir, as you are aware, most of the unskilled workers in Mombasa are the locals. Some people work for up to seven to ten years as casuals. There have not been any modalities for permanent employment particularly for people of that area or to have a permanent revenue generated from the port which could be shared with an authority where we can develop our infrastructure. Today, our infrastructure in Mombasa is overstretched due to the amount of volumes of traffic handled in the port as well as the people there.

Mr. Temporary Deputy Speaker, Sir, Dongokundu is an appropriate area to expand the port. Also, the boundaries of South Coast could be moved further to create more space for expansion of the port. We can even go as far as Mariakani. Mariakani at one time was an Export Processing

Zone (EPZ) that is why Mabati Rolling Mills are located there. Due to lack of support or back-up--

The Temporary Deputy Speaker (Mr. Poghio): Mr. Balala, you should notice that we are timing your last five minutes but we will use the red light. Okay?

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

Mariakani is an appropriate area for EPZ companies but due to lack of appropriate policies and support from the Government they could not be set up there because of poor infrastructure. However, this is an area where we can expand our boundaries and allow for expansion of the port. We are aware that there is a lot of idle land available in the Coast region which is under-utilised and not consolidated for proper trading.

It is time that this House appreciated how important it is to bring a Free Port Bill to Parliament so that we can be able to have a concrete policy and framework where we can be able to manage our natural resource, and that is the port.

Mr. Temporary Deputy Speaker, Sir, I do not want to take a lot of time because I believe this is an important Motion and my colleagues want to contribute as much as possible and support this Motion. I beg to move the Motion and I request hon. Khamisi to second.

Mr. Khamisi: Bw. Naibu Spika wa Muda, asante kwa kunipa nafasi hii ya kuweza kuichangia Hoja hii ambayo madhumuni yake ni kuanzisha bandari huru ya Mombasa.

Bw. Naibu Spika wa Muda, kwanza, ningependa kumpongeza mhe. Balala kwa kuileta Hoja hii mbele ya Bunge hili. Nafanya hivyo kwa sababu miaka kadha wa kadha iliyopita wakati wa Serikali ya Moi, kulikuwa na kamati iliyoundwa ili kuangalia jambo hili na nakumbuka vizuri kwamba mhe. Nicholas Biwott alichaguliwa kuwa mwenyekiti wa kamati ile ili kwamba aangalie mikakati na utaratibu unaotakikana kuanzisha bandari huru ya Mombasa. Kwa bahati mbaya, hatujasikia lolote kuhusu kamati ile. Kwa hivyo, nampongeza Mbunge wa Mvita kwa kuleta Hoja hii mbele ya Bunge hili.

Bw. Naibu Spika wa Muda, hili si wazo jipya ulimwenguni. Ni wazo ambalo tayari linatekelezwa katika mataifa mengine. Tunapata mfano wa Singapore, Dubai pamoja na Hong Kong na nchi nyingine kadha wa kadha ambazo zimeona umuhimu wa kuanzisha bandari huru ili kuwawezesha kuinua uchumi wa nchi zao na pia kubuni nafasi za kutosha za kuleta biashara katika nchi zao na kutoa makazi kwa wananchi wao. Kwa hivyo, kitu ambacho tunataka kufuata ni kuangalia mikakati ambayo tayari imeshafanywa na nchi zile ambazo zimeanzisha bandari huru ili kwamba tupate kuepokana na makosa ambayo pengine huenda wakawa wameyafanya; ili kwamba wakati tunapoanzisha bandari yetu huru, itaweza kutekeleza shughuli na madhumuni tunayotaka yatekelezwe.

Bw. Naibu Spika wa Muda, Bandari ya Mombasa ndio utajiri mkubwa zaidi wa Pwani na nchi hii katika upande wa uzalishaji wa fedha na pia usaidizi wa ustawishaji wa biashara katika nchi ambazo hazina fuo za bahari. Bandari ya Mombasa hivi sasa inatekeleza na kusaidia uchumi wa nchi kadha wa kadha. Hivi sasa, bidhaa zinapitia bandari ile na kuna matatizo mengi kama vile msongamano wa bidhaa, kucheleweshwa kutolewa kwa bidhaa kutoka bandarini, ufisadi na ajira. Ninafikiri kwamba, badala ya baraza tulilionalo hivi sasa, ambalo, kusema kweli, halitekelezi shughuli zote zinazopaswa kutekelezwa katika bandari, itakuwa jambo la busara kuanzisha bandari huru na baraza litakaloisimamia, ili maswala tunayozungumzia hapa yaweze kupewa kipao mbele.

Bw. Naibu Spika wa Muda, bidhaa nyingi huingia nchini kila siku, kupitia Bandari ya Mombasa. Bidhaa hizo hutozwa ushuru mkubwa mno. Ushuru huo mkubwa unawafukuza baadhi ya wafanyibiashara wanaoleta bidhaa na baadhi ya watu ambao wangependa kufanya biashara katika bandari hiyo. Kuanzishwa kwa bandari huru kunaweza kusaidia kuleta biashara zaidi pamoja na kuleta watalii zaidi. Itakuwa bandari ambapo wafanyibiashara watanunua bidhaa kwa bei inayofaa na kuwawezesha kuziua bidhaa hizo na kupata faida kubwa. Kadhalika, italeta hali ambayo itawezesha bidhaa nyingi kutiririka katika nchi hii, kama hali ilivyo Dubai. Hivi sasa,

Wakenya husafiri hadi Dubai, hununua bidhaa na kuzileta humu nchini. Kwa nini? Kwa sababu ya bei nafuu zinazototwa katika nchi hiyo, kupitia utaratibu wa bandari huru.

Vile vile, utoaji wa ajira ni muhimu. Hivi sasa, kuna ubanifu wa utoaji wa ajira katika Bandari ya Mombasa. Kama alivyosema Bw. Balala, wafanyikazi wengi wa pwani, na hata wa bara, wameajiriwa katika hali ya kibarua miaka nenda, miaka rudi. Hii ni kwa sababu ya kutokuweco kwa utaratibu na mwelekeo kabambe. Hali hiyo inawaogopesha wasimamizi wa makampuni katika bandari hiyo kutoa kazi za kudumu kwa wananchi wa sehemu hiyo. Wanabahatisha kwa kutoa kazi za vibarua, kwa sababu hawajui iwapo biashara yao itaendelea vyema kesho au itaendelea vyema kesho kutwa. Tukiwa na bandari huru, kutakuwa na upanuzi wa biashara, ambao utawezesha kuweco kwa kazi za kudumu na ambazo zitaweza kuwasitiri wananchi katika sehemu hiyo. Vile vile, uchumi utakua.

Kumetajwa hapa kwamba bandari hiyo itabidi ipanuliwe katika eneo lake. Bw. Balala amesema kwamba kuna hekta 4,000 za ardhi ambazo zinaweza kutumiwa kwa shughuli hii. Iwapo jambo hili litafanyika, uchumi wa sehemu hiyo utanawiri na wananchi watapata faida kutokana na mpango wa bandari hiyo. Vile vile, biashara ndogo ndogo zitanawiri. Kadiri watu watakvoyozidi kumiminika katika sehemu hiyo, ndivyo kadiri biashara ndogo ndogo zitakavyonufaika. Barabara, pamoja na viunda msingi vingine, zitapanuka na kunufaika. Kwa hivyo, ninauunga mkono Mswada huu, ambao ni muhimu sana kwa Pwani na kwa eneo hili la Kenya.

Kuundwa kwa baraza lililopendekezwa katika Mswada huu ndiyo njia ya pekee inayoweza kutusaidia kupambana na matatizo mengi tuliyo nayo; ambayo, hivi sasa, yanatukumba kwa sababu hatuna uwezo wa kupanua shughuli za biashara katika bandari hiyo. Itakuwa muhimu kwa Wabunge, kupitia Kamati maalum husika, kuzitembelea nchi ambazo, tayari, zina bandari huru, ili waweze kujifunza njia za kisasa za kuendesha biashara hiyo. Tunaposema hivyo, hatusemi kwamba sisi, watu wa Pwani, hatutaki kujumuishwa katika mambo hayo. Tunakata kuhusika kikamilifu katika upanuzi na uendeshaji wa bandari hiyo. Kwa hivyo, tunapozungumzia suala la kuanzishwa kwa bandari huru, tusiseme kwamba tunawafungulia njia watu kutoka nje kuja kuchukua nafasi za watu wa Pwani katika shughuli hii.

Ni masikitiko makubwa kwamba licha ya kuweco kwa Bandari ya Mombasa katika sehemu ya Pwani, wananchi wa sehemu hiyo hawafaidiki kutokana na Bandari hiyo. Wanafaidika tu kwa kazi za kibarua. Watu wanaandikwa mwezi wa kwanza halafu mwezi wa pili hufutwa. Wanaandikwa tena mwezi wa tatu halafu mwezi wa nne wanafutwa. Ningependa kumwambia Bw. Balala kwamba baada ya kupitishwa kwa Hoja hii, katika shughuli ya kuutayarisha Mswada tunaoutarajia, atilie maanani sana faida itakayopatikana kwa wazalendo wa Pwani, na siyo kwa watu fulani tu.

Kwa hivyo, ningependa kuliomba Bunge liipitishhe Hoja hii upesi iwezenavyo ili Mswada tunaoutarajia uandikwe na kuletwa hapa tuipitishhe na, inshallah, Mungu akitusaidia, tuweze kuanzisha bandari huru katika Mkoa wa Pwani.

Kwa hayo machache, ninaunga mkono.

(Question proposed)

The Minister of State for National Heritage (Mr. Shakombo): Ninakushukuru, Bw. Naibu Spika wa Muda, kwa kunipa nafasi ili niunge mkono Hoja hii, ambayo inaliomba Bunge ruhusa ya kuwasilishwa kwa Mswada utakaowezesha kuanzishwa kwa halmashauri ya bandari huru huko Mombasa.

Bw. Naibu Spika wa Muda, kusema kweli, mpango huu umechelewa sana. Ungekuwa umetekelezwa zaidi ya miaka kumi iliyopita kwa sababu wataalam wa maswala hayo waliwahi kufanya uchunguzi na kuwasilisha ripoti na mapendekezo yao kwa Serikali. Lakini ripoti hizo

ziliwekwa ofisini, na hakuna cho chote kinachofanyika. Ninadhani tutakubaliana sote, kama Wakenya, kwamba Mombasa ni mahali penye hali nzuri ya anga, na haswa pale bandarini. Ukilinganisha Mombasa na bandari zingine, kama vile Dubai, utaona kwamba hali ya anga ya Mombasa ni nzuri zaidi. Kule Dubai, ni vigumu kukaa nje kwa sababu ya joto. Kule Mombasa, unaweza kukaa nje bila shida yoyote.

Licha ya hali mbaya ya anga kule Dubai, watu huenda huko kufanya biashara. Watu wa Dubai wamenufaika kwa sababu ya bahari waliyopewa na Mwenyezi Mungu. Dubai hakuna mafuta. Sielewi ni kwa nini tusiige mfano huo na kuitumia bahari tuliyopewa na Mwenyezi Mungu ili tuweze kujipatia senti. Upande wa Likoni peke yake kuna karibu ekari 3,000 za ardhi inayomilikiwa na Halmashauri ya Bandari nchini, KPA. Kama Mbunge wa sehemu hiyo, nina shida kubwa ya kuwazuia watu kuinyakua ardhi hiyo. Tunataka ardhi hiyo iwe wazi, ili mpango huu uweze kufaulu pale utakapotekelwa. Serikali, au Wizara husika, isipochukua hatua mapema, itakuwa shida kwa Serikali kuipata hiyo ardhi. Pengine, itaibidi Wizara ikanunue ardhi kutoka kwa watu binafsi. Hivi sasa, ardhi hiyo ni bure. Sielewi ni kwa nini tusiitumie nafasi hiyo.

Bw. Naibu Spika wa Muda, jambo lingine la kuongeza ni kwamba nchi yetu ina haja sana ya kuzalisha nafasi za kazi na pia kuzalisha uchumi. Jambo la kuanzisha bandari huru nchini litatuwezesha kurahisisha mambo haya mawili na kufanya iwezekane hata kupita kiasi kile ambacho Serikali ingefikiria inataka kuandika kazi watu wake. Mimi, kama mkaazi wa Mtongwe, ambapo ni karibu na bandarini, napenda kuisitiza sana umuhimu wa bandari huru kuweko pale. Iwapo tutaanzisha bandari huru, tutakuwa na fursa nzuri sana ya kuwavutia majirani zetu sio tu kuja kununua bidhaa hizi, bali hata kuongezea utalii nchini. Hadi sasa, hapa Kenya tunategemea watalii kutoka nchi za ulaya. Lakini hatujaweza kuwa na motisha ya kuwafanya majirani au Waafrika wenzetu waje kutalii. Watu wengi kutoka nchi za Kiafrika kama Jamhuri ya Kidemokrasia ya Congo, Rwanda, Burundi na Uganda wanaenda Dubai kufanya biashara huko. Nina hakika kuwa iwapo Bandari ya Mombasa itakuwa huru, bila shaka, watu hawa wataweza kupunguza matumizi au gharama zao za kufika Dubai na kurudi kwao kwa zaidi ya nusu. Kwa hivyo, tutakuwa tunastawisha sio biashara peke yake, bali pia tutaongeza idadi ya watalii pamoja na wale wanaotoka Ulaya. Hali kadhalika, wakaazi wanaokaa sehemu ile, ambao wanafanya biashara ndogo-ndogo, kama vile Bw. Khamisi alivyosema, kwa mfano kuuza chai na kadhalika. Mambo hayo yatawezekana na ule uhalifu ambao unaanza kuzidi huko Mombasa utapungua. Nina hakika kuwa moja katika mambo makubwa yanayotuongezea uhalifu hapa kwetu ni ukosefu wa ajira au kazi ya kumwezesha mtu kuiangalia familia yake. Hakuna mtu yeyote ambaye angependa kuwa mhalifu iwapo kuna nafasi ya kupata riziki.

Bw. Naibu Spika wa Muda, kuna jambo la *road bypass*. *Bypass* ya Dongokundu ikijengwa, sehemu ya kusini ya Pwani au *South Coast* na huko Likoni itapanuka, biashara pia zitapata nguvu na ardhi yetu pia itakuwa na thamani. Vile vile, kwa majirani zetu wa Tanzania, tutakuwa tumefungua biashara kati yetu nao, kuliko sasa ambapo wanatumia kivuko cha bahari ambacho kiko mbali sana na hupoteza wakati mrefu sana. Jambo la kufurahisha ni kwamba tuko na wafanyabiashara ambao ni wazaliwa wa Mombasa na Pwani ambao wako tayari kusimamia mpango huu. Pia, wako tayari kupata wafadhili ili kazi hii ifanywe bila ya nchi yetu kutumia pesa zozote ambazo zingetoka katika mfuko wa umma. Hili ni jambo muhimu na sisi, kama watu wa Pwani, tungsitiza sana kwamba Pwani iwe kielelezo cha maendeleo mapya. Hii sio kusema kuwa jambo hili litatufaidi sisi tu, bali hata Kenya nzima itaifaidika pamoja na Wakenya wenyewe.

Kwa hayo machache, naomba kuunga mkono kwa dhati Hoja hii.

Asante, Bw. Naibu Spika wa Muda.

Mr. L. Maitha: Asante sana, Bw. Naibu Spika wa Muda. Mimi pia napenda kuunga mkono Hoja hii kwa sababu Bandari ya Mombasa hii leo ni kitega-uchumi muhimu sana katika taifa letu. Hii bandari ni chombo cha taifa hili, na hivi sasa, ni chombo zaidi cha taifa hili. Kama walivyosema wenzangu waliozungumza kabla yangu, Waganda, Warundi na Warwanda

wanategemea bandari hii. Hivi sasa, Sudan ya Kusini na hata Ethiopia wanataka kutegemea bandari yetu. Lakini tatizo lililo hapa ni kuwa kwa muda mrefu, Serikali, kupitia Kamati za Bunge na Mawaziri wanaosimamia biashara na uchukuzi wametembea nchi nyingi kuchunguza jambo hili la bandari huru. Na kila anayetoka nje kuona mambo ya bandari huru, anakuja hapa na ripoti ya kuvutia na kusema kwamba, sisi pia ni lazima tuwe na bandari huru.

Bw. Naibu Spika wa Muda, hivi leo, shirika letu la ndege la Kenya linafanya biashara kubwa sana kati ya Afrika Magharibi na Dubai kupitia Nairobi kwa sababu ya bandari huru iliyopo Dubai. Kuna msongamano wa watu kwa sababu kila mtu anaelekea Dubai na Singapore kwa sababu ya mambo ya bandari huru. Iwapo Bandari ya Mombasa itakuwa bandari huru, mbali na kuwa itawafaidi watu wale walioko katika eneo lile na taifa zima, pia tuangalie hali ya uchumi ya Wakenya.

Wakati mmoja nilibahatika kuwa katika ujumbe wa kuelekea Dubai kuangalia swala hili la bandari huru, na walivyotueleza ni kuwa, mbali na pesa zile zinazopatikana kutokana na bandari, walisema kuwa bandari ile imeweza kuwavutia watu milioni 70 kwa mwaka wanaokwenda huko kwa sababu ya bandari huru. Tukiangalia pesa zinazopatikana kutoka kwa viza ya watu milioni 70 wanaoingia Dubai peke yake kwa sababu ya kufanya biashara katika bandari huru, serikali inafaidika kwa kiasi kipi? Leo, ikiwa tutakuwa na bandari huru Mombasa, uchumi wa Kenya utaongezeka kwa kiasi kikubwa katika mapato. Hatutakuwa tukitegemea utalii peke yake. Ni kweli kuwa utalii unatuletea pesa nyingi, lakini tumeona kuwa utalii sio biashara ya kutegemea sana, kwa sababu kitu kidogo kinapochapishwa katika magazeti ya Ulaya kinaweza kutututiza. Kwa hivyo, lazima tupanue hali ya biashara mbali na utalii. Laiti leo tungeweza kufanikisha dhana ya bandari huru, taifa hili lingepiga hatua kubwa kimaendeleo. Mimi najua kuwa tatizo linalotufanya tusipate bandari huru ni kuwa Serikali yenyewe imekuwa ikipinga jambo hili. Serikali imejua kuwa vile bandari inavyoendeshwa leo, watu fulani wanafaidika na wanaona kuwa wakibadilisha sheria ili bandari iwe huru, huenda maslahi ya wengine yakatatizwa pale. Hii ndio maana kila wakati tutasema kuwa twataka bandari huru, lakini ikija kwa watu ambao wanatakiwa kuchukua hatua, utaona kuwa hakuna pahali tunapoenda mbele.

Sio ajabu kuwa Hoja hii ikipita na baada ya miezi mitatu, Mswada uletwe hapa, tutapata jambo kama lile Mheshimiwa Njoki Ndung'u alikuwa akiuliza; kuwa Hoja yake ilichapishwa, Mswada ukapitishwa na sasa anashtaki tena kuwa Mswada huo hautekelezwi. Nina hakika kuwa tunaweza tukaingia katika maji machafu kwa sababu ya Mswada kama huu. Uzuri wa bandari huru unajulikana. Waheshimiwa Wabunge wanaounga mkono hoja hii wamesema yote ya kusemwa, lakini ombi letu sisi ni kwamba, Hoja hii ikipitishwa, Serikali iwe katika mstari wa mbele ili kuhakikisha kuwa dhana ya bandari huru imetekelezwa kwa kuwa itasaidia taifa letu. Bandari huru itasaidia taifa letu kwa njia mbalimbali. Itasaidia katika upanuzi wa barabara zetu. Pia, itatusaidia kuinua hali ya biashara ndogo ndogo. Nchi nyingi za Africa zitatumia bandari hii kama soko. Wale wote wanaoitumia Bandari ya Dubai watakuja hapa Kenya ikiwa tutaifanya Bandari ya Mombasa kuwa huru. Nchi hii itapata faida nyingi. Hivyo basi, wananchi watafaidika kwa kiasi kikubwa.

Bw. Naibu Spika wa Muda, kama viongozi tunafaa kuangazia mambo ya bahari katika picha kubwa. Tusione kwamba tukiifanya huru itawafaidi tu watu fulani. Tunaihitaji kwa sasa. Naiomba Serikali kwamba Hoja hii ikipitishwa hapa Bungeni, iwe katika mstari wa mbele kuhakikisha kwamba inatekelezwa.

Bw. Naibu Spika wa Muda, kwa hayo machache, ninaiunga mkono Hoja hii.

The Assistant Minister, Office of the President (Mr. Kingi): Asante sana, Bw. Naibu Spika Muda, kwa kunipatia nafasi hii ili niweze kuzungumza juu ya Hoja ambayo imeletwa Bungeni na Bw. Balala. Ningependa pia kuiunga mkono. Naungana na wenzangu kusema kwamba ni muhimu sana kuifanya huru Bandari ya Mombasa. Ni kweli kwamba jambo hili limezungumziwa mara nyingi katika sehemu nyingi. Labda kuna ripoti nyingi ambazo zimeandikwa kuhusu jambo hili. Lakini naamini ya kwamba hii ni mara ya kwanza kwa Hoja hii

kuja Bungeni. Naamini ya kwamba Bunge linalo uwezo wa kuhakikisha ya kwamba Serikali inatekeleza Hoja ambazo zimepitishwa Bungeni. Kwa hivyo, ninaiunga mkono Hoja hii nikiwa na imani ya kwamba sisi waheshimiwa Wabunge tukiungana pamoja tunao uwezo wa kuhakikisha ya kwamba jambo hili linatekelezwa.

Bw. Naibu Spika wa Muda, Mji wa Mombasa ni muhimu kwa mambo mengi, kama vile utalii na bandari. Kwa kuifanya bandari hii kuwa huru, tutaongeza dhamani ya Mji wa Mombasa. Tutaufanya uweze kuvutia watu wengi zaidi kuliko vile unafanya sasa. Wengi wanaovutiwa na Mji wa Mombasa labda ni wale ambao wanahusika na mambo ya kitalii au biashara. Lakini tutakapopanua biashara hii ya Mji wa Mombasa kwa kuifanya Bandari kuwa huru, bila shaka tutaongeza kiwango cha biashara. Tukifanya hivyo, bila shaka itabidi tuongeze idadi ya hoteli zetu na mambo mengine mengi ili tuweze kukabiliana na idadi ya watu ambao watautembelea mji huu. Kwa hivyo, hatua ya kuifanya huru Bandari ya Mombasa, itafanya hata vitongoji vya Mombasa pia navyo kuweza kupata mahali pa kufanya biashara ya bidhaa mbalimbali. Leo hii kuna wakulima wanaokuza mboga na wafugaji wengi wa ng'ombe wa maziwa. Hawana soko la mavuno yao kwa sababu idadi ya watu wa Mombasa si kubwa na mikahawa ni michache. Kwa hivyo, mavuno haya, kwa mfano, maembe ambayo yanakuzwa kule Lamu na Kilifi, mara nyingi huwa yanakosa soko kwa sababu idadi ya wanaoyatumia ni ndogo. Lakini tukiifanya huru Bandari ya Mombasa, basi idadi ya wanunuzi itaongezeka.

Bw. Naibu Spika wa Muda, kuna ardhi kubwa ambayo imezunguka Mji wa Mombasa ambayo haijatumia kwa muda mrefu. Tukiipitisha Hoja hii hapa Bungeni, bila shaka itabidi tutumie ardhi hii. Kwa hivyo, wenye ardhi hii nao watapata faida kwa sababu tutaunua au kuikodisha kutoka kwao ili iweze kutumika katika mradi huu.

Kutekelezwa kwa mapendekezo ya Hoja hii pia kutaimarisha usafiri. Shirika letu la Ndege la Kenya Airways litapanuka. Itabidi tununue ndege nyingi zaidi ili ziweze kuwasafirisha watu kutoka pembe zote za Africa na dunia kwa jumla, hadi Mombasa kwa sababu ya shughuli nyingi. Itatulazimu tupanue uwanja wa ndege wa Mombasa na viwanja vingine vidogo vilivyoko kule Malindi, Kwale, Kilifi na Lamu.

Kuna shirika la reli ambalo limedhoofika kwa sababu ya ukosefu wa biashara nzuri. Bandari ya Mombasa ikifanywa huru, shirika hili litafufuliwa kwa sababu kutakuwa na biashara ya kusafirisha mizigo hadi nchi zingine katika Bara la Africa.

Katika Jamhuri yetu ya Kenya, kuna vijana wengi ambao hawana kazi licha ya kuwa na elimu ya juu. Kwa kuifanya huru Bandari ya Mombasa, vijana hawa kupitia hazina ya kuwaimarisha vijana, wataweza kufaidika kwa sababu wataweza kuanzisha biashara zao ndogo ndogo katika sehemu hiyo. Hivyo basi, watapata pesa zitakazowasadia katika maisha yao.

Kwa hivyo, hatua hii ya kuifanya Bandari ya Mombasa huru ni muhimu. Ni jambo ambalo limechelewa. Nina imani ya kwamba mara tu Bunge hili litakapopitisha Hoja hii, Serikali italeta Mswada utakaohakikisha kwamba Bandari ya Mombasa inafanywa huru.

Bw. Naibu Spika wa Muda, kwa hayo machache, ninaiunga mkono Hoja hii.

Mr. Chepkitony: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to support this Motion. I fully support this Motion, which is long overdue. This country has been talking about this issue for a very long time. We have been agitating for establishment of free port in Mombasa for over ten years. Establishment of a free port in Mombasa will be good for this country. It will promote our commerce and industry. It will also create employment. It is high time this was done. We have already made progress. We are ahead of other countries in the region in many areas. One of them being the establishment of Export Processing Zones (EPZs), which were not there before. This has been successful and other countries are now coming to see how our industries in the EPZs function. So, we need to do the same towards the establishment of a free port in Mombasa.

There are free ports elsewhere in the world, which are successful. There are no free ports in

many countries in Africa. We will need to visit other countries that have free ports. The Departmental Committee on Finance, Planning and Trade has already visited some of the free ports in the world to see how they are functioning. So, we should establish this free port authority through an appropriate Bill later on. We will have to move ahead and formulate legislation on this issue of establishing a free port.

We will need to do a lot, because when you establish a free port, you need to provide land for investors who will invest in industries and hotels around it. When we make Mombasa a free port, it will go along way in augmenting the already existing and flourishing tourism industry at the coast. We will have more tourists, who will also promote business and commerce. So, this will make more people come to our country. When they come for business, they will also be tourists. This means the tourism sector will grow and this will be good for our country. We need the tourism sector to grow, because it employs our people. We need to support it. We should set out modalities in line with what happens in other free ports in the world to make this proposed free port function smoothly. So, it will not be just an issue of establishing a free port but--

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

The Temporary Deputy Speaker (Mr. Poghisio): What is your point of order?

Mr. Ogur: Mr. Temporary Deputy Speaker, Sir, I can see that this Motion is "sweet", but so far we have discussed it a lot. Many hon. Members are now repeating the same issues. Would I be in order, therefore, to propose that the Mover be now called upon to reply?

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Ogur has proposed that the Mover be now called upon to reply. So, I would like us to vote on his suggestion.

*(Question, that the Mover be
now called upon to reply,
put and agreed to)*

So, I call upon Mr. Balala to reply.

Mr. Balala: Mr. Temporary Deputy Speaker, Sir, I beg to reply to this important Motion about a Mombasa Free Port Authority Bill. I want to thank my colleagues who have contributed to this Motion.

QUORUM

The Assistant Minister for Information and Communications (Mr. Wamwere): On a point of order, Mr. Temporary Deputy Speaker, Sir. I just want to draw the attention of the Chair to the fact that we do not have enough hon. Members to make a quorum in the House.

The Temporary Deputy Speaker (Mr. Poghisio): Yes, there is no quorum and I, therefore, order that the Division Bell be rung.

(The Division Bell was rung)

(Loud consultations)

Order, Order, hon. Members! We now have a quorum.

Proceed, Mr. Balala!

Mr. Balala: Thank you very much, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Roads and Public Works (Eng. Toro): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Mover to reply before a Minister has responded to the Motion?

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, Order, hon. Members. That point of order has already been overtaken by events because the hon. Mover is already replying.

(Loud consultations)

Order, Order, hon. Members. This a Private Member's Motion, and really we have also waited for the Government side, or a Minister, to show up. There is no official Responder to this Motion, and so the Mover can continue replying.

The Assistant Minister for Information and Communications (Mr. Wamwere): Mr. Temporary Deputy Speaker, Sir, I am just wondering whether it is possible to procedurally have procedures and Standing Orders overtaken by events. I am just wondering why the Chair would come to the conclusion that the Government was not represented when I was here and ready to respond on behalf of the Government.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! I think time for joking around is not also there. That matter has been overtaken by events. We are here for serious business and the Mover is replying. Things can be overtaken by events because there was no Government Responder. Mr. Wamwere, your being here as an Assistant Minister does not mean you are the Official Government Responder. Not every Minister--

The Assistant Minister for Information and Communications (Mr. Wamwere): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Can you relax? When you stood up, you wanted to speak from the Back Bench and you simply wanted an opportunity to contribute to the Bill. There was no request for official Government Responder to respond. This is a Private Members' Motion and you can close without the Government Responder!

Mr. Balala: Thank you, Mr. Temporary Deputy Speaker, Sir. I take this opportunity to thank my colleagues of this noble House who have supported this Motion that will lead to the introduction of a Bill for the establishment of the Mombasa Free Port Authority which can transform the economy of not only Mombasa but that of this country and region. Ours can become an example of an economy that is vibrant, transparent and beneficial to the people of Kenya. We have all said a lot about this Motion. We will contribute immensely to the creation of the Bill. We will involve the private sector, the Government and Parliament. It will be an inclusive process. This Bill is for Kenya and we should be proud of it. We should not reject it because doing so will mean destroying the economy.

I beg to move.

(Question put and agreed to)

Mr. Temporary Deputy Speaker (Mr. Poghisio): Next Order!

PRODUCTION OF GASOHOL FOR
USE AS AUTOMOBILE FUEL

THAT, in view of the fact that sugar mills in this country produce excessive

molasses that is used in production of ethanol and other alcohols which can be blended with petroleum to produce gasohol for propelling automobile engines, this House resolves that the alcohols distilled from molasses be blended with petroleum to produce gasohol for use of automobile fuel.

Mr. Temporary Deputy Speaker (Mr. Poghisio): Prof. Olweny is not here? The Motion is dropped.

(Motion dropped)

Next Order!

ABOLITION OF 8-4-4
SYSTEM OF EDUCATION

THAT, considering that the country spends over Kshs400 million in form of foreign currency when parents take their sons/daughters to other countries for "A" level education; considering further that students from Kenya are at times required to undergo "A" level studies before proceeding to universities abroad; this House urges the Government to abolish the 8-4-4 system of education and re-introduce the 7-4-2-3 system.

Mr. Karaba not here?

The Assistant Minister for Trade and Industry (Mr. Abdirahman): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am rising on a point of order concerning Order No.7; the Motion of the Ministry of Trade and Industry which did not get an official Government response this morning. It does not mean that the Ministry did not have a position. While we wholly support the development of the free port in Mombasa---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Mr. Assistant Minister, I said that was overtaken by events. As you know, every Motion is proposed, people contribute and once the Mover is called upon to reply, it is closed.

The Assistant Minister for Trade and Industry (Mr. Abdirahman): Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Poghisio): Order! In here, there was a Motion for the Mover to be called upon to reply. It was moved, put and decided. At that particular point, no one raised the issue of an official Government response. So, it is too late to raise that issue now. The Motion has been passed. We are on another Order. In fact, we are two orders down the line. So, that is overtaken by events.

The Assistant Minister for Roads and Public Works (Eng. Toro): On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to oppose what the Chair has directed. A Motion is usually allocated a maximum of two hours. Normally, before the two hours are up and the Mover is asked to reply, if there are hon. Members who want to continue contributing---

The Temporary Deputy Speaker (Mr. Poghisio): Order! You are now beginning to police the Chair! Anybody who was here knows that the Front Bench of the Government side had very poor attendance this morning, especially for this Motion. Everybody who spoke from that Bench spoke as a Member of Parliament representing their constituents. There was no official Government Responder. Do not take us back! There was nobody from your Ministry and you were not there, Mr. Assistant Minister!

(Mr. Abdirahman stood up in his place)

Order, Mr. Assistant Minister! You cannot be on your feet either. I do not want to take our time going back to issues which I have already dealt with. That is a matter which we need to take very seriously. In any case, it is a Private Members' Motion. Sometimes the Government Responder does not want to participate; that is okay. It is a Private Members' Motion. There was actually no indication from the beginning. There was no one to take notes to even respond! To me, that showed that they might have very little interest.

The Assistant Minister for Trade and Industry (Mr. Abdirahman): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Order! I am on my feet! Be patient!

I would like to suggest that we drop that matter and move on to where we are at the moment, especially if you came late for this Motion, Mr. Assistant Minister.

The Assistant Minister for Trade and Industry (Mr. Abdirahman): On a point of order, Mr. Temporary Deputy Speaker, Sir. If you could allow me, what I am saying is that as a matter of parliamentary procedure and practice, it is---

The Temporary Deputy Chairman (Mr. Poghisio): Are you going to challenge the Chair on the procedure and practice of the House?

The Assistant Minister for Trade and Industry (Mr. Abdirahman): Mr. Temporary Deputy Speaker, Sir, I do not want to challenge the Chair. I want to say that as much as people were responding from the Government side as contributors, it would have been appropriate to have an official Government response.

The Temporary Deputy Speaker (Mr. Poghisio): But you were not there!

The Assistant Minister for Information and Communications (Mr. Wamwere): On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to belabour the point, but the Chair is aware that I was here as an Assistant Minister---

The Assistant Minister for Trade and Industry (Mr. Abdirahman): On a point of order, Mr. Temporary Deputy Speaker, Sir!

The Assistant Minister for Information and Communications (Mr. Wamwere): I am on a point of order, Mr. Temporary Deputy Speaker, Sir! You know I sought---

The Temporary Deputy Speaker (Mr. Poghisio): Order, both of you! Please, follow the procedures, Mr. Wamwere. You were here, but you never attempted to speak as the Government Responder. You missed your chance when the Mover was called upon to reply. You were here! You saw the procedure. When you lost the vote on the Mover to be called upon to reply, you called for quorum and we went through that process. Do you want to take us back? We followed parliamentary procedure to the letter. That is it! Now, we will go to the next business.

Next Order!

(Motion Dropped)

INTRODUCTION OF
PRIVATIZATION (AMENDMENT) BILL

THAT, being aware that most State corporations are the economic mainstay of our country; aware that privatization process should be preceded by a policy Sessional Paper outlining the merits and demerits of each State corporation proposed for privatization; this House grants leave to introduce a Bill entitled

privatization (amendment) Bill to amend the privatization Act to provide that Parliament shall by resolution approve the disposal of parastatal assets.

The Temporary Deputy Speaker (Mr. Poghisio): Order No.10 is a Motion by Dr. Adhu Awiti. We have gone through the Motions, and all the Orders on the Order Paper. We have gone through Orders Nos. 7, 8, 9 and 10. However, the Movers of the Motions---

An hon. Member: Prof. Olweny is here!

Prof. Olweny: It has just been dropped.

The Temporary Deputy Speaker (Mr. Poghisio): He was not in the Chamber---

The Minister for Water and Irrigation (Mr. Katuku): On a point Mr. Temporary Deputy Speaker, Sir. I just want to draw your attention to the fact that the Mover of Motion No.8 is around. He is just at the corner. If you could allow him to come into the Chamber, he can move the Motion and we will have business.

Mr. Temporary Deputy Speaker, Sir, because you are moving to Order No.8, I would want to appeal to you that we should give the official Responder the chance to respond to Order No. 7. That is the procedure.

Mr. Omingo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Are you satisfied that the Minister, who has just spoken, is not luring the Chair to make an adjustment of its ruling and go back to Order No.7? They lost because they were seriously lobbying and poaching parties at Sheria House.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Omingo! Let us not trivialise this matter!

Hon. Members, this morning everybody is interested in procedure and Standing Orders. I hope that hon. Members will go through their Standing Orders and procedures properly. Once we have called an Order and a Mover is not there, there is nothing we can do. For example, we called Order No.8 but its Mover was not in the House, and so we dropped it. You are now telling me that he is here. At that time, he was not here and we dropped the Motion. We went to Order No.9, and there was no Mover; that Motion was also dropped. There is no excuse and nobody has given any reason why they were not here. The same thing applies to the next Order. So, in terms of procedure, there is no way we can go back to Order No.7 or any other Order!

At this point, I do not see any Mover, because even the one hon. Katuku is talking about is not in the Chamber.

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

Order, hon. Members! One of our rules state that when the Chair is on his feet, you cannot be on yours!

The Assistant Minister for Roads and Public Works (Eng. Toro): On a point of order, Mr. Temporary Deputy Speaker, Sir. On what Mr. Omingo is saying, it is not that they defeated the Government side or we are not supporting the Motion. The argument on the Government side should not be misconstrued to be what Mr. Omingo is saying. It was not a defeat. We are saying that time was not allowed for the Government side to respond and make some amendments it intended to make to the Motion. We were not opposing the Motion. No! What Mr. Omingo is saying is wrong and should not be on record.

The Temporary Deputy Speaker (Mr. Poghisio): That also becomes a good argument.

Hon. Members, there was no losing or winning side. Actually, the Motion was passed. It sought leave for a Bill.

Mr. Assistant Minister, the only thing I can say is that nobody denied the Government side the chance to respond. Members of the Government side were not here. Since there will be a Bill, the Minister for Trade and Industry can still consult with the hon. Member, so that he can participate in getting it here.

Hon. Members, I am actually short of business.

An hon. Member: We have failed!

The Temporary Deputy Speaker (Mr. Poghisio): No, that does not mean we have to create business.

The Motion has been dropped and the hon. Member has to see the Speaker again for it to be reinstated into the Order Paper. It cannot be debated now.

(Motion Dropped)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, there being no other business, this House, therefore, adjourns until this afternoon, at 2.30 p.m.

The House rose at 11.05 a.m.