

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 10th November, 2004

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

The Twelfth Report of the Public Investments Committee on the Accounts of State Corporations 2004, Volumes I and II.

*(By the Chairman of the Public
Investments Committee (Mr. Muturi))*

NOTICE OF MOTION

ADOPTION OF 12TH PIC REPORT

Mr. Muturi: Mr. Speaker, Sir, I beg to give notice of the following Motion:-
THAT, this House adopts the Twelfth Report of the Public Investments Committee on the Accounts of State Corporations laid on the Table of the House, today, 10th November, 2004.

COMMUNICATIONS FROM THE CHAIR

PRESENCE OF HON. BLESSING CHIBUNDO

IN THE SPEAKER'S ROW

Mr. Speaker: Hon. Members, just before we go to Questions, I wish to draw your attention to the presence of hon. Blessing Chibundo who is seated in the Speaker's Row listening to the proceedings of the House. Hon. Chibundo is a Member of Parliament in the Republic of Zimbabwe. He is also the Chairman of the Parliamentary Health Committee. He is the interim co-ordinator for the SADC Alliance of Parliamentary Portfolio Committees on Health and HIV/AIDS for Equality in Health. He is visiting our Parliament and seeing the proceedings. I wish to welcome him on your behalf and wish him a very good stay in our country.

Thank you.

(Applause)

DEFERRED QUESTIONS TO
BE GIVEN PRIORITY

Mr. Speaker: Hon. Members, yesterday, I deferred some Questions and I promised the House that I would give them priority today. Therefore, I will begin with Questions by Private Notice. I will understand, if there are hon. Members under whose names Questions by Private Notice stand and they are not here, because they did not expect us to begin with Questions by Private notice. Nevertheless, if they are there, we will go on.

QUESTIONS BY PRIVATE NOTICE
POWER RATIONING IN MAUA MUNICIPALITY

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

(a) Is the Minister aware that there is power rationing in Maua Municipality and its environs every Monday?

(b) What steps is he taking to end the power cuts?

Mr. Speaker: Is there anyone from the Ministry of Energy? We will come to that Question later. We will see whether the Minister will come to the House.

Next Question, Mr. Shakombo.

REDUCTION OF KPA STAFF

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

(a) Is the Minister aware that Kenya Ports Authority signed performance contracts with the Government in October, 2004?

(b) Is he further aware that one of the conditions of these contracts is to reduce the workforce at the Kilindini Port from 7,000 to 2,500?

(c) If the answers to "a" and "b" above are in the affirmative, could he inform the House the justification for the drastic action to lay off thousands of workers?

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

(a) I am aware that the Kenya Ports Authority, which is one of the 16 State Corporations identified in the pilot scheme involving performance contracts, signed a contract in October 2004, between the Government and the KPA Board of Directors.

(b) I am not aware that one of the conditions of the performance contract is that the KPA has to reduce the workforce from 7,000 to 2,500. This is a misleading interpretation of the performance targets which have been set out.

(c) The KPA, under its strategic road map, has programmed various reforms that will include but not limited to hiving off non-core functions from mainstream KPA with the ultimate aim of transforming it into a landlord port by the year 2007. The reforms to be implemented in phases may culminate into a residual workforce of 2,500 employees against the current establishment of 5,135. With the annual natural attrition rate, currently at 6 per cent and an ageing workforce of which 43 per cent is between 44 and 55 years of age, the actual numbers that may be laid off due to implementation of the reform measures are expected to be much smaller than the numbers identified by the Member of Parliament.

Mr. Shakombo: Mr. Speaker, Sir, is the Assistant Minister in order to mislead this House? In part "b" of the answer, he says he does not know, but in part "c" of the answer he accepts that by 2007, they will reduce the workforce to 2,500. Could he be specific? As we can see, the ultimate

objective of this performance contract is to sack people. Could he confirm or deny that?

Mr. Ligale: Mr. Speaker, Sir, I have not said that the ultimate aim of the performance contract is to sack people. I have explained ultimately there may be need to reduce staff, but the principle aim is not to sack people.

Mr. Angwenyi: Mr. Speaker, Sir, this Parliament uses a lot of money to take Members of Parliament for educational tours. Three years ago, this Parliament sent the Departmental Committee on Energy, Communication and Public Works to Australia to the Port of Melbourne, to Dubai to the Port of Dubai, the Port of Singapore and the Port of Antwerp in Belgium. We discovered that the KPA can make money for this country without reducing the number of employees. Since this country wants to ape the directions of the western countries, could this Assistant Minister use our report on those four ports and implement the recommendations of that report so that he can make money for this country and keep people in employment in our port?

Mr. Ligale: Mr. Speaker, Sir, I am not aware of that Report, but if the hon. Member would like me to look at it, I will be more than happy to look at it.

Mr. Speaker: Mr. Angwenyi, has the Report been laid on the Table of this House?

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to say that he is not aware of a Report which was adopted by this House? Is he in charge of his Ministry? Could he adopt and implement that Report?

(Applause)

Mr. Speaker: Anyhow, I think the Assistant Minister can look at the Report.

Mr. Mwandawiro: Bw. Spika, marekebisho ya kiuchumi ambayo yanatekelezwa na Serikali hii na yanalenga kubinafsisha mali ya Umma, kila mara yanawaumiza wafanyikazi. Marekebisho hayo yanapotekelezwa, wafanyikazi wanapoteza kazi zao. Je, Waziri Msaidizi anaweza kutuhakikishia kwamba marekebisho hayo ya kibepari ambayo yanafanyika katika Bandari yetu hayatapunguza wafanyikazi?

Mr. Ligale: Mr. Speaker, Sir, as at now, the performance contract has only been signed between the management staff and the Board of Directors. At this moment, it does not involve unionisable staff, who are the majority of the employees, because we are still discussing with them. If it becomes necessary to do so, we shall ensure that we have reached an understanding with the relevant union.

Mr. Speaker: Well, I will give one more chance to another hon. Member before I dispose of this Question!

Yes, Mr. Twaha!

Mr. Twaha: Thank you, Mr. Speaker, Sir. The World Bank and the International Monetary Fund (IMF) are exerting pressure on us to sell Telkom (K) Ltd. and the Kenya Ports Authority (KPA) for their own benefit, because ultimately, those parastatals will be sold to foreigners. Could the Assistant Minister tell us the rationale behind selling Telkom (K) Ltd. and privatizing the functions of the KPA, if it will cost so many jobs? The City of Mombasa depends on those jobs to sustain itself economically because there is nothing else there.

Mr. Ligale: Mr. Speaker, Sir, I have not said that these parastatals are being sold. All I have said is that we will ensure that the KPA remains a landlord of the port. The non-core functions of the port--

Mr. Twaha: On a point of order, Mr. Speaker, Sir. The Assistant Minister has not understood my question. He has said that he is privatising the core functions of the port which is the same as selling the port. If the KPA remains a landlord, then he has sold all the income-generating

functions.

Mr. Speaker: Mr. Assistant Minister, Mr Twaha is saying that you are not selling the water, but the core functions of the port!

(Applause)

Mr. Ligale: Mr. Speaker, Sir, we are trying to reduce non-core functions of the port.

Hon. Members: Why?

Mr. Ligale: Mr. Speaker, Sir, in order for the port to perform its functions properly, it should---

Mr. Twaha: Mr. Speaker, Sir---

Mr. Speaker: Order! Mr. Assistant Minister, have you finished your answer?

Mr. Ligale: Yes, Mr. Speaker, Sir.

Mr. Shakombo: Mr. Speaker, Sir, just before the merger between the Kenya Cargo and Handling Services in Mombasa with the KPA, there was a workforce of over 12,000 people at the Port. Immediately after the merger, the number was reduced to 5,600, not forgetting that we had 2,000 casual workers. Is the Assistant Minister in order to privatize the KPA when he knows that our people will lose their jobs? It is only the KPA which is the biggest employer in Coast Province, as well as Kenya. Where does he want these Kenyans to go?

Mr. Ligale: Mr. Speaker, Sir, I have assured the hon. Member that for the time being unionisable staff are not signing any performance contract. If they do, we shall discuss it with all the parties involved.

IRREGULAR BORROWING BY COFFEE FACTORIES

Mr. Angwenyi: Mr. Speaker, Sir, I beg to ask the Minister for Co-operative Development and Marketing the following Question by Private Notice.

(a) Is the Minister aware that the management of the following coffee farmers co-operative societies have received loans from the Co-operative Bank of Kenya, Kisii Branch, without the authority of the respective members of the societies:-

(i) Nyaigwa Farmers Co-Operative Society -	Kshs5 million
(ii) Kenyena Farmers Co-operative	- Kshs4 million
(iii) Riasuguta Farmers Co-operative	- Kshs3 million
(iv) Nyamarambe Farmers Co-operative	- Kshs2 million
(v) Nyamache Farmers Co-operative	- Kshs2 million
(vi) Nyaguta Farmers Co-operative	- Kshs2 million
(vii) Kemera Farmers Co-operative -	Kshs100,000
Total	- Kshs18,100,000

(b) Could he take immediate action to cancel these loans?

(c) Could he further institute investigations into the management of all coffee societies in the three districts of Nyamira, Kisii Central and Gucha?

(d) Could he also order elections in all these societies?

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

(a) I am not aware.

(b) In view of my answer to part "a", I am unable to take any action.

(c) Our Ministry has conducted enquiries to the loss and financial workings of various societies in the districts of Nyamira, Kisii Central and Gucha, among them Kemera Farmers Co-

operative Society, whose findings were read in May, 2004. This is an ongoing process which is done on a need-to-know-basis, and especially when members of the society demand so.

(d) In view of the Co-operative Societies (Amendment) Act, 2004, which was passed by this honourable House, and also the fact that the same was signed for the acceptable date to be 5th November, 2004, we will be calling for nationwide elections of all societies once we have put the right framework in place.

Mr. Angwenyi: Thank you, Mr. Speaker, Sir. This is a very serious matter. The management of many societies in Gusiiland have been enticed or persuaded in a conspiracy to borrow money on behalf of their societies for their private use. I am sure that the Assistant Minister could not be aware of this because he has sought the response to my Question from the culprits. He has got the response from the Co-operative Bank of Kenya managers---

Mr. Speaker: Put the question now!

Mr. Angwenyi: Mr. Speaker, Sir, I am saying that the answer was given by the Co-operative Bank of Kenya, which is one of the culprits in the conspiracy to take away money from our people. Could the Assistant Minister confirm to us whether the six co-operative societies actually applied for the loans? The money was used to buy the shares of the Co-operative Bank of Kenya.

Mr. Kenneth: Mr. Speaker, Sir, I have actually given Mr. Angwenyi a copy of the letter from the Co-operative Bank of Kenya dated 8th November, 2004, which says that the bank has not given any loans to these societies. I do not know on what other ground I can assume the bank has given loans to the co-operative societies when it has denied it.

Mr. Speaker: Very well. Mr. Angwenyi, ask the last question!

Mr. Angwenyi: Mr. Speaker, Sir---

*(Mr. Mwanicha stood up in his place
and Mr. Angwenyi sat down)*

Mr. Speaker: Mr. Angwenyi, why have you sat down?

(Laughter)

Mr. Angwenyi: Mr. Speaker, Sir, this Question touches on the three Gusii districts and I will implore upon you to give it more time.

Mr. Speaker: Just ask your question and I will see whether there is any other hon. Member who is interested.

Mr. Angwenyi: Thank you, Mr. Speaker, Sir. This is a very serious matter. For example, money was paid to Nyaigwa Farmers Co-operative Society, where I am a prominent member. I am the largest producer of coffee in that society. We have never given authority to this society---

Mr. Speaker: Order, Mr. Angwenyi! Could you put a question?

Mr. Angwenyi: Mr. Speaker, Sir, they are stating here that we gave authority for the society to borrow up to Kshs20 million, and yet I know that we have never given such authority. This reply is false. Could the Assistant Minister institute investigation into this affair and give us a full report on the goings on, on the loan applications by these societies?

Mr. Kenneth: Mr. Speaker, Sir, the letter from the Co-operative Bank of Kenya is self-explanatory. It says that these loans were granted from 2002 backwards. The bank goes further to say:-

"The bank is holding duly certified AGM resolutions and mandates from the

respective societies to support the lending."

Mr. Mwancha: Mr. Speaker, Sir. One of the reasons why we supported this Co-operative Societies (Amendment) Bill was because there was rampant mismanagement of the committee's in those societies and that they had overstayed in those societies. When the Minister was giving a vote of thanks, he said that he would call country-wide elections for the societies. Can the Assistant Minister tell us exactly when those elections will be held? **Mr. Kenneth:** I said that the date for the commencement of the Act was actually gazetted on Friday, 5th November, 2004. We are now putting everything in place so as to call nationwide elections for all co-operative societies in the country, and we will do that in due course.

Mr. Speaker: Next Question, Mr. Maalim!

(Several Members stood up in their places)

Order, hon. Members! Order! I want every Member to appreciate the fact that we must give every Question five minutes. Otherwise, we will be on Question Time forever and we will never transact the core business of the House. I think that this Question has been reasonably ventilated. If you are unhappy, please take recourse in Standing Order No.18. I want the House to understand that we should not spend more than five minutes per Question so that we can cover all the Questions in good time.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. The reply which has been given by the Assistant Minister is not correct. For example, there is a society here called Riasuguta Farmers Co-operative Society which the Assistant Minister has said borrowed Kshs1.7 million, but it shows an outstanding amount of Kshs2.6 million. The reason for this discrepancy is because the Assistant Minister is relying on the reply from the Co-operative Bank.

Mr. Speaker: What do you want me to do now?

Mr. Angwenyi: I want you to order the Assistant Minister to investigate and assist our people. They are very poor people!

Mr. Speaker: Would you like to investigate?

(Laughter)

I understand the pain which hon. Angwenyi is undergoing when he says that these are poor people. Would you like to counter-check by ordering an investigation, Mr. Kenneth?

(Applause)

Mr. Kenneth: Mr. Speaker, Sir, the question by hon. Angwenyi was about how much borrowing is there in the Co-operative Bank. I have brought a certified letter from the Co-operative Bank, even if we investigate, these balances will not change. These are the outstanding balances as at 8th November, 2004, and they will not change! We can probably go and order an inquiry into that particular society to find out how they borrowed. But the bank is saying that it is holding a---

Mr. Speaker: Mr. Kenneth, I think the complaint by hon. Angwenyi is that there is no dispute that there was some borrowing, but that this borrowing was done without the consent of the members of those societies. This is what he wants you to find out. Was there consent or not?

Mr. Kenneth: It will be very easy to do that. The bank said that it is holding duly certified Annual General Meeting's resolution and mandates from the respective societies to support the lending. Regarding the particular society that he has named, I can ask the Co-operative Bank to give

me the documents and I will pass them over to him.

Mr. Speaker: Very well, you can table them next week on Wednesday!

Mr. Kenneth: Thank you, Mr. Speaker, Sir.

Mr. Speaker: Next Question, Mr. H.M. Mohamed!

KILLING OF WATCHMEN IN GARISSA TOWN

Mr. H.M. Mohamed: Mr. Speaker, Sir, I beg to ask the Minister, Office of the President, the following Question by Private Notice.

(a) Is the Minister aware that a gang of six criminals has killed six watchmen in Garissa Town in the past three months?

(b) What action has the Government taken to protect the people of the town?

(c) How many people have been arrested in connection with the crime?

The Assistant Minister, Office of the President (Mr. Mungatana): Mr. Speaker, Sir, I beg to reply.

(a) No, I am not aware that six watchmen have been killed in the last three months. However, I am aware that three murder cases involving watchmen have been reported in the last five months in Garissa. The three reported murder cases include that of Mr. Hussein Eashaney on 1st July, 2004; Mr. Muhamed Mohamed Madey Ali on 8th August, 2004, and Mr. Musa Burhan on 2nd November, 2004.

(b) Intensive foot patrols have been enhanced during both the day and at night. Mobile patrols using police "999" have been introduced backed up by "Q" patrol cars placed at strategic points. Manageable beat areas to cover specific areas have been introduced to supplement these efforts.

(c) No suspects have been arrested in connection with the crimes above. We are still appealing to members of the public to volunteer information to the police in order to help in the investigations. However, efforts are being made to avoid the recurrence of similar incidents.

Mr. H.M. Mohamed: I am really disturbed by this answer and the way this Assistant Minister is taking this matter casually. He is talking about foot patrols and vehicle patrols when he knows that these incidents happened only a stone-throw away from the Garissa Police Station and the Provincial Police Headquarters. In fact, some of these watchmen were murdered in houses which are next to my house and that of the District Commissioner. It is three months now and no arrests have been made. What is the Assistant Minister going to do about this matter and to arrest these criminals?

Mr. Mungatana: I have information from my officers on the ground that in respect of the three incidents of murder, we have opened three police files, and once the investigations are complete, we shall be able to carry out the arrests. One of the problems encountered is that the police have complained that they have not been able to get much assistance in terms of volunteer information from members of the public. But we are still continuing and once we have information, we shall do the necessary.

Mr. Abdirahman: The Assistant Minister's response is not satisfying at all as there is no tangible effort that the police have done on this particular case. I happen to go through Garissa most of the times when I am travelling, and the police whom he is talking about who do foot patrols are very much committed in asking people for their identity cards much more than pursuing this type of criminals. I want to know one thing from the Assistant Minister; what particular steps--- Ordinarily, I happen to realize that they just pick people and call them "suspects". Where are those very people you used to round up? Have you even tried to pick those ones in your efforts to arrest the criminals?

Can you tell us of any tangible thing that the police officers, including the Criminal Investigation Department officers and all the security arm have done in that town for the last four or five months?

Mr. Mungatana: Mr. Speaker, Sir, I want to agree with the hon. Member that we carried out a general swoop. The people who were arrested and interrogated did not give any useful information. It is for this reason that we have opened files to carry out further investigations. Once we have incriminating evidence, we shall arrest the suspects. That is the much we have done so far.

Dr. Godana: Mr. Speaker, Sir, the hon. Member asked whether the Government has resorted to picking up people randomly, like they have done in the past. The Assistant Minister says they have actually done a swoop, which means he is admitting that, as a matter of policy, they just pick up people at random. Could he tell us whether that is the policy of this Government; that when a crime is committed, they pick people randomly, and say, let us catch 22, and pick up 22 people for the sake of it?

Mr. Mungatana: Mr. Speaker, Sir, with due respect to the Deputy Leader of Official Opposition, when a crime is reported at the police station having been committed by an unknown number of people, everybody becomes a suspect within the vicinity. The normal questioning is then done. Once it is established that the people who were arrested within the vicinity of the area of the crime have not been implicated, then they are released. That is the procedure.

Mr. H.M. Mohamed: Mr. Speaker, Sir, the Assistant Minister says they are not getting assistance from the people. I wonder what kind of assistance he is talking about. People have been killed. The relatives of those people and their employers--- I am talking about six people. I am the area Member of Parliament, and I know. What is the Government going to do? They are going round arresting everybody, including the Member of Parliament? Are the police not trained to identify suspects? I thought police officers have been trained adequately, and they know what they are doing! Is there a deliberate policy to make sure that the people of Garissa are killed?

Mr. Mungatana: Mr. Speaker, Sir, there is no deliberate policy to kill the people of Garissa. All I am saying is that once the reports were made that people had lost their lives, it was alarming. The first action the police would do is, when they visit the scene of crime, they would ask the people nearby to help in investigations. We have opened three files on the matters that were reported and we are trying our best. So far, we have not managed to succeed, but the matters are pending. Criminal cases do not have a time limit. We will follow them until they are arrested.

GOVERNMENT POSITION ON
ALTERNATIVE PRESS

(Mr. Muiruri) to ask the Minister for Information and Communications:-

(a) Is the Minister aware that certain publications especially, Confidential, Independent, Patriot, Sun and Citizen are maligning innocent people, breaking families and engaging in money extortion through reckless journalism?

(b) What is the Government's position on irresponsible press and what measures has he put in place to stop these scandalous publications?

Mr. Speaker: Is Mr. Muiruri still not here? His Question is deferred. Next Question, Mr. Muriungi!

(Question deferred)

POWER RATIONING IN MAUA MUNICIPALITY

Mr. Muriungi: Mr. Speaker, Sir, I beg to ask the Minister for Energy the following

Question by Private Notice.

(a) Is the Minister aware that there is power rationing in Maua Municipality and its environs every Monday?

(b) What steps is he taking to end the power cuts?

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Speaker, Sir, before I reply, I wish to apologise for coming late. This is the first time I am late, and it is because I did not know that we would start with Questions by Private Notice.

Mr. Speaker: Indeed, you are right, Mr. Kiunjuri, and I am not condemning you. In fact, the House is aware and we said we would give you our indulgence because you did not expect that. So, you are right. Proceed!

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

(a) I am aware of power interruptions to facilitate maintenance, but not rationing. Maua Municipality and its environs are served from the 33KV line, which extends from Nanyuki 133KV step-down sub-station, via Meru, a distance of approximately, 130 kilometres. For a line this long, and with no alternative supplies, coupled with poor maintenance in the past, and neglected infrastructure, regular preventive maintenance has been adopted to avoid long power blackouts, which otherwise, would be inevitable.

For the Meru-Maua line, the Kenya Power and Lighting Company (KPLC) conducts regular maintenance on alternative Mondays, and this is also planned to coincide with the Kenya Tea Development Authority (KTDA) Kiegoi Tea Factory routine maintenance.

(b) It is hoped that these outages will be reduced from the current once every two weeks to once a month, once the on-going maintenance programme is completed. In addition, KPLC, with the assistance of the Ministry of Education, Science and Technology, and the Ministry of Finance, is negotiating a soft loan from a development partner for reinforcement of the power system in the area, which will sharply reduce maintenance to a few times per annum.

Mr. Muriungi: Mr. Speaker, Sir, while I thank the Assistant Minister for the answer, if the two times a week which he has spoken of could be the official position, but power outages in Maua Municipality and its environs occur nearly daily. It is even worse than when there was rationing in 1998/99. Since the Assistant Minister says the problem is caused by the long line from Nanyuki to Maua, and that there is no step-down sub-station anywhere in the district, could he tell us when a step-down sub-station will be constructed in Maua so that it can serve Maua and the rest of the district?

Mr. Kiunjuri: Mr. Speaker, Sir, you appreciate that I have been very frank to the House, that there have been neglect issues. The line had been neglected for a long time and the KPLC is now maintaining this line in its restructuring programme.

However, I would not like to lie to the Member on this issue, because it involves costs. I can either report back to this House on any developments, or I can ask the Member to see me later in the office to monitor the progress.

Mr. Munya: Mr. Speaker, Sir, this is the only power line serving the entire district. I am surprised that the KPLC decided to neglect it, as the Assistant Minister has just admitted. The Assistant Minister has not given a concrete answer on the amount of money and the steps the Ministry will take within a specific period to reinforce this line. Could he come clean and give us specific promises on how this line will be reinforced, otherwise our farmers, especially in the tea factories will continue losing their tea because power is interrupted every Monday?

Mr. Kiunjuri: Mr. Speaker, Sir, on upgrading, I was very clear. The Ministry of Energy, in conjunction with the Ministry of Finance, is negotiating with donors.

About step-down stations, this is the one that I am non-committal on, because we have to look at cost implications.

However, I sympathise with the area Members of Parliament. But they definitely know who neglected the line; it is not this Government. Now that we are in a "Government of national unity" there is no use of blaming each other. We are going to do it. We shall correct the wrongs done.

Mr. Bahari: Mr. Speaker, Sir, it is quite clear that this preventive maintenance was planned. Could the Assistant Minister inform the House whether they have issued a public notice, prior to implementing this, so that the consumers are able to organise their activities accordingly?

An hon. Member: *Hajui hiyo!*

Mr. Kiunjuri: Mr. Speaker, Sir, that one is very clear. The members of public are aware, because I said this is routine maintenance that is done twice every month. So, they are aware of that. On the other outages, we are now trying to minimise them.

Mr. Muriungi: Mr. Speaker, Sir, as long as we get electricity supply from unreliable sources, these shortages will continue being experienced all over the country. What are the Government plans to install atomic energy like in other countries so that we have an assured source of power throughout the country?

Mr. Kiunjuri: Mr. Speaker, Sir, that is a budgetary issue. It could only be discussed in this House and it should only come from the Ministry of Finance.

Mr. Speaker: Let us move on to the ordinary Questions.

Mr. Kimeto!

ORAL ANSWERS TO QUESTIONS

Question No.831

DEATH GRATUITY FOR THE LATE PHILIP BORE'S WIDOW

Mr. Kimeto asked the Minister for Information and Communications:-

- (a) whether he is aware that Philip Bore P/No72966 died on 19th June, 1996;
- (b) whether he is further aware that Pricilla Chemetet Bosire, widow of the deceased and her children have not been paid death gratuity or any other benefits; and,
- (c) when this payment will be made.

Mr. Speaker: Is the Minister for Information and Communications here? Let us move on to the next Question.

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

Mr. Speaker: Mr. Kimeto, I will come back to the Question later on. The Minister is not here.

Question No.704

DISAPPEARANCE OF CPL. BENSON CHERIYOT

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

- (a) if he is aware that a police officer No.38938, Cpl. Benson Cheruyiot who was working at Namanga Police Station went mission in 2002, and has not been seen since; and,

(b) what the Government is doing to trace the missing officer.

The Assistant Minister, Office of the President (Mr. Mungatana): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that a police officer No.38938, Cpl. Benson Cheruiyot who was stationed at Isinya Police Station, Kitengela Police Post went missing since 23rd February, 2003 when he was released to proceed on his annual leave.

(b) A signal circulating the officer as "wanted" was addressed to all stations vide Isinya Signal Ref.B/EST/1/14/36 of 5th May, 2003. An inquiry file No.3/2003 was also opened at Isinya Police Station. Up to now, his whereabouts are still unknown.

Mr. Too: Mr. Speaker, Sir, you have heard the Assistant Minister say that an inquiry file has been opened. Opening an inquiry file alone is not enough effort to search for the officer. Could the Assistant Minister tell this House exactly what the Government has done to make sure that this officer is either traced dead or alive?

Mr. Mungatana: Mr. Speaker, Sir, when Corporal Cheruiyot went on his annual leave on 23rd February, 2003, we were expecting him back to the station on 7th April, 2003. After 21 days, he failed to turn up and we declared him a deserter. We went looking for him in his home town. On 17th April, 2003, his brothers reported that he was not seen even at home. We then sent a signal circulating to all the stations around the country reporting this officer as wanted. We did not get any response as Government. We, therefore, on 23rd May, 2003, issued a warrant of arrest in keeping with our normal procedures. All efforts have been made; we have involved all police stations.

The only clue we have found so far is in Eldoret Police Station. It was reported that his certificate of appointment to the force was found. As a result of that piece of information, we intensified our efforts to locate him around Eldoret. However, so far, we have not been able trace him. We still are looking out for him.

Dr. Godana: Mr. Speaker, Sir, something is wrong with this Assistant Minister; everything seems to be wrong! This is a matter of life and death and he is treating it like a case of a criminal they are looking for. By now they should have clear reports on exactly how the investigations were done, and where they reached. If the officer left Namanga Police Station on a particular day, that would be the place to begin, not Eldoret where his certificate was found. Where exactly did they trace his movements to from Namanga?

Mr. Mungatana: Mr. Speaker, Sir, let me assure the hon. Member that there is nothing wrong with me. We mobilised the whole country, not just Namanga and Isinya police stations. With all the police stations around, the only clue that we have so far found is his certificates. If Dr. Godana was paying attention, the certificate was found in Eldoret Town and we have intensified our search around the town and within its precincts. So far, we have not found this officer.

Mr. Mwanicha: Mr. Speaker, Sir, listening to this Assistant Minister you get the impression that the Government is hiding information that they have regarding this person. When an Assistant Minister tells us that they found a certificate in Eldoret, was it in a bar or where was it? Could he, please, tell the House where they found it?

Mr. Mungatana: Mr. Speaker, Sir, we are not hiding anything. This is our officer and we are the ones suffering the loss. I would like to assure this House that this certificate was found in town within a residential area.

Mr. Sambu: Mr. Speaker, Sir, the Assistant Minister is not being sincere. Which residential estate was this? Mobilising the whole nation includes putting a notice of the lost person in all the daily newspapers. Has the Government done that so that Kenyans could come in with information?

Mr. Mungatana: Mr. Speaker, Sir, as of today, we have circulated his information within all police stations.

Mr. Speaker: Mr. Mungatana, he is asking a very simple question: Have you put the notice in the newspapers, so that any ordinary Kenyan can assist in the search?

Mr. Mungatana: Mr. Speaker, Sir, we have not put in the newspapers, but in the police stations.

Mr. Speaker: Last question, Mr. Too. We must make progress now!

Mr. Too: Mr. Speaker, Sir, this Government is not serious. Right from the word go, they treated this officer as a criminal; they sent a signal circulating him as a wanted person, which connotes that the officer is a criminal. They even went further to obtain a warrant of arrest. Could the Assistant Minister tell us if they are still treating him as a criminal or a missing person?

Mr. Mungatana: Mr. Speaker, Sir, the hon. Member would even be better placed to know the procedure. However, I will, for the benefit of this House, explain this procedure. If an officer is away from a station and 21 days have elapsed, according to the rules, he is treated as a deserter. The necessary procedures are then set in motion, including opening of a file in a court of law where a warrant of arrest is issued. He is not being treated as a criminal. The only thing they are doing is following the law, which we passed in this House.

Mr. Speaker: Very well!

Next Question, Mr. Bahari!

Question No.763

RETURNING OF MONEY TO TREASURY
BY GOVERNMENT DEPARTMENTS

Mr. Bahari asked the Minister for Finance:-

(a) how much money was returned to the Treasury by various Government departments in the Fiscal Year 2003/2004;

(b) what reasons were given for not utilizing these funds; and,

(c) what measures the Ministry has put in place to ensure that such funds are utilized efficiently and effectively in future.

Mr. Speaker: Mr. Bahari, it seems the Minister for Finance is not in the House.

Mr. Bahari: Mr. Speaker, Sir, I have a written answer here. Probably, the Leader of Government business could read it out.

Mr. Speaker: Mr. Bahari, do you want a reply or you want the reading?

Mr. Bahari: Mr. Speaker, Sir, the answer will be by way of a reading!

Mr. Speaker: Mr. Bahari, let us see if we will get the Minister.

Question No.812

COMPLETION OF MUKURWEINI
-GAKONYA ROAD

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

(a) if he is aware that Aegis Construction Company that was contracted to marrum Mukurweini-Gakonya Road did not complete its work and that the completed parts are already in a dilapidated state;

(b) if he is further aware that the contractor did not pay Mweru Primary School a

sum of Kshs115,000 as a balance for murram worth Kshs230,000 excavated from the school compound; and,

(c) what action he is taking to ensure that this company completes the work and pays this money to the school.

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

(a) I am not aware that Aegis Construction Company that was contracted to murram Mukuruwe-ini-Gakonya Road did not complete its work and that the completed parts are already in a dilapidated state.

(b) I am not aware that the contractor did not pay Mweru Primary School a sum of Kshs115,000 being a balance for murram worth Kshs230,000 excavated from the school compound.

(c) I am not taking any action since the contractor has completed all the work as per the contract. Routine maintenance of the road will be done by Nyeri District Roads Engineer. My Ministry was not involved in the arrangements for excavation of murram, which was between the contractor and Mweru Primary School. I, therefore, advise that the school pursues the matter with the contractor. My Ministry was not party to the agreement.

Mr. Kagwe: Mr. Speaker, Sir, I do not know whether this is against the Standing Orders or not, but I am tempted to ask the Assistant Minister what he is aware of, because he is certainly not aware of many issues. Having said that, since the Assistant Minister is my friend, I will desist from saying that he does not know anything.

(Laughter)

It is a fact that Aegis Construction Company constructed this road. It is also a fact that work on the road is not complete. The company did not pay any money to the school. Could we give the Assistant Minister time to go and find out whether the road was constructed or not, and report back to this House?

Eng. Toro: Mr. Speaker, Sir, I am not aware of what Mr. Kagwe is aware of. However, I am aware of what I am aware of.

Mr. Speaker: Quite some friends we have!

(Laughter)

Eng. Toro: Mr. Speaker, Sir, the sequence of events for this contract is as follows. First, the project was under the *El Nino* Emergency Project Unit, under the Office of the President. After completion of work on the road, inspection was carried out by the Project Management Unit, Office of the President, the consultant firm, which was commissioned by the Office of the President and the Ministry of Roads and Public Works. The inspection team was satisfied that the works were carried out, and agreed that a certificate of completion be issued. This was done, and the project was then put under the mandatory defects liability period of 12 months, starting from October, 2002 to 31st September, 2003. During this time, the construction company carried out repairs of defective work for 12 months. Once this work was completed, the team from the Project Management Unit, Office of the President, the Consultant and the Ministry of Roads and Public Works went back for verification. The contractor was issued with an "end of defects liability period certificate", which meant that the contractor was no longer under any obligation to repair the road. Therefore, we cannot call the contractor to go back on site, because he was absolved from all liabilities.

Mr. Gachagua: Mr. Speaker, Sir, I am surprised that the Assistant Minister said that he is

not aware of issues concerning the road. However, he went on to say all sorts of things about the road. I am the Chairman of the District Roads Committee (DRC), Nyeri. I am aware of the state of the road. The reason why the Assistant Minister is not aware of the state of the road is because the District Roads Engineer (DRE) simply issued a certificate without going to the site to inspect the work done on the road. That is why the Assistant Minister is not aware of its state. Could he consider involving the local community in checking conditions of roads?