

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 21st July, 2004

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### ORAL ANSWERS TO QUESTIONS

**Mr. Deputy Speaker:** Hon. Members, we will start with Ordinary Questions. Question by Mr. Sasura!

*Question No.514*

NUMBER OF PSS ABOVE  
MANDATORY RETIREMENT AGE

Mr. Sasura is not here? We will go to the next Question by Mr. Ojaamong!

*Question No.766*

NUMBER OF TESO DISTRICT  
RESIDENTS IN PRISONS

He is also not here? Next Question, Mr. Wamunyinyi!

*Question No.351*

GOVERNMENT GUARANTEES  
TO ORGANISATIONS/  
STATE CORPORATIONS

**Mr. Wamunyinyi** asked the Minister for Finance:-

- (a) what the extent of Government liabilities is arising from the guarantees provided to various organisations including State corporations; and,
- (b) what steps the Government is taking to institute sufficient controls to avoid loss of public funds through guarantees.

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

(a) The extent of Government liabilities arising from the guarantees provided to various organisations including State corporations as at 30th June, 2003 amounted to Kshs3,323,145,864.11.

(b) Steps that the Government is taking to institute sufficient controls to avoid loss of public funds through guarantees include the following: When the organisation is seeking for a guarantee, the proposed financial loan terms are analyzed to ensure that they conform to Government borrowing policy and the corporation has the capacity to service the said loan without straining the Exchequer.

The second measure is that before any guarantee is issued, a thorough analysis of the State corporation's balance sheet is evaluated and a Cabinet memoranda is prepared for debate in Parliament before the guarantee is issued.

The other measure is that whenever the Government pays on behalf of any organisation; when a guarantee is called, the Treasury ensures that the amounts are reimbursed.

Finally, State corporations that have a bad record in meeting their debt service obligations are not given additional guarantee. To that extent, so far, since this new Government came into power, we have guaranteed the KenGen loan to Sondu Miriu II. As for the application to Government guarantee by the Tana and Athi Rivers Development Authority (TARDA), the request was turned down due to TARDA's default in repayment of the previous loans guaranteed.

**Mr. Wamunyinyi:** Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for the elaborate answer. However, he has referred to the External Loans Act which provides that Parliament must be given information on public debt. The Government's guarantee automatically commits public funds and it, therefore, becomes a public debt. Could the Assistant Minister tell the House how many of those institutions that were guaranteed have defaulted in the repayments and, therefore, forcing the Government to pump in money or repay the debts?

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, it is true that when we guarantee parastatals we commit public funds. That is why I said that from now on, Treasury is going to evaluate this. As far as defaults are concerned, there are very few parastatals that have defaulted. However, the obvious ones are those ones that the Government guaranteed to the National Bank of Kenya (NBK) in respect of purchase of vehicles for civil servants. I have the list here and if the hon. Member wants, I can table it. It is a long list!

**Mr. Deputy Speaker:** Last question Mr. Wamunyinyi!

**Mr. Wamunyinyi:** Mr. Deputy Speaker, Sir, before such guarantees are provided by the Government, Parliament is supposed to be informed in accordance with the provisions of the same Act, Section 5 of Cap. 422 which says:

"As soon as practicable after a loan has been arranged or credit obtained under this Act, the Minister shall lay before the National Assembly the report on the transaction specifying parties and circumstances giving rise to the transaction and amount and value of the transaction."

Why has the Government not provided to Parliament all this information? Could the Assistant Minister tell the House why this information has not been provided to Parliament?

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, right now, we are doing an exercise to find out which parastatals were guaranteed by the Government without Sessional Papers being tabled in this House. We will formalise that in due course.

*Question No.693*

REGISTRATION OF ST. MARY'S  
MBARANGA SECONDARY SCHOOL

**Mr. Munya** asked the Minister for Education, Science and Technology:-

- (a) whether he is aware of the existence of St. Mary's Mbaranga Secondary School;
- (b) whether he is further aware that the school applied for registration by the Ministry a year ago; and,
- (c) why the Ministry has persistently refused to register this school.

**The Assistant Minister for Education, Science and Technology** (Dr. Mwiria): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware of the existence of St. Mary's Mbaranga Secondary School.

(b) I am further aware that the chairman of St. Mary's Mbaranga Secondary School applied for the registration of the school on 4th July, 2001.

(c) The Ministry has not refused to register the school as alleged. The school was, indeed, registered on 28th May, 2003, as a private school.

**Mr. Munya:** Mr. Deputy Speaker, Sir, I have been following up this matter personally for the registration of this school as a public school. The parents want it to be a public school so that they can benefit from teachers from the Teachers Service Commission (TSC). All my efforts have failed. I would like the Assistant Minister to assure me that the school will be registered as a public school and give me a time-frame within which the Ministry will do so. The students of St. Mary's Mbaranga Secondary School have a right to have teachers from the TSC.

**An hon. Member:** But it is a private school!

**Mr. Munya:** Mr. Deputy Speaker, Sir, you have not got my question. Therefore, shut up!

**Mr. Deputy Speaker:** Order! Order! Mr. Munya, could you let the Assistant Minister answer the question you have put to him? Hon. Members, could you refrain from exchanging words across the Floor? It is completely out of order. Direct all your grievances to the Chair.

Mr. Assistant Minister!

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, I understand Mr. Munya's concern. The problem is that although the Board of Governors approved that the status of St. Mary's Mbaranga Secondary School changes from private to public, relevant documentation, including the District Education Board (DEB) minutes for intended purposes or change of status, the required Kshs1,000 registration fees and fresh application forms for the change of status, have not been received. Mr. Munya being my neighbour and given that the school will also benefit my constituents and other people from Meru North, we have no problem getting it registered. I agree that he has been following up this matter personally except that certain documents had not been received by the Ministry.

**Mr. Munya:** Mr. Deputy Speaker, Sir, I thank the Assistant Minister for being candid on this matter and offering to follow-up the registration of the school. Once a party forwards an application, it is the business of the experts in the Ministry to inform them that they have not received certain documents. It is not for them to wait for one year or five months before they tell you so. I think the Ministry requires a complete overhaul, because its mandarins at Jogoo House "A" are not working.

**Mr. Deputy Speaker:** So, what is your question, Mr. Munya? You seem to have made a statement.

**Mr. Munya:** Mr. Deputy Speaker, Sir, could the Assistant Minister guarantee this House that as soon as the documents are availed to the Ministry, which I will ensure that they are sent there within a week, within another one week, the school will be registered?

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, it is not fair for the hon. Member to give me a limit of one week. First, I agree with him absolutely that it is ridiculous that if you apply for registration of a school, it takes longer than the time it takes for a Non-Government Organisation (NGO) to be registered. Obviously, there are problems with our bureaucracy. It is also up to the hon. Member and the people concerned to ensure that the Ministry receives the relevant documents. While we

take some responsibility for the delay in registering the school, the large responsibility lies with the hon. Member and the school's Board of Governors for not providing the right application forms and the application fees. However, that having been said, we will be quite happy to follow-up the matter and see that the school is registered; only that I cannot assure the House that, that will be done within a week.

*Question No.670*

PROCUREMENT OF GRADER BY  
NYANDO COUNTY COUNCIL

**Eng. Nyamunga** asked the Minister for Local Government:-

- (a) whether he is aware that Nyando County Council has bought a second-hand grader using sugar cane cess funds;
- (b) when the tenders were advertised in accordance with the laid down procurement procedures; and,
- (c) which Government department helped the council with the specifications used for the tenders and which department made the tender evaluation.

**Mr. Deputy Speaker:** Anybody here from the Ministry of Local Government? We will come back to the Question.

Next Question, Mr. Omingo!

*Question No.502*

EQUIPMENT/BUILDINGS FOR YOUTH  
POLYTECHNICS IN SOUTH MUGIRANGO

**Mr. Omingo** asked the Minister for Labour and Human Resource Development:-

- (a) whether he is aware that Nyansembe, Gotichaki and Nyanchange Youth Polytechnics are not fully operational due to lack of equipment and buildings; and,
- (b) what he is doing to ensure that the polytechnics are fully operational.

**The Minister for Labour and Human Resource Development** (Dr. Kulundu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Nyansembe, Gotichaki and Nyanchange Youth Polytechnics are not fully operational mainly due to lack of proper management of resources by the management committees.

(b) As hon. Members know, the responsibility of building, equipping, staffing, managing and maintaining youth polytechnics is vested in the local communities. My Ministry provides grants to augment salaries on request by the various management committees.

**Mr. Omingo:** Mr. Deputy Speaker, Sir, the Minister knows that many of our youths countrywide do not proceed to secondary schools on completion of Standard Eight due to poverty. What is the Ministry's deliberate policy towards rehabilitation of the said polytechnics with a view to absorbing the youths who have dropped out of school and creating the jobs that the NARC Government promised Kenyans?

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, the Ministry's policy is to assist in the running of youth polytechnics countrywide. In 1999, there were 800 youth polytechnics. However, by November, 2003, the number had dropped to 326. So, my Ministry's policy is to assist in the

running of youth polytechnics put up by local communities.

**Mr. Owino:** Mr. Deputy Speaker, Sir, youth polytechnics countrywide are faced with problems, because they have been left to be run by poor Kenyans. Does the Minister know that the people who have been mandated to run youth polytechnics are so poor that they cannot discharge that responsibility? What plans does he have to ensure that youth polytechnics are run effectively?

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, that is a fair question. It is disturbing that, for the last 36 years, the Government has not had a policy of building and running youth polytechnics. I have formed a committee to look into the running of youth polytechnics. A Sessional Paper on youth polytechnics will be brought to this House pretty soon. We cannot bring that Sessional Paper this year, because there is already so much business to be disposed of this year. I hope that hon. Members will support that Sessional Paper.

**Mr. Bifwoli:** Mr. Deputy Speaker, Sir, I wonder whether this Ministry has attached any value to youth polytechnics or vocational training. If the Minister attaches any value to this type of education, what plans does he have for youth polytechnics? He does not need to set up a committee to look into youth polytechnics. I am sure he knows the problems facing youth polytechnics. What is the Ministry's plan to revive youth polytechnics or vocational training in this country?

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, the involvement of committee members is meant to augment what is known by the Minister. It is not true that the Government does not attach any importance to vocational training. We attach so much importance to vocational training that we have formed a committee of the various stakeholders to come up with a policy framework paper for the Ministry.

**Ms. Mbarire:** Mr. Deputy Speaker, Sir, it pains me very much because this Government does not seem to realise that the youth of Kenya have no future. It pains me even further, when youth issues keep being postponed. You have heard the Minister say that these six months are too crowded and we will discuss the Policy Paper sometimes next year. Does the Minister realise that there are very many unemployed young Kenyans who cannot be employed in any office and that your Ministry has a moral authority to impart skills to ensure these young people are self-employed? Secondly, could he tell us when he is going to bring that Policy Paper this year?

*(Applause)*

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, the formation of the task force and its recommendations and the formulation of policy will definitely take more than six months. For example, the task force will be in place at the end of this month and it has been given three months to come up with its recommendations and we shall study them and come up with a policy. So, it will not take less than six months, much as unemployment is a big problem. In fact, we were elected as the NARC Government on the promise that we shall provide 500,000 jobs per year to the youth of this country. We think youth polytechnics have the potential to provide part of the 500,000 jobs that we promised the youths.

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

**Mr Deputy Speaker:** Order, hon. Mbarire! Let us move on. Let us give others a chance. Mr. Kombe!

**Mr. Kombe:** Mr. Deputy Speaker, Sir, you have heard the Minister say that the Ministry provides grants to youth polytechnics. Could he inform this House how much money the Ministry gives to each and every youth polytechnic in this country?

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, it is impossible to say how much each polytechnic receives because every polytechnic has got different numbers of instructors. However, countrywide,

the Ministry has set aside Kshs65 million for assistance to youth polytechnics.

**Mr. Deputy Speaker:** Could I be reminded who the Shadow Minister for Labour and Human Resource Development is?

**Hon. Members:** We do not have one! He defected to the Government!

*(Laughter)*

**Mr. Ngoyoni:** Mr. Deputy Speaker, Sir, arising from the casual answer the Minister has given us, and bearing in mind that youth polytechnics are in the wrong Ministry, what plans does his Ministry or the Government have to transfer the youth polytechnics to the right Ministry which is the Ministry of Education, Science and Technology?

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, part of that question will be answered by the task force that I have put in place and it will be premature at this time to say that youth polytechnics will be transferred to the Ministry of Education, Science and Technology. However, let me assure him that the Ministry of Labour and Human Resource Development is very well equipped to run the youth polytechnics.

**Mr. Omingo:** Mr. Deputy Speaker, Sir, having heard the interest this Question has generated in this House and that the Ministry has set aside Kshs65 million only to assist the 326 youth polytechnics in this country, could the Minister now tell this House and the people of South Mugirango Constituency how much of this Kshs65 million will go to Nyansembe, Gotichaki and Nyanchenge youth polytechnics? Secondly, could he inform the House how much he is paying the instructors in these youth polytechnics who are demoralised?

**Dr. Kulundu:** We asked for more than Kshs65 million but we were given only Kshs65 million for this particular financial year. Yes, the people of South Mugirango will get the following amounts in this financial year. One, Gotichaki Youth Polytechnic will receive Kshs386,700 and it is towards payment of salaries of the instructors. Secondly, Nyanchenge Youth Polytechnic will receive Kshs182,640. The third polytechnic does not have students but should there be students this year and there is a request from the management committee for the same, the Minister will be willing to consider it.

**Mr. Deputy Speaker:** Next Question by Mr. Ndambuki!

*Question No.488*

LACK OF FUNDS AT MACHAKOS  
AFC BRANCH

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, this Question is not the correct one. This Question was answered a long time ago but the Question which should have come today is the one dealing with Kithangathini Co-operative Society which was also answered but the Minister was supposed to bring a report as to how much money his committee has recommended to be written off for Kithangathini Co-operative Society.

**Mr. Deputy Speaker:** Mr. Ndambuki, in view of what you have just said, I think it is good to ask the Clerk to make sure that the correct Question appears on the Order paper tomorrow, which is the one on Kithangathini Co-operative Society because we cannot discuss the Kithangathini one when in fact, there is a different Question on the Order Paper. So, Mr. Clerk, make sure that you have the right Question for Mr. Ndambuki tomorrow.

**The Assistant Minister for Co-operative Development and Marketing (Mr. Kenneth):**

On a point of order, Mr. Deputy Speaker, Sir. I just wanted to add my voice to what hon. Ndambuki has said. Actually, what the Speaker had ruled was that we table the Inter-Ministerial Task Force Report

**Mr. Deputy Speaker:** Yes, but be that as it may, there is already a Question on the Order Paper which we cannot deal with. Therefore, I have no basis of dealing with that one. Let it come tomorrow. Mr. Sasura, for the Second Time!

*(Question withdrawn)*

**Mr. Sasura:** Mr. Deputy Speaker, Sir, I apologise for coming late. However, I beg to ask Question No.514.

*Question No.514*

NUMBER OF PSS ABOVE  
MANDATORY RETIREMENT AGE

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

- (a) how many Permanent Secretaries currently serving in the Government are above the mandatory retirement age and who they are; and,
- (b) whether he could justify the retention of the officers in the Civil Service.

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

(a) According to the records maintained by the Government, six Permanent Secretaries are above the mandatory retirement age of 55 years.

(b) The appointment of Permanent Secretaries is the constitutional prerogative of His Excellency the President, in accordance with the provisions of the Constitution of Kenya, Chapter VIII, Section 111(1).

**Mr. Sasura:** Mr. Deputy Speaker, Sir, the Assistant Minister, in his maiden answer, has not given me the names of the people I asked for. However, that is not my main question. According to the Constitution of Kenya, Chapter VIII, Section 111(1), it is true that it is the prerogative of the President to appoint Permanent Secretaries. However, is the Assistant Minister satisfied that we are retaining old tired men in the Civil Service when according to the Public Service Act, there is a mandatory retirement age? Secondly, even if the President has the prerogative, are you satisfied that our youth who are educated and capable of holding these posts are languishing in poverty because of unemployment when these old men are in office?

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. Although, Mr. Sasura referred to "how many" when he asked his question, part "a" of the Question asks: "and who are they?" That is a valid question before the House. It has nothing to do with this matter of preferences. So, could the Assistant Minister answer the Question pertaining to "how many" and "who are they?"

*(Applause)*

**Mr. Deputy Speaker:** Order! Mr. Shitanda, the Question is very clear to me; how many and who are they? If you are unable to answer that question, please, tell the House. However, since the Question is rightly before the House, could you address it?

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, there are six Permanent Secretaries who have passed the mandatory retirement age. These are Amb. Francis Muthaura, 58 years old; Mr. Simon

Peter Njau, 56 years old; Prof. Karega Mutahi, 62 years old; Mr. Patrick M. Nyoike, 57 years old; Mr. Sammy Kyungu, 56 years old, and Mr. Gerishon Ikiara who is 56 years old.

Mr. Sasura wants to know whether we are satisfied that these people should still be in the service. According to our answer, the Constitution of Kenya empowers the President to appoint Permanent Secretaries. While I agree with him that the Public Service Act places the retirement age at 55 years, the Constitution of Kenya is superior to any other law. So, the President is within his right to appoint anybody as a Permanent Secretary irrespective of any other law.

**Ms. Mwau:** Mr. Deputy Speaker, Sir, all the Permanent Secretaries mentioned are all old men. Where are the old women? Do we not have women in this country that can serve as Permanent Secretaries?

*(Laughter)*

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, that is an entirely different Question. Maybe, the old women are at home.

**Maj. Madoka:** Mr. Deputy Speaker, Sir, could the Assistant Minister tell us, among these Permanent Secretaries who are on contract, how long are their contracts and whether they are on their continuous service?

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, the Question did not ask about the terms of service of these Permanent Secretaries. However, if the House is interested in knowing the terms on which they are serving, it could give us more time and we will provide the information.

**Mr. Mwenje:** Mr. Deputy Speaker, Sir, first of all, I am surprised that the Assistant Minister answering this Question was the Questioner of the same Question sometimes back when he was a Back-bencher. I am surprised that he has changed right now. That is very unfair. However, even prerogative powers are supposed to be exercised judiciously. Permanent Secretaries are civil servants. Therefore, they are not supposed to be retained, unless there is an exceptional reason as to why they should be retained. We are not convinced. Could he tell this House, what is it that is so special about them that they must be retained at this particular time when we have so many people looking for jobs, and particularly, those jobs?

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, you will agree with me that these Permanent Secretaries are people of impeccable credentials. Their retention in the Civil Service is because of their long experience in the service. As you know, the NARC Government came to power two-and-a-half years ago. Therefore, the experience of these people in the Civil Service was necessary when we were going through the transition period.

**Maj-Gen. Nkaiserry:** Mr. Deputy Speaker, Sir, this Government came to power on the platform of eliminating corruption. Nepotism is a part of corruption. The names on the list of the Permanent Secretaries above the retirement age, suggest that they seem to come from the President's community. That means it is part of propagation of corruption. Could the Assistant Minister tell this House why those people from one community, in particular, are being retained in Civil Service beyond retirement age?

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, first of all, these are Kenyans. Secondly, all these Permanent Secretaries do not come from the President's community.

**Mr. Wanjala:** On a point of order, Mr. Deputy Speaker, Sir. This is not the first time this Question is being asked. Last time when it was asked, Eng. Mwongera was named as one of the Permanent Secretaries who are above 55 years old. However, today, his name is missing in this list. So, would I be in order to prevail upon the Chair to ask the Assistant Minister to go back and bring the list of all those civil servants who are beyond 55 years old?



*(Applause)*

**Mr. Deputy Speaker:** Mr. Shitanda, you heard Mr. Wanjala. What do you have to say?

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, this is the list which was provided to me by my officers.

**Mr. Deputy Speaker:** Order, Mr. Shitanda! The hon. Member agrees that this is the list, but he also says that it is incomplete and, therefore, you should be given more time to go and do more research. Is that okay with you?

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

**Mr. Deputy Speaker:** Order! We are on a point of order already. We cannot have two points of order! Could we deal with this one first?

**Mr. Shitanda:** Yes, Mr. Deputy Speaker, Sir. It is okay with me.

**Mr. Deputy Speaker:** Very well. The Assistant Minister has conceded that the answer is not complete. Therefore, the Question is deferred to tomorrow afternoon.

*(Question deferred)*

**Maj. Madoka:** Mr. Deputy Speaker, Sir, the Assistant Minister should also include the terms of service of these Permanent Secretaries and when their contracts will end, if they are on contract.

**Mr. Deputy Speaker:** That is a legitimate question that had been asked earlier. Therefore, Mr. Assistant Minister, you also should include that information also.

**Mr. Mwacha:** On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to request the Chair to ask the Assistant Minister to bring a comprehensive list of all serving civil servants who have attained the retirement age in the entire Public Service?

**Mr. Deputy Speaker:** Order, Mr. Mwacha! This Question is specifically for Permanent Secretaries. It does not cover the Public Service.

Next Question, Mr. Ojaamong!

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

*Question No.766*

NUMBER OF TESO DISTRICT  
RESIDENTS IN PRISONS

**Mr. Ojaamong** asked the Vice-President and Minister for Home Affairs:-

- (a) what the total number of people from Teso District detained in prisons is; and,
- (b) how many people from Teso District are serving under the Community Service Orders Act.

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

(a) By 30th June, 2004, there were a total of 34 convicted prisoners from Teso District, of whom 26 were male and 8 female, detained in prisons around the country.

(b) Currently, there are 95 people from Teso District serving under the Community Service Orders Act.

**Mr. Ojaamong:** Mr. Deputy Speaker, Sir, there are 95 people from Teso District serving

under the Community Service Orders Act. There are those who are in prison currently in Busia and Bungoma, but have not been assigned community service duties. This is because of the absence of a probation officer in Teso and Busia districts. When will the Office of the Vice-President and Ministry of Home Affairs post probation officers to Teso and Busia districts?

**Mr. Too:** Mr. Deputy Speaker, Sir, that will be looked into and a probation officer will be posted there as soon as possible.

**Mr. Abdirahman:** Mr. Deputy Speaker, Sir, we realise that prisoners have been provided with beds, mattresses and even television sets when they live in very dilapidated and poorly ventilated buildings. What is the Office of the Vice-President and Ministry of Home Affairs planning to do to improve the structures which house the convicted criminals and other Kenyans who are in those jails?

**Mr. Too:** Mr. Deputy Speaker, Sir, the Ministry is doing everything possible to ensure that prison structures are improved. Currently, this House is discussing the Vote of the Office of the Vice-President and Ministry of Home Affairs and I am sure something will be done.

**Mr. Bifwoli:** Mr. Deputy Speaker, Sir, many people have been arrested because of preparing and drinking traditional brews, which are not prohibited in this country, for example, *busaa* and *kienyeji*. Why can they not be released unconditionally? Nobody is being arrested for drinking Tusker in this country.

**Mr. Too:** Mr. Deputy Speaker, Sir, my Ministry is not responsible for arresting people. It is responsible for guarding prisoners.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, when the Community Service Orders Act was passed in this House, hon. Members thought that instead of confining prisoners in prisons, they should work to improve roads in their areas. Why are most prisoners confined at the District Officers (DOs) offices, where they sweep and go home without doing much work for the community? This is supposed to be community service.

**Mr. Too:** Mr. Deputy Speaker, Sir, it is not the responsibility of my Ministry to assign community service duties to prisoners.

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

**Mr. Deputy Speaker:** Mr. Assistant Minister, you can see Mr. Wanjala is on his feet. He wants to know whose responsibility it is, if it is not yours. Can you elaborate?

**Mr. Too:** Mr. Deputy Speaker, Sir, it is the responsibility of the Provincial Administration.

**Mr. Sasura:** On a point of order, Mr. Deputy Speaker, Sir. Maybe this Assistant Minister is too new in the Ministry and he does not know what falls under his docket. Is he in order to mislead the House by saying what he has just said? We know that after the ruling of the court, offenders are handed over to the probation officers, who guide them. The Probation Department is under his Ministry.

**Mr. Deputy Speaker:** Mr. Assistant Minister, could you have a go at it again?

**Mr. Too:** Mr. Deputy Speaker, Sir, the Probation Department only supervises those who are put on probation. The community service order is not probation.

**Dr. Ali:** On a point of order, Mr. Deputy Speaker, Sir. The KANU Assistant Minister does not know under whose docket the community service orders fall. Would I be in order to request the Chair to ask him to go and find out in whose docket the Probation Department falls and bring that answer back to the House? This Question should be revisited.

**Mr. Deputy Speaker:** In the public interest, I would like to ask the Assistant Minister to go back and look at the particular aspect of the supervision of people committed under the community service order. Let us just deal with that aspect tomorrow.

**The Assistant Minister, Office of the President (Dr. Machage):** On a point of order, Mr.

Deputy Speaker, Sir. Is Mr. Sasura in order to refer to a Government Assistant Minister as a KANU Assistant Minister?

**Mr. Deputy Speaker:** Order! The Chair has nothing to do with party matters. When we are here, we belong to the House. When you go out, you can talk that language.

*Question No.670*

PROCUREMENT OF GRADER  
BY NYANDO COUNTY COUNCIL

**Eng. Nyamunga** asked the Minister for Local Government:-

- (a) whether he is aware that Nyando County Council has bought a second hand grader using sugar cane cess funds;
- (b) when the tenders were advertised in accordance with the laid down procurement procedures; and,
- (c) which Government department helped the council with the specifications used for the tenders and which department made the tender evaluation.

**The Assistant Minister for Local Government** (Mr. Tarus): Mr. Deputy Speaker, Sir, first, I apologise for coming late.

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

(a) The Ministry is aware that Nyando County Council bought a second hand grader, registration No.KAR 114L on 4th April, 2004, at a cost of Kshs14,500,000 using sugar cane cess funds.

(b) No tenders were advertised. The council sent selective quotations to four firms contrary to Section 143 of the Local Government Act, Cap.265, and Procurement Regulations Legal Notice No.51 of 2001. The Ministry will take action against the officer concerned with the anomaly.

(c) The council never used any Government department for the specifications of the tenders. The council also never involved any Government department to do tender evaluation.

**Eng. Nyamunga:** Mr. Deputy Speaker, Sir, this is a clear case of theft through corruption. In the absence of specifications, you will agree with me that you cannot obtain quotations. Why has it taken the Assistant Minister long to send the Kenya Anti-Corruption Unit police officers there to arrest these people and take them to court?

**Mr. Tarus:** Mr. Deputy Speaker, Sir, the case has already been forwarded to the Criminal Investigations Department (CID) for investigation.

**Mr. Sasura:** Mr. Deputy Speaker, Sir, while I thank the Assistant Minister for his very good answer, could he tell us what immediate action he has taken against the said officers pending investigations?

**Mr. Tarus:** Mr. Deputy Speaker, Sir, as of today, we have not taken any action against the officers, but we will take appropriate action against them.

**Mr. Owidi:** Thank you, Mr. Deputy Speaker, Sir. The misuse of public funds by councillors is a very serious matter. In my county council, they used Kshs700,000 to campaign for their seats. Could the Assistant Minister assure this House that he will move in immediately and bar such officers from holding any public office?

**Mr. Tarus:** Mr. Deputy Speaker, Sir, that is a matter which ought to be investigated, and we will investigate it. We will take appropriate action against them if we find that public funds were misused.

**Mr. Sirma:** I think there is laxity on the part of the Assistant Minister. He has confirmed

that, that was contrary to Section 265, and yet, he has not taken any action against the officers involved to date. Are you part of the deal or you are just condoning corruption the same way the Government is condoning it?

**Mr. Tarus:** Mr. Deputy Speaker, Sir, I have said that we have taken cognisance of the fact that the rules were flouted. I have also said that the same matter has been reported to the CID for investigation and prosecution. I urge hon. Members to hold their horses. We will take appropriate action.

**Mr. Deputy Speaker:** For the benefit of hon. Members, when you are directing a question to a Minister, you should not ask him or her directly: "Are you", but you should ask him or her, "is he or she---", so that it does not appear to be a personalised issue.

**Prof. Olweny:** Thank you, Mr. Deputy Speaker, Sir. The money which was used to acquire that grader came from my constituency. Among the three constituencies in Nyando District, sugarcane is grown in my constituency. That is a second-hand grader with worn out tyres. Its electrical wiring system is faulty as per the report of the expert who assessed it. Already, money has been paid to whoever procured the grader before it was brought into the country from the United States of America (USA). Could the Assistant Minister tell this House how much money was given in advance to the person who procured that grader? That was actually in contravention of the Government procurement procedures.

**Mr. Tarus:** Mr. Deputy Speaker, Sir, before the grader was supplied, Kshs10,200,000 was paid and there is a balance of Kshs4,300,000. But appropriate action will be taken against those officers once investigations are over. The Ministry has also advised the county council not to receive the second-hand grader.

**Eng. Nyamunga:** Mr. Deputy Speaker, Sir, there are some civil servants who are involved in this case. Why have they not been suspended pending investigations?

**Mr. Tarus:** Mr. Deputy Speaker, Sir, that is part of the action I have said we will take.

### QUESTION BY PRIVATE NOTICE

#### SHOOTING OF MR. PATRICK MUTUKU KILIKU

**Mr. M. Maitha:** Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that Mr. Patrick Mutuku Kiliku was shot dead by a police officer from Central Police Station, Nairobi on 13th May, 2004?

(b) Is he further aware that many witnesses have volunteered information by recording statements at that police station?

(c) What action has he taken against this police officer?

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

(a) I am not aware that Mr. Kiliku was shot dead by a police officer from Central Police Station. The identity of the suspect in this crime has not yet been established and is still under investigations.

(b) I am aware that several witnesses have recorded statements at that police station.

(c) There is no evidence to link the shooting of the late Kiliku to any police officer. So, the issue of taking action against the police officer does not arise.

**Mr. M. Maitha:** Mr. Deputy Speaker, Sir, the Assistant Minister is misleading this House. This is because he had sought the indulgence of the House to bring a better answer. This is the

same answer I received last time when he sought the indulgence of the House to bring a better answer. The name of that police officer was given to the Assistant Minister. That officer is nicknamed "Commando". Why has he not been arrested because the witnesses allege that they saw him shoot Mr. Kiliku on the material date?

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, so far, we have recorded 12 statements from 12 witnesses and none of them has incriminated any police officer by the nickname "Commando". We have opened a police inquiry file No.9 of 2004 and forwarded it to the Attorney-General's Chambers. The proper procedures will be followed. An inquiry will be conducted in court and if any person will be found to be guilty, proper action will be taken against him in accordance with the law.

**Mr. Midiwo:** Thank you, Mr. Deputy Speaker, Sir. This Government should be serious with those trigger-happy policemen. It is very clear that there must be a Government policy which sanctions the aimless shooting of citizens without looking back because somebody protects those policemen. Two weeks ago, people were massacred in Kisumu City. Could the Assistant Minister tell this House whether this is an official Government policy and if so, who gives the orders?

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, it is not an official Government policy to protect any person who commits a crime. Any police officer who uses excessive force against wananchi does that against the Police Code of Ethics. Regarding the incident which happened in Kisumu two weeks ago, the hon. Member is aware, that action has been taken against police officers who were suspected. That is all I would like to state with regard to that incident.

**Mr. Waithaka:** Thank you, Mr. Deputy Speaker, Sir. Could the Assistant Minister explain to this House under what circumstances was Mr. Kiliku shot dead? Was he shot dead in connection with a robbery incident? What actually happened?

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, according to the information we have, a report was received at Central Police Station from members of the public on 13th June, 2004, at about 10.00 p.m. that someone had been shot by an unknown person along Taveta Road near Uchumi Supermarket. The circumstances under which that incident happened is part of the investigations we are still carrying out.

**Mr. Deputy Speaker:** Last question, Mr. M. Maitha!

**Mr. M. Maitha:** Mr. Deputy Speaker, Sir, the Assistant Minister has not given the correct answer. That is because the brothers of Mr. Patrick Mutuku Kiliku were with him when he was shot dead by the named police officer. In fact, he used his gun to hit him on his head saying: "Today will be your last day!" Why is the Assistant Minister covering the death of that innocent young Kenyan, who was killed by a known police officer? Why can the officer not be interrogated? I even gave Prof. Kivutha Kibwana the real name of that police officer.

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, we will consider all the information that has been received from the hon. Member. I have said that there are channels that must be followed, and the inquiry---

**Mr. Omingo:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister in charge of security to retain the officer who killed in his job? He is going to take more lives?

**Mr. Deputy Speaker:** Order, Mr. Omingo! That is not a point of order! Mr. Omingo, you wanted to ask a question! But I want the Assistant Minister to be given an opportunity to finish what he was saying. It is only fair that he finishes answering the question.

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

**Mr. Deputy Speaker:** Mr. Wanjala, please, hold your peace!

Mr. Assistant Minister, please, proceed!

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, I was saying that the information from the hon. Member will be considered once the inquiry file has been opened. We will take every piece of information into consideration.

On the question by Mr. Omingo, I want to assure him that, once we finish our investigations, we shall punish the affected police officer.

**Mr. Deputy Speaker:** Hon. Members, that is the end of Question Time!

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

Order, Members! May you take your seats! That is the end of Question Time! Let us have requests for Ministerial Statements!

**POINTS OF ORDER**  
HARASSMENT OF KOROKUONY  
WOMEN GROUP

**Mr. Salat:** Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister in charge of Provincial Administration and National Security, to clarify why members of Korokuony Women Group in Bomet District are being harassed by the Provincial Administration. What law have they broken to deserve that harassment? Why is the Government getting directly involved in matters of that particular women group to the extent of even forcing them to have an election, while it is aware that there is a protracted case in the High Court between the Korokuony Women Group and Korokuony Company Ltd?

As I seek this Ministerial Statement, members of Korokuony Women Group have already gone underground for fear of being arrested by the Provincial Administration.

**The Assistant Minister, Office of the President** (Mr. Mungatana): Mr. Deputy Speaker, Sir, I undertake to give the Ministerial Statement on Tuesday.

**Mr. Deputy Speaker:** Very well! Thank you. Mr. Ndambuki!

FAMINE CRISIS IN THE COUNTRY

**Mr. Ndambuki:** Thank you, Mr. Deputy Speaker, Sir. I rise to request a Ministerial Statement from the Minister for Agriculture. Given the famine crisis in this country, could the Minister for Agriculture advise---

**Mr. Deputy Speaker:** Do we have somebody from the Ministry of Agriculture? Is the Minister here? If not, I request the Leader of Government Business to take note!

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, I rise to request for a Ministerial Statement from the Ministry of Agriculture. Given the famine crisis in the country, could the Minister for Agriculture advise on the food situation in the country and in his Statement---

*(Mr. Cheboi gestured to Mr. Mganga)*

**Mr. Deputy Speaker:** Order, Mr. Cheboi! There is some exchange going on between Mr. Cheboi and Mr. Boniface Mganga! This morning, I said that it is not proper for hon. Members to exchange words across the Floor. So, please, if you want to consult, do so with the person next to you, and not someone across the Floor!

Mr. Ndambuki, please, proceed!

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, in his Statement, could he tell us the amount of food in the National Cereals and Produce Board (NCPB) stores, how much did the Ministry authorise to be exported to Tanzania, when food imports will start arriving *et cetera*, what type of foods will be imported and whether the importation process will be free of corruption. Who are the people authorised to import those foods and how many Kenyans are affected by famine.

**Mr. Deputy Speaker:** Thank you. His Excellency the Vice-President and Minister for Home Affairs has taken note of that, and has requested you to give him something in writing.

Mr. Kembi-Gitura, please, proceed!

#### APPOINTMENT OF GOVERNMENT SPOKESMAN

**Mr. Kembi-Gitura:** On a point of order, Mr. Deputy Speaker, Sir. Last Tuesday, I sought a Ministerial Statement from the Office of the President on the Government spokesman, but the Chair did not give a date when it will be given. Could you kindly give me directions on that, because I need an answer to that matter?

**Mr. Deputy Speaker:** Could we hear from the Minister of State, Office of the President because, indeed, a Ministerial Statement was sought. I directed that it be directed to the Office of the President? The mere fact that the date was not given--- The House can even receive it now, if it is ready. Mr. Assistant Minister, do you have it?

**The Assistant Minister, Office of the President (Mr. Mungatana):** Mr. Deputy Speaker, I do not have it! But may I be given time to come with it tomorrow.

**Mr. Deputy Speaker:** Very well! Tomorrow! It is directed! Just before Mr. Kembi-Gitura starts, the Order will be as follows: After Order No. 7, we will proceed to Order No.9.

Next Order! Proceed, Mr. Kembi-Gitura!

#### MOTIONS

##### BAN ON SALE OF ALCOHOL IN SACHETS

**Mr. Kembi-Gitura:** Mr. Deputy Speaker, Sir, I beg to move the following Motion:- THAT, in view of the fact that the sale of illicit brews has continued to kill very many Kenyans and negatively affected the economy of this country, particularly the agricultural sector and destroyed a lot of families, considering that the sale of brews of any kind is not by law allowed to children, and taking into account that the mushroomed sale of alcohol in sachets has made the same accessible even to school-going children; and cognisant of the fact that very many such school-going children have been destroyed by the consumption of alcohol in sachets, this House urges the Government to ban the sale of alcohol of whatever kind in sachets, and that alcohol, henceforth, be sold in designated sizes of bottles only, and the minimum of such size to be 300 millilitres.

Mr. Deputy Speaker, Sir, in the Motion, I indicated that sale of alcohol should be in designated sizes of bottles only. Now, I realise that there is sale of alcohol which is not in the form of spirits. The alcohol is sold in cans.

Mr. Deputy Speaker, Sir, when I moved this Motion, I was faced with an extremely emotional situation and that is one of the reasons that made me overlook the fact that alcohol is also

sold in cans. I shall not be averse to any proposal being made to amend this Motion to include the sale of alcohol in designated sizes of bottles or cans. I know that Kenya Breweries Ltd. and other manufacturers of alcohol who package it in cans have made very great investments in the production of cans. I do not want my Motion to appear unreasonable. Since cans are just like bottles when it comes to the purpose for which this Motion seeks to cater for, I shall not be objecting to any such proposals from the Floor of the House.

If one was to give a very brief background of the reasons for which this Motion was brought, this House will realise the magnitude of the problems that we are having. The sale of illicit brew, that is where sacheting of alcohol begins---

*(Mr. Mukiri crossed the Floor without bowing at the Bar)*

*(Loud consultations)*

**Mr. Deputy Speaker:** Mr. Mukiri, could you, please, go to the Bar, bow to the Chair and then cross the Floor?

*[Mr. Deputy Speaker left the Chair]*

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

**Mr. Kembi-Gitura:** Mr. Temporary Deputy Speaker, Sir, I hope Mr. Mukiri was not trying to cross the Floor.

A brief background on why this Motion has been brought to this House needs to be given. Over the last ten or so years, the manufacture and sale of illicit brew has mushroomed in this country. As a result, we have brews whose contents or chemical components cannot be determined. We have had very many broken homes and our people continue to die as a result of consuming the illicit brews. What has happened is that for the illicit brew that is sold in several places in this country, the preservative that is used is a substance called formalin. This is a substance that is used in the mortuaries to preserve dead bodies. Formalin contains a lot of sulphur. When sulphur gets in contact with a human body, the net effect is death. I do not know if you have seen formalin. But if you find someone drunk with illicit brew, the next thing he or she does is to vomit and urinate all over the place. If a person who takes brew containing formalin vomits on a painted floor, the floor will start behaving like boiling water because of the chemicals in that brew. So, one can imagine what happens in the body of a person who has drunk the illicit brew.

Mr. Temporary Deputy Speaker, Sir, in March, 2003, the Minister for Trade and Industry answered a Question which had been filed by an hon. Member. The Question was specific on the Keroche Industries of Naivasha and the manufacture and sale of illicit brews by the same company. What the Minister said, in a very comprehensive answer which was also satisfactory at that time, was: "We will go to court and seek orders to disable, dismantle and destroy the equipment that is used to make the poisonous brews." I wish to underline the words: "Those poisonous brews." By virtue of the fact that the Minister used the words, "poisonous brews" and because the Kenya Bureau of Standards (KEBS) falls under his Ministry, he should have known, as a matter of fact, that the brews are poisonous. At that time I thanked the Minister because he promised that the Ministry would take measures through the Provincial Administration to ensure that the stocks of



brews held by distributors and retailers would not reach the consumers. As I said, the Minister was, then, talking about Keroche Industries specifically.

Shortly, thereafter, I think in November or December last year, the Minister again, in an answer to yet another Question by an hon. Member in this House said:-

"It should further be noted that the Ministry has taken an inter-ministerial approach to close down all industries manufacturing substandard brews through joint venture with all Government organs charged with the responsibility of issuing licences and certificates for the manufacture of various wines and liquors. Through joint inter-Ministerial efforts as explained, the Ministry would continue playing its role to ensure that factories manufacturing substandard brews are closed down completely."

That was in December, 2003. Today, despite the promise that the Minister made, that he would come back to this House to tell us whatever progress he had made and what had happened about the closure or the dismantling of the factories manufacturing substandard brews, we have not had an answer from him yet. Our people, in the meantime, continue to die and that is why I had to bring this Motion to this House. The Motion, not only concerns the people from my constituency, but also all people in this country. I want to say with a lot of sincerity that some of us believe that these illicit brews were introduced deliberately by a section of people of this country with a view to destroying certain communities of the country. Unfortunately, due to the lucrative nature of the industry and due to the fact the brews would know no boundaries, the sale and consumption of illicit brews has spread all over the country. Mr. Temporary Deputy Speaker, Sir, I know that about November or December last year, the District Commissioners,

(DC's) through petitions made to them by Members of Parliament and the people within their jurisdictions, resolved, at least, in the central region of this country, not to grant any licences to anybody selling liquor viewed to be illicit or substandard in its nature. But, then, what happened? The DC in Murang'a, for instance, refused to grant licences to the manufacturers of Keroche Industries of Naivasha. What happened immediately is that the brewers took the DC to court and not less than 16 suits were filed in the High Court in Nairobi. Subsequently, the suits were consolidated for the purpose of reversing the decision of the DC which was to deny licences to those who manufacture and sell illicit brews. The Liquor Licensing Act is a despicable piece of legislation. It is one that needs to be amended or repealed as soon as possible if at all our people are going to benefit from the decisions that are sometimes made by the DCs. The Act provides that if a brewer or an affected person makes an application to the High Court when a licence has been denied, then, such an application will operate as a stay and that the person can continue selling and manufacturing the brew until the case is finally determined. All of us know the pace at which cases in courts move. Since November or December, last year, the cases are still pending in court. It is now seven months and the manufacturers of the illicit brew are still being given licences to sell the brew. Some hon. Members have remarked before that some of us appear to have personal grudges against Keroche Industries. However, I would like to disagree with that impression. I personally have no interest in the Keroche Industries. My interest is pure and simple: That our people continue to die because Keroche Industries is selling what I consider to be substandard brews and they are sold mainly in the central region of this country.

Mr. Temporary Deputy Speaker, Sir, the point I am making is that until you have seen somebody who is drunk with this brew, you cannot understand what I am talking about. However, our local people do understand because the brew has killed so many of them. Every weekend, we bury former school teachers and other respectable people in society like former civil servants. The poverty levels that have been brought by the consumption of these illicit brews, to tell you the truth, are unbelievable. In December, 2003, 22 hon. Members of Parliament constituting about 10 per cent

of this House, signed a statement condemning the manufacture and sale of illicit brews.

Mr. Temporary Deputy Speaker, Sir, despite the fact that, that statement was made available to the Minister for Trade and Industry, nothing appears to have been done. No answer was given to the authors of that statement and, as a result, we have continued to get very concerned about the lack of action by the Government to wipe out or to help us weed out the manufacture and sale of these illicit brews.

Mr. Temporary Deputy Speaker, Sir, as we sit in this House, we have been told time and time again by the present Government, that they have inherited a lot of bad things from the previous Government. I have stood in this House on several occasions and said that two wrongs have never made a right. This Government cannot continue blaming the previous Government on the errors it made, if the present Government itself is not trying to make any amends to correct those mistakes that were made. We cannot continue scape-goating a system that is now past and behind us when we can learn from the mistakes that it made. The mistakes that it made might have been legion, but that is no reason why we cannot learn from it and try to change that position.

The local administration is a very good case in point, Mr. Temporary Deputy Speaker, Sir. The current chiefs, district officers and assistant chiefs that we have in the divisions in this country are invariably the same people who were there during the tenure of the last regime. It must be said, that if corruption was institutionalized, then it must have started with the lowest cadres of the Provincial Administration; the assistant chiefs and the chiefs. We have said it in this House and even informed the Minister of State in the Office of the President in charge of Provincial Administration and internal security and the district commissioners about this issue, but nothing seems to have taken place regarding the pleas and cries that we have made. Corruption is still rampant. The people who manufacture and sell illicit brews have put the assistant chiefs and chiefs on their payroll; so that they collect money everyday to protect those people who manufacture and sell illicit brews. As a result, this vice is not going to end unless and until there is a complete overhaul in local administration at its lowest cadres. We have held *barazas*, we have talked about it candidly and without offence but very strongly to make everybody know what we are talking about; that unless those assistant chiefs and chiefs that we, as Members of Parliament say are incompetent or are perpetrating corruption, until the Government listens to us and knows that we are not doing this out of malice, but out of the knowledge that we have to serve our people, then we are wasting time and we are not going to have progress in any direction, leave alone in the right direction.

Mr. Temporary Deputy Speaker, Sir, the economic base of the area where I come from is tea and coffee farming. Even if the Minister for Co-operative Development and Marketing, or the Minister for Agriculture, says that he is going to write off loans amounting to Kshs5.8 billion and our people continue consuming illicit brews, then no people are going to work in the farms to make them productive and, therefore, boost our economy. It is a total waste of time! Unless there is an inter-Ministerial understanding that the Ministry of Agriculture cannot work to the exclusion of the Ministry of Co-operative Development and Marketing or that the Ministry of Co-operative Development and Marketing cannot work to the exclusion of the Ministry of Trade and Industry. If this Government is disjointed in its efforts, and one Minister does not agree with the policies that another Minister is making, and considering that all the Ministries are inter-related, then with the greatest respect to the Cabinet, we shall find that we are wasting time. We shall not be able to make the agricultural sector, which is the backbone of our economy get anywhere. I am beseeching the Government to listen to what the hon. Members of Parliament are saying. If I say that I cannot work with a particular assistant chief or chief, I should not be taken for granted. I should not be assumed to be politicizing the Provincial Administration. It should be understood that I am taking for a ride the electorate or the people who I represent. I speak in the interest of those people. There is no way I

am going to know whether an assistant chief is not delivering or doing what he is supposed to be doing, unless I have got that information from the people that I represent.

For instance, Mr. Temporary Deputy Speaker, Sir, I have heard the Minister for Education, Science and Technology talk about the current unrest in schools. I would like to ask him the following question: Has he considered the bottom line or the reasons why we are having so much unrest in schools? Is it normal for an 18-year-old-child to buy petrol and a matchbox with his own money and set an administration block alight? We can keep talking about our teachers, corporal punishment and the morals of society, but it is a waste of time unless we go to the bottom line and ask ourselves: Why are our children so restive? Why are they burning classrooms? Why do they have no respect for their teachers? Why are they failing their examinations *en masse*? Why are the standards of our education going down? We cannot afford to be cosmetic about it. We cannot afford to look at it in the periphery and assume that we are doing anything.

Let us go to the bottom line, and I will say this: The bottom line or the biggest problem we are having in our schools today is the sale of drugs like bhang. Bhang is one of the drugs a student can hide very easily, because he is the last person that the police or the local administration is going to suspect to be peddling in bhang or other drugs. Tablets or *dawa za kulevya* are all over this country. I do not believe that an 18 year-old who has ostensibly been brought up properly will buy petrol, light a match and burn down a school. That kid must be under the influence of a substance, one way or the other. I know for sure that, the main substance that our children are currently using are drugs like bhang or those other *dawa za kulevya*.

But most sadly, Mr. Temporary Deputy Speaker, Sir, we should put the blame on the consumption of alcohol that is sold in sachets. This brings me to my main point: The consumption of alcohol in sachets. Alcoholic sachets cost about Kshs10 to Kshs15, and out of the pocket money that we give our children, it is not very difficult to buy four or five such sachets, hide them in their school bags, then later on mix them with soda or such other substance and consume the contents of such sachets. As I stand here, these sachets are being sold in *kiosks*. It is only last week when we heard of such a *kiosk* in Westlands located next to a primary school which was selling sweets laced with drugs. The simple purpose of this action was to make our children addicted to drugs, so that when they graduate from school, the drug barons can continue making their wealth out of the destruction of our children. This must be condemned in no uncertain terms, and if our Government is serious and knows that our children are the basis of society, then it must take us seriously when we talk about the sale of alcohol in sachets.

During the Budget Speech, the Minister for Finance, maybe, with a view to meeting me half-way on this Motion, because it was still pending, said that alcohol would not be sold in sachets of less than 200 millilitres. But then again, maybe he wanted to kill my Motion, because I was not satisfied that 200 millilitres is large enough to deter our children from buying it. If you look at the newspapers today, you will find that Keroche Industries is now selling alcohol in small bottles of 250 millilitres---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Kembi-Gitura!

**Mr. Kembi-Gitura:** Mr. Temporary Deputy Speaker, Sir, if only you could allow me to continue for one minute to---

**The Temporary Deputy Speaker** (Mr. Ethuro): No!

**Mr. Kembi-Gitura:** With those few remarks, I beg to move that the sale of alcohol in sachets be banned, and I ask Mr. Muiruri to second the Motion.

**Mr. Muiruri:** Mr. Temporary Deputy Speaker, Sir, I stand to second this Motion. I would like to thank Mr. Kembi-Gitura for bringing this Motion. This issue has been discussed before but the Government has not taken any action. I remember that, during the last Parliament, a similar

Motion was brought before this House by Mr. Michuki, who is now a Cabinet Minister. It was discussed but nothing came out of it. This is a big social problem, especially where I come from. These illicit brews, especially from Keroche Industries in Naivasha, are killing our people. There is a lot of idleness and families are breaking up.

I remember being approached by some ladies from my constituency, who told me the kind of problems they are facing when their husbands come home drunk. They told me that when their husbands come home at about 9.00 p.m. drunk, they eat all the food, become very violent and the children sleep hungry. Why should we allow this kind of situation to go on for a long time? It is high time the Government took serious action to ensure that illicit drinks are not available anywhere in this country.

During the Budget Speech the Minister for Finance said that the Government would poison the products that are used to make illicit drinks at source. I understood this to mean that the products such as *sukari nguru* that are used to make these illicit drinks, especially *chang'aa*, would be poisoned at source to ensure that no more drinks were manufactured. Up to now nothing has been done about it. Our people keep on drinking these illicit brews. I had the opportunity of banning these drinks in my constituency. When these brews are poured on grass it turns totally yellow. So, you can imagine this kind of drink in somebody's intestines. I think the intestines of human beings are probably stronger than grass itself.

You will find that people who take these drinks become sickly and their eyes turn yellow. It is a very pathetic situation. What is the Government doing about big industries like Keroche which produce these drinks? I know some of our colleagues in this Parliament have supported Keroche Industries. This is not right. Keroche drinks are not sold in big hotels in Naivasha even though they are sold locally. Even when some Members of Parliament visit Keroche Industries, they do not drink Keroche products. They drink beers and other refined drinks. If these drinks are not sold in big hotels in Naivasha, why are they sold to the ordinary people in the countryside?

I am glad that the Minister for Trade and Industry is listening, because I did raise a Question about Keroche Industries and was told that Keroche Industries use a special substance called methanol which makes people go blind. Since Keroche Industries have a lot of money, they have corrupted almost everybody. I would like to thank the PC, Central Province, and quite a lot of other administrators, including the District Commissioners for Thika, Murang'a and Maragua Districts, because they have done their best to control Keroche Industries.

There is, however, a problem in the sense that when they try to take action, they are taken to court where the cases drag on forever. The cases are politicised, the company corrupts everybody and, inevitably, gets away with it. I would like to urge the Minister for Trade and Industry to ensure that the Kenya Bureau of Standards closes down Keroche Industries once and for all, because it is a major producer of illicit drinks. This is because it has the money to corrupt Government agents for its own survival.

I have been a victim of malice by Keroche Industries. It has maligned me in the newspapers several times, saying that I am a hindrance to its business. They have also gone around exhibiting all their products in the ASK shows. It is high time the Minister for Trade and Industry took action to ensure that the Kenya Bureau of Standards closes down Keroche Industries once and for all. Once Keroche Industries is closed, all these problems, that our people are facing as a result of drinking illicit brews, will come to an end.

What happens when the President tells the entire nation that we must be a working nation, and that our people must be made to stop drinking illicit brews? These drinks are being produced at Keroche Industries and various other places. It is high time something was done. In the countryside, you will find that most of the bars open at 11.00 a.m. and operate the whole day. It is high time the

Government stopped this kind of practice; where bars are open from 6.00 a.m. up to midnight. Perhaps we should go back to the old days, when bars were only opened between 5.00 p.m. and 11.00 p.m., so that in between we do not have excessive drinking. If we are not very careful, we will become a drinking nation instead of a working nation. This is where we are headed for. We do not want our people to be drunk from morning to evening, because that is not right.

You will find that these illicit brews are available to school children, especially in my area, at very cheap prices. Sachets cost only about Kshs10 and you will find some people going round dishing them out at a nominal fee of Kshs3 to Kshs4. I would like to ask the Government to ensure that illicit drinks of any form, be they *kumi kumi*, *chang'aa* or kill-me-quick, are totally banned. Although this Motion seeks to outlaw sachets which are smaller than 300 millilitres, this measure will, probably, not be enough.

The NARC Government came to power with many promises. One of them was that they would do away with anything that polluted the minds of our people. This was especially so for the people of Central Province who have suffered a lot as a result of these illicit brews. It is high time now that all these brews were banned so that our people live to the full.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to second.

*(Question proposed)*

**Mr. Kamama:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to support this very important Motion. I would like to say that the trade in illicit or second generation brews is a Kshs2 billion industry. So, we are fighting a trade that is highly lucrative and it is controlled by the very rich men in Nairobi, Central and Rift Valley provinces. Kenyans have been reduced to zombies by these brews. I would like to give you an example of a place where I served as an officer of the previous regime and that is Central Province. The consumption of these brews in areas like Murang'a, Kirinyaga, Nyeri and Kiambu districts has really affected agricultural output in those parts of this country. Agriculture is the mainstay, or the backbone of this country. Therefore, unless this problem is addressed by this Government, the so-called reforms by the Minister for Agriculture will never bear any fruits. So, as a matter of urgency, we must address this problem.

Mr. Temporary Deputy Speaker, Sir, this House has exhaustively been told about what Keroche Industries does. The same industry manufactures this alcohol in sachets in the following brands: Vienna, Sherry, Chairman and Dume. We even used to have what was called *Kulta*. The consumption of these brands has killed many Kenyans. For example, Murang'a District loses about 100 people per year through the consumption of these kinds of brands. These brands contain lethal chemicals such as methanol. Unless the Minister for Trade and Industry addresses the issue of importation of methanol, I do not think we will solve this problem. So, let us save our people, our industries and agriculture, which is actually the chicken that lays the golden egg.

Mr. Temporary Deputy Speaker, Sir, several sectors in our economy have been affected. I would like to start with the people who are the major participants in this economy; that is the men. The reproductive and procreative capacity of men has been seriously undermined by the consumption of these brews. Men do not go to their homes. Most of them end up sleeping about 200 metres or one kilometre away from their homes. When you have time, please, drive towards Central Province, through Murang'a and Nyeri districts, and you will be surprised to find drunk men sleeping just by the roadside. This is because they have consumed these brews. This alcohol is lethal.

Mr. Temporary Deputy Speaker, Sir, it is sad that even school-going children access these

sachets. That is why I support the Mover of this Motion, that these brews must be packaged in designated sizes of between 300 millilitres to a maximum of 500 millilitres. It is surprising to note that some of them are even being sold in jerricans. When you look at a situation where alcohol is being sold in jerricans, then, this means that more people are likely to consume it.

I do not need to remind this Government of what happened in Mukuru wa Kayaba Slums. We all know that more than 30 people lost their eyesight after consumption of these brews. That is a telling testimony that this type of alcohol is very lethal to human life. I am sure hon. Members also remember what happened in Mai Mahiu. Those are two signals, we do not need to beat about the bush. This Government must take action.

Mr. Temporary Deputy Speaker, Sir, I am happy we were in the crusade against the consumption of these brews with the Minister for Transport, Mr. Michuki and Mr. Kamotho. Now that these hon. Members are in the Government, they should save the people of Central Province. I would even suggest that Keroche Industries be relocated from Rift Valley Province to Central Province because the people of Rift Valley Province are being blamed that these illicit brews are manufactured there and then exported to harm the people of Central Province. The people of Rift Valley Province have no intention at all of actually harming the people of Central Province because we even live amongst them.

Mr. Temporary Deputy Speaker, Sir, the issue of licensing has brought about so many problems. The District Liquor Licensing Committees (DLLCs) in several places are doing a good job. We have certificates from the Kenya Revenue Authority (KRA), but the Government Chemist is undermining all the efforts that are being undertaken by leaders, whether political or religious in this country. When they get certificates from the Government Chemist, the courts use the same certificates to nullify the decision of DLLCs. So, the DC and his team and politicians are rendered helpless. So, the office of the Government Chemist must be streamlined because corruption is common in this office. These are the regulations used by most of these lawyers to actually nullify the decision of DLLCs.

Mr. Temporary Deputy Speaker, Sir, as I said before, methanol should actually be abolished, especially in as far as drinks that are being consumed by human beings are concerned.

Mr. Temporary Deputy Speaker, Sir, there is the issue of molasses. It is said that if you put some salt into the molasses, it cannot be used to manufacture illicit brews. If that is done, it can solve a lot of problems and most of Kenyans will not die from consuming those illicit brews. The message is very clear. If you go back to the history of the fight against illicit brews, I remember that, at one time, 10,000 women marched to the District Officer's office in Murang'a! They said that they were not going to participate in the elections because their men were sleeping in the bush because of that alcohol. Some of them even marched to my office when I was a District Officer in Kangema! We were with Mr. Michuki! We could not even handle their case. So, men, women and children are highly affected and undermined by those illicit brews. We have been told that those sachets are very cheap and can be bought from the kiosks. If you investigate, the kiosks are built near schools and they sell those sachets in a very clandestine manner. That should be investigated and the police should take action.

Mr. Temporary Deputy Speaker, Sir, this is an issue of national importance! It should have been brought under Standing Order No.20. That is because some people are taking these things very casually. The message has gone to the Government and I am happy that, the ruling class comes from Central Province where people are highly affected! They should take action in this House and even in the field.

With those few remarks. I beg to support.

**Ms. Mwau:** Mr. Temporary Deputy Speaker, Sir, I stand to support this very important

Motion. It is important because illicit brews are sold everywhere in Kenya. Even the usual traditional beer has become illicit because people use sisal juices and sugar-cane to make it fast. Illicit brews have become the order of the day, even without Keroche Industries. It is being sold everywhere.

Mr. Temporary Deputy Speaker, Sir, alcoholism in this country is one cause of poverty. It is a family disease that affects children, men and the community as a whole. When a father or a mother comes home drunk, the children do not know how to handle the situation. They hide under a bed whenever their drunk father comes home. The wife does not know what to do with her drunk husband! He does nothing and yet, when he comes home, he demands for food. Therefore, alcoholism is a very serious disease. Children who are fathered by alcoholic fathers end up being alcoholic themselves! We need to deal with that problem very fast, so that we can cut the cycle. It is the cause of violence against women. Many families have broken. It is the cause of death. It is responsible for destroying the liver. People lose eyesight after taking illicit brews, as we have been told by the previous speaker.

Mr. Temporary Deputy Speaker, Sir, men no longer perform their reproductive roles because when they come home, they are like zombies! Women are forced to take over the families. They live in fear and cannot be productive. So, alcoholism needs to be dealt with. The youth of this country is affected. About 400 young people are either drug addicts or alcoholics. Among those, 150 are girls. So, it is moving to the girls. It is very important that we start dealing with the root cause of that problem.

The Government loses a lot of money through illicit brews. How does it lose money? A drunk employee reports for duty and pretends that he is sick. He is treated for a disease that is not there. It is only a hangover. Therefore, the Government loses money all the time. Many people are denying that alcoholism is a disease. It is a disease that is impacting on the families and the society in general. It is a disease that is causing poverty, particularly in Ukambani. Men are not able to do anything because they consume those illicit brews for a whole week. They actually wake up and do nothing. It is important that we start addressing that problem, if we are to deal with the issue of poverty.

Mr. Temporary Deputy Speaker, Sir, you have heard that many schools have been burnt in Ukambani. The cause is not what is being said, like: "They do not want the headmaster or his deputy!" The cause is illicit brews and, specifically, the sachets that are being sold to students. That has to be dealt with. The young men in secondary schools have seen their fathers who are alcoholics. They have seen their fathers come home and destroy property! So, they do the same. It is very important for us to start dealing with that problem, so that we can stop the violence.

The chiefs, sub-chiefs and village elders are some of the people who encourage the consumption of illicit brews. They actually earn their second salaries from the brews. Instead of stopping illicit brews in villages and arresting those who engage in them, they get their second salaries from there. The district officers also support the chiefs. It is a chain of getting money from illicit brews. They are making our people die from illicit brews! As I said, traditional beer has also become illicit. The Government should give guidelines on the times when clubs are supposed to open. They must be regulated so that, if a club is opened at 2.00 p.m., it should be closed at 11.00 p.m. We cannot stop people from drinking, but you can regulate the time. The Government can also make sure that, what is sold in those clubs is actually traditional brew.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Health should seriously deal with the problem of alcoholism in this country. It should start by training our health care providers to understand and treat alcoholism. The Ministry should start building treatment centres. There are few treatment centres, but they are very expensive and not accessible to ordinary persons. That is where

the problem is. We have a number of alcoholics. We cannot kill them. But we need to tackle the problem by helping them to start living a better life, by building treatment centres.

With those few remarks, I beg to support.

**Mr. Poghisiso:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. This Motion is about alcohol and at the same time about sachets. The alcohol in sachets is not causing problems only to our students, but also on the roads, because drivers imbibe these things as they drive, especially public transport drivers.

Mr. Temporary Deputy Speaker, Sir, the whole question of these plastic sachets, including all the other plastic containers; plastic paper and bags that we use, are a nuisance. Small or big, they are very bad. You and I know that these plastics are killing our cows. As the alcohol in sachets kills us, we throw them everywhere, the cows come and eat them, they get drunk and also die because they cannot digest plastic.

Mr. Temporary Deputy Speaker, Sir, the altered state of mind is, for some reason, a strange desire that human beings have. And alcohol is good because it gives man an altered state of mind. But it is a false state of mind. Our people need to be told the dangers of alcohol.

Mr. Temporary Deputy Speaker, Sir, I do not want us in this House to reduce this Motion to a Keroche Motion or an anti-Keroche Industries crusade. This is because, this Motion is about alcohol. In fact, I come from an area where Keroche Industries does not reach. But there is *Mantule* from Uganda which is crossing our porous border everyday and killing our people. It is as strong as these other brews.

I understand the anger which hon. Members have on this issue. But we are responsible for it as a Government and as leaders, because these things happen under our noses. These dangerous brews are brewed under our noses. We can trace where they are sold. But we do not have the moral backbone to stamp it out. I think this country is calling for leadership that has the backbone; a leadership that has the ability to stand on its feet and ban these brews and root them out of our society.

Recently, we have seen women demonstrating against the sale and consumption of these brews. They go into those places, get hold of the brews and they hand it over to the police. But, unfortunately, that is the end of it; you never see what is done to the alcohol. Apparently, that drink is handed over to another lot of men to drink it. So, there is a problem. We need to go into the root cause of this thing, which may be poverty and hunger. Alcohol tends to pre-occupy you to the extent that you think you are full with food and so you keep passing time. But it is destroying you!

This Motion calls for the packaging of alcohol in bigger containers. Specifically, it is calling for it to be packaged in bottles. I think that is where this Motion needs to be looked into seriously. It is calling for the use of bottles, not plastics or anything else. Now, that is a deterrent to some extent, because you can imagine trying to put bottles in your pockets. It is a deterrent to students who want to smuggle alcohol into their dormitories.

But the issue should go beyond just packaging. It has to deal with alcohol as a substance. What we are trying to do is to call certain types of alcohol illicit and others licit. But you see, there is a scientific lie therein, which is that the illicit alcohol has more alcoholic content than the licit one. That is not true. You know, of course, that you can get licit alcohol with 80 per cent alcoholic content. So, when you take this illicit alcohol to the laboratory, it shows you the same kind of content and so, it becomes licit. So, we cannot fight this thing by taking it to the laboratory because that is where they win these cases all the time. We must just set out standards and say if it contains one or two elements that are different, that is illicit and we should ban those. If you take these brews through the normal tests, you will not capture the illicit ones.

Mr. Temporary Deputy Speaker, Sir, let me now come to the heart of the matter. At the



heart of this situation is corruption. We must just call it what it is. This animal, corruption, is like a hydra. If you put your finger on one hand, it manifests on the other side, and it keeps changing in size and shape. We have to do something about capturing this hydra and put it under control. What we are facing is corruption at all levels; from the assistant chief, chief, police, administration, all the way to the very top.

Therefore, the Mover of this Motion is trying to tell us that we have failed as leaders to stop this thing. What he is saying, basically, is that the Government has failed. He is saying we urge the Government to ban the sale of alcohol of whatever kind in sachets. I do not know if the Government can do that. This is because we manufacture some of it and we import some of it. So, I do not know how the Government will do it. The Minister will tell us how. But we should basically be addressing the question of whether there is some particular brand of alcohol that we can let into our bars or homes. People go out of this country and come back with alcohol in their private places and bags.

*(Laughter)*

Did I say something funny? They do that to smuggle too.

Mr. Temporary Deputy Speaker, Sir, please, protect me from hon. Members whose minds--- I have to say that when people come back from overseas trips, they carry alcohol in their private bags. When they come in, some of them just get through with it. Allowable importation of alcohol by individuals should be restricted. I think restrictions must be put at the airport as to what types of alcohol one can bring into this country.

Finally, I had begun to deal with the issue of corruption. At another level, this is a good time to tell the Minister for Education, Science and Technology that these brews have affected our schools the most. It is causing a lot of damage to our schools. The Minister has a report on his hands about indiscipline in schools. That report points to those kiosks around the schools. The other day, I heard an Assistant Minister for Education say he was now going to ban kiosks from selling alcohol, or remove kiosks from around school compounds. There is no legal basis for that ban. We need to come in now and let the right person order that those kiosks be removed from around the schools, because they are selling brew to minors, which is illegal. We must now take control of the situation in and around our schools. It is becoming extremely dangerous. Pupils have burnt classrooms, examinations, dormitories and killed their fellow pupils, all because of alcohol. We must tame it and call it what it is. It is a killer! It is a disease!

With those remarks, I beg to support.

**The Minister for Trade and Industry** (Dr. Kituyi): Mr. Temporary Deputy Speaker, Sir, thank you very much for the chance you have given me to also make my contribution to this Motion which I think, from its own substance, implicitly deals with matters that are very important to all of us as Kenyans. I intend to support the Motion with amendments.

Before I come to the amendment, I wish to say the following: Broadly there are a number of things that are being raised in this matter. There is a small problem of alcohol being packaged in sachets which makes it very easy to be consumed by under-age consumers. There is concern about massive consumption of illicit or legal but undesirable alcohol. There is also concern about growing alcoholism in schools. I say this separately because the Motion is headed in the right direction but while it is necessary, it is insufficient to deal with the problems that are being presented. I agree with the Mover that the packaging of alcohol in sachets has been one of the facilitative practices for children to be able to smuggle alcohol into schools, and I dare say, for some people to smuggle alcohol into their offices. It is not just about children consuming. Those of us who have been in this House for slightly longer than some of my honourable colleagues know about practices where hon.

Members walked into this Chamber more sober than they walked out.

**An hon. Member:** Name them!

**The Minister for Trade and Industry** (Dr. Kituyi): Mr. Temporary Deputy Speaker, Sir, they are not here today so I cannot name them. However, what I am saying is that the sachet menace is a menace beyond children but the problem of children is larger than sachets. What do I mean? The worst form in which alcohol abuse is destroying our youth is in the sale of *chang'aa* outside schools. It is not sold in sachets! It is sold at venues where children go to buy *uji*, maize and soap. They buy it in open containers and by that fact alone, to a lot of the rural consumers of this intention who are concerned about proliferation in consumption of alcohol by school children, the solution lies beyond the sachets. Many of them have never seen that sachet; they consume it in open plastic mugs.

Therefore, while we support the spirit and the work of reducing the proliferation of alcohol consumption among school children by removal of sacheted alcohol, we enjoin ourselves to an effort to say that this is not a Government effort alone. As leaders, collectively, we must commit ourselves to creating a clean sober nation, first and foremost, by forestalling alcoholic addiction among our youth. Some of us have to confess a certain sense of guilt. In the early years of the struggle for multipartyism, there was a lot of heroism about defiance. One of the heroism of defiance took the form of a declaration that you could drink as freely as you wanted in spite of Mr. Moi's wishes. In the process, we lionised something that is very grievous. It is true that one of the biggest advantages that this country has in this region overwhelmingly is a much more developed human resource base than any other of the countries in the neighbourhood. One of the growth industries for this country's economy over the next 20 years should be the services trade. As we free the movement of human natural persons and liberalise the market for services, the intellectual resources of this country whether in Information and Communication Technology (ICT), auditing or any other forms of knowledge-based economy is going to be a critical drive for our economic revival. While we can celebrate those who have succeeded, albeit that many of them are working outside the country, we cannot position our country as a service provider economy if the next generation of the service industry is being ruined by alcohol.

To that, we all must enjoin ourselves to the struggle. Now, the Ministry of Trade and Industry has a role it can play but it is limited. As a Ministry we have, certain provisions under the law in which we can slow down the trade in illicit drinks. However, a drink is declared illicit by the Ministry of Health under the Public Health Act. Therefore, we must enjoin the Ministry of Health and the Ministry of Trade and Industry with regard to the Motion before us. As a Ministry, we have under the Weights and Measures and Sales and Labelling of Goods Rules, the authority to start amending the specifications of products that are put into the market.

Under those rules, I can issue orders specifying as to whether the commodity should be sold by weight measure of capacity, measure of length or by number, the standard quantities in which they can be packaged and the packaging material. This is the provision in law which is consistent with what the pleading of this Motion is. While I am going to offer now a modest amendment to the Motion before us, I wish to already, consistently with the spirit of this Motion, give an undertaking before the House of an action I am about to take. An action which takes care of what the Motion is asking me to do.

I intend, by publication in the Kenya Gazette, to amend Schedule 6 of the Weights and Measures Act to provide that all alcoholic beverages for retail sale to the public shall be packaged in sealed rigid containers.

*(Applause)*

Then about the quantities, it is a little problematic and I have discussed with the hon. Mover of this Motion. You see, 300 millilitres is a measure of a can of Tusker or Castle Lager. It is not a measure of the standard containers for spirits. Spirits are measured in a quarter, half and litre bottles. I have mentioned to him that consistent with his desires, I want to go beyond what the Minister for Finance proposed during the Budget Day Speech; go above 200 millilitres. However, it is injurious at this stage to say that now manufacturers and bottlers of vodka and whisky should change the unit that we usually call the quarter and have it as 300 millilitres. I am intending that I also amend the 6th Schedule of the Weights and Measures Act to provide that the minimum standard quantity for the packaging of beverages be 250 millilitres which allows for the quarter to be the smallest unit.

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

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

Mr. Temporary Deputy Speaker, Sir, having said that, I will presently be reading my proposed amendment to the Motion - I have given notice - as I would like it to be. However, I wish to say the following: There has been a lot of concern about the manufacturing of products that have been seen by many to be injurious to people. I have made two undertakings before this House that within the limits of the law and within the mandate of the Ministry, I will do my best to slow down the proliferation of consumption of drinks of dubious clinical qualifications; drinks that are appearing to be hazardous to the health of consumers and drinks that are slowing down the rural economy of this country.

I have mentioned before this House, and I can repeat it here, that one of the problems that we suffer as Ministry of Trade and Industry is that not all agencies of the State work in synergy. I have mentioned this in connection with counterfeits; that when my officers nail counterfeit goods worth Kshs10 million, the owner goes to court and he is fined Kshs200,000 and given the goods. Similarly, we have had cases where we suspend trading licences pending investigations by the Public Health Officers on the quality of the clinical worth of the drinks that are being produced. Then the owners go to court, get a stay of execution and even when our officers have locked their premises, the court gives them authority to go and break those locks and continue selling. Then the case is in court for more than a year; the matter of M/S Keroche Industries Limited. There is a stay of execution which has been on for more than a year. This Minister may disagree with certain practices of the Judiciary, but he is not going to breach the rule of law. I swore to protect the rule of law even when I do not think that the practice of that law is being consistent with public interest. It is upon this House to make necessary amendments to the law reducing the period during which stay of execution can be exercised to the discretion of the magistrate and also raising the minimum ceiling of how much penalty should be imposed on persons who are peddlers of products that are disastrous to the people of this country.

There is a matter that has been said here for more than a year every time the issue of M/S Keroche Industries Limited comes up. It is a statement laden with an assumption that there has been a conspiracy against a certain community in this country in the sale of some of these products. I do not think it helps us very much in the war against consumption of illicit brews to ethnicise conspiracies. In my mind, there are no areas of this country which have been more destroyed by the consumption of cheap alcohol than the land of the Abagusii and the Abaluhya. I do not see any

ethnic conspiracy to freeze their progress. Once we start looking for ethnic conspiracies, we lose the focus on what we can do collectively. Once we are looking for conspiracies, we are in reverse gear. This society has lived too much in the past.

Mr. Temporary Deputy Speaker, Sir, it is about time that we defined our collective responsibility as looking to the front. I have always said that any driver who is all the time looking at the rear-view mirror is either in reverse gear or about to have an accident. We should focus on the wind shield to move forward. Every Member of Parliament is a member of the board of every secondary school in his constituency. Can we have a collective commitment that any member of a community who is condoning, abetting, or selling alcohol to school children must be dealt with, and that every headmaster or teacher, who is lax in administration of protecting children from addiction to illicit alcohol must be dealt with? Our political statements and rhetoric should depart from lionising and heronising the consumption of alcohol that is destroying the generation of this country. These are matters that are proactive as a collection for all of us, as leaders, to apply them.

Mr. Temporary Deputy Speaker, Sir, I beg to move that the Motion be amended as follows:-  
By deleting the words "sizes of bottles only" appearing in the last line after the word "designated" and replacing them with the words "sealed, rigid containers"; and by deleting the number "300" at the end of that line and replacing it with the number "250".

So, the Motion as amended will partly read as follows:-

"---this House urges the Government to ban the sale of alcohol of whatever kind in sachets and that alcohol henceforth be sold in designated sealed rigid containers, the minimum size to be 250 millilitres."

I have explained the reasons why I requested that we reduce the quantities from 300 millilitres to 250 millilitres. The amendment should allow for canned beer; Tusker, Castle and others. There is a certain form of plastic, BET(?), which is rigid and sealed, which qualifies to be packaging for alcohol. We are saying that the Government agrees with the spirit and wording of the Motion that no alcohol should be sold in sachets.

I wish to inform the House that we do not import any alcohol in sachets. However, a parastatal in my Ministry packages alcoholic beverages in sachets. Although I am moving that we adopt this Motion, I already have a stock of up to Kshs10 million worth of alcohol in sachets. I will seek the concurrence of the Government, which has normally stopped us from exporting alcohol in sachets, that since there are certain markets where Kenya Wines Agencies Limited (KWAL) is already retailing duty-free facilities, like in Rwanda; we be given consent to ship out the sachets that are in our stock and then we will stop the production of sachets of alcohol.

Mr. Temporary Deputy Speaker, Sir, the fact that we are ready to incur a cost in order to be compliant with this requirement should be a sufficient statement about a Ministry which is genuinely, in word and practice, interested to be engaged and committed to the fight against the destruction of the next generation of leaders of this country, and to clean up the image of a country as drowning in gallons of cheap alcohol.

With those many remarks, I beg to move the amendment.

**Mr. Sungu:** Mr. Temporary Deputy Speaker, Sir, I rise to second the amendment by the Minister seeking the sale of alcohol in designated sealed, rigid containers, the minimum size to be 250 millilitres. I think this amendment has been moved in good faith. It goes to enhance the intention of the original Motion. It does not, in any way, go against the wishes of the Mover of the Motion.

Mr. Temporary Deputy Speaker, Sir, let us just look at the past and remember what used to happen in our societies in this country. In the past, alcohol used to be consumed by adults only. It

was regulated socially. It used to be taken only in the afternoons after work. Even women had their roles to play in such social meetings. It was also limited to certain occasions. Nowadays, even children are consuming alcohol and its effect on the economy---

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order, Mr. Sungu! If we, really, want to address this amendment, we should just focus on it, so that we can dispose of it quickly. If you address the original Motion in the pretext of seconding this amendment, then you will lose your time.

**Mr. Sungu:** Mr. Temporary Deputy Speaker, Sir, I agree with you. However, in doing so, I must have some background, because this is an issue that goes beyond just the quantities and the packaging.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order! Mr. Sungu, you can speak on the main Motion after we dispose of this amendment.

**Mr. Sungu:** Mr. Temporary Deputy Speaker, Sir, it is obvious that if we allow the packaging of alcoholic drinks in sachets, they will be easily accessible to children. However, as the Minister said, if we limit the packaging of these drinks to bottles only, we will eliminate other types of containers which could be used economically. We must also appreciate the fact that there are industries which have already packaged these drinks. If we were to change the packaging, companies like KWAL will be adversely affected. Having said so, I would like to reiterate that it is important that we regulate the consumption of alcohol, particularly in areas surrounding schools.

Mr. Temporary Deputy Speaker, Sir, that effort should, in fact, be extended beyond packaged alcoholic drinks. In my constituency, for instance, *chang'aa* consumption has reached very high levels. Young men drink from morning to evening without doing any work, and they expect to eat. Women are expected to till the land, fetch firewood and prepare food. When the young men go home, they expect to eat. This is an economic disaster. We should not look at it only in terms of a certain region but in terms of the entire nation. The Government agencies involved in the regulation of consumption of illicit brews such as chiefs, must be above board and not to be seen to be corrupt and colluding with producers of *chang'aa*.

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. Sungu, could you second the Motion?

**Mr. Sungu:** Mr. Temporary Deputy Speaker, Sir, I beg to second.

*(Question of the first part of the amendment, that the words to be left out be left out, proposed)*

*(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Question of the Motion as amended proposed)*

**Mr. Ethuro:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to support the Motion as amended. I want to start by acknowledging the Mover of the Motion and also the Minister who has responded. Initially, I was wondering that a Government that is committed to a working nation, one of the first things that it should have done, was actually to bring this kind of Motion itself instead of waiting for an hon. Member to do it. However, given that there are many things that are there to be done, I am happy that I think we are witnessing some good partnership between the Back Bench and the Front Bench, where we have identified a problem that would properly be considered as a national disaster.

Mr. Temporary Deputy Speaker, Sir, we fear about the future of our young men and women because instead of going to school, they are busy going to drink. We have old men who, instead of going home to their homes, hardly reach there. We have had many people dying because of this particular problem. When our President talked of a working nation, that working nation will not materialise if we have a drinking nation. This Motion is very consistent with the President's clarion call that we need a working nation. We need a working nation because this is a country that, sometime back, was at the same economic level with the Asian Tigers. Where are we now? Until we address this kind of specific issue that is reducing us to zombies, we will not be able to make a lot of progress in this world.

Mr. Temporary Deputy Speaker, Sir, I want to thank the Mover of this Motion again because this is not just a matter of Keroche Industries. This is a matter of the substance that is known as alcohol and its abuse. It is very evident that our schools are being burnt down because of the influence of alcohol that our children are taking. We do not need to say much more on this particular Motion. I want to say that nobody should fear when we are talking about Keroche Industries because it is an established industry. We know where it is located, where it is supplying its products and the owner. The Minister should not tell us that we are reducing this Motion into a Keroche Industries thing because that should be the starting point. He should not appeal to the House to bring any amendments. Who does not know that the business of this House is transacted through Bills and who brings them? It is the Government. Hon. Members have to ask for leave of the House in order to introduce a Bill. That is the procedure. So, let us be honest here. Let us say if the Ministry of Health has declared something illegal, let it be so.

Mr. Temporary Deputy Speaker, Sir, I was a bit uncomfortable with the amendments, especially when we are reducing the size of bottles from 300 millilitres to 250 millilitres because I agreed with you that the substance of this Motion is about the bottling because big bottles are uncomfortable to carry around. We want alcohol to be a deterrent by having alcohol being sold in big bottles. However, I think the Minister has convinced me by explaining what obtains in the industry now and I think we are willing to give him a chance so that we do not disrupt him. However, in the medium-term and in the long-term, the only way to deal with this issue is to have bottles because the kids will not fit them in their pockets or bags since they will be too bulky. We want to put measures in place that will make people not abuse alcohol because it is a killer. Alcohol reduces productivity. Alcohol makes us not do our work. Employers are losing a lot of manpower and time because of alcohol.

Mr. Temporary Deputy Speaker, Sir, as we experience this problem and even as we put measures in place--- I want to support the Minister because he has convinced us that he has proposed specific actions he is going to take. I wish he had done that even before we brought this Motion because it has been lying around for a long time. However, the issue of enforcement of the current provisions of the law is wanting and no matter what we do in this Parliament, so long as the

Executive arm that is supposed to enforce what we pass here is not working; it is an exercise in futility. How many of us came here last year as a reformed Parliament, knowing that we have a reformed Government and yet the Government cannot even sack a mere assistant chief who is condoning, aiding and abetting production of illicit brews? How many Administration Policemen have made it their business to raid those *mamas* who are brewing *busaa*, maybe, because of poverty? They raid those dens not because they want to stamp out the vice but because they want to make money out of it by charging women Kshs2,000. How many local Officers Commanding Stations (OCSs) do the same? I know in my constituency, almost 20 people have been arrested and then released by the OCS who becomes the judge. He releases them upon payment of a fine of Kshs2,500 which he takes for himself and not to the Government. It is a lucrative business. They are encouraging it so that they can continue making money out of it and yet we are busy here giving them new Land Rovers and salary hikes and thinking the problem has stopped. Even this morning as I was coming to Parliament, I saw a *matatu* conductor giving Kshs10 to a policeman but maybe, because the amount was small, that policeman refused to take the money. I want to commend such officers. They are trying but the majority are still practising corruption through bribe taking and this is why we have this alcoholism.

Mr. Temporary Deputy Speaker, Sir, I am happy we saw the Assistant Minister for Education, Science and Technology visiting schools which are hard hit by drug abuse but what we want from this Government is action. We want laws and decrees on what action should be taken. I bet that *kiosk* outside Westlands Primary School is still there. We should not treat our Ministers to the level of Members of Parliament who are pleading. A Minister of the Government should be a Minister of the Government! If he or she is unhappy about something, action should be taken immediately, especially when you combine the fact that the Ministry of Roads and Public Works does not approve the presence of those *kiosks* there, since they are illegal and here is an Assistant Minister for Education, Science and Technology saying that they are actually selling drugs to the children. What else does our Government want to happen? Another national disaster? Do you want donors to freeze aid in order for us to respond? This is corruption, whether it is Anglo Leasing or whatever. It is corruption, corruption and corruption. If we are committed to eradicating corruption, it has to be demonstrated in the most basic manner, that we do not tolerate it. It should be zero tolerance to corruption. Zero means absolute zero.

*(Mr. Mwanicha passed between Mr. Ethuro  
and the Chair as he walked into the Chamber)*

**The Temporary Deputy Speaker** (Mr. Poghisi): Order, Mr. Mwanicha! You cannot really just walk in front of an hon. Member speaking. There is a process of coming into the Chamber. When an hon. Member is speaking you are not allowed to cross between him or her and the Chair. I just want you to note that.

**Mr. Mwanicha:** Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Poghisi): Proceed, Mr. Ethuro!

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, as you know, Mr. Mwanicha is a new hon. Member and he should be forgiven. However, in the process of teaching rules to the new hon. Members, I believe, you should not have taken my time. I hope you will give me more time.

Mr. Temporary Deputy Speaker, Sir, I want to support this particular amendment. We want action taken. I hope the Minister will support this Motion. As you can see, the House is united that this is a national disaster. Our children's lives are being destroyed. In addition, our families are being destroyed. As you all know, the family is a block of the nation. Therefore, we, as a Government,

should do everything within our powers to stamp out this particular corruption.

I want to agree with the hon. Member who has challenged us, as politicians. I must also thank the Minister for admitting that the start of multiparty democracy, in a way, perpetrated alcoholism. People said: "Let us do all these things, including drinking alcohol because the former President did not allow it." Let us be men of courage and conviction. I will go to public *barazas* in my constituency and tell my people that I will not support them if they would be arrested by the police because of drinking these illicit brews. We should take action! I am convinced that each and every hon. Member of this House will not allow his or her people to continue drinking these illicit brews.

We have also agreed that we will not allow our people to continue with cattle rustling because many of them are dying. I believe we are all committed. I want to thank Mr. Kembi-Gitura for bringing this Motion and every hon. Member who supports it.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

**Mr. Chepkitony:** Mr. Temporary Deputy Sir, thank you very much for giving me this opportunity to contribute to this Motion.

From the onset, I wish to say that I support the Motion as amended. It is a very timely Motion because alcoholism is a problem in society. In fact, it has been proved in many parts of the world that alcohol can cause a lot of havoc. It also affects negatively the social and economic development.

**The Temporary Deputy Speaker** (Mr. Poghio): Order, Mr. Chepkitony! Your time will not be consumed. I actually need to explain to all hon. Members that the Motion before the House is the amended Motion. I think I need to put it in its perspective for any hon. Member to continue with the debate. Therefore, for the benefit of those hon. Members who have just come in, the amended Motion reads:-

"THAT, in view of the fact that the sale of illicit brews has continued to kill very many Kenyans and negatively affect the economy of this country, particularly the agricultural sector and destroyed a lot of families and considering that the sale of brews of any kind is not by law allowed to children and taking into account that the mushroomed sale of alcohol in sachets has made the same accessible even to school going children; and cognisant of the fact that very many such school going have been destroyed by the consumption of the alcohol in sachets, this House urges the Government to ban the sale of alcohol of whatever kind in sachets and that alcohol henceforth be sold in designated sealed rigid containers and the minimum such size to be 250 millilitres."

Proceed, Mr. Chepkitony!

**Mr. Chepkitony:** Mr. Temporary Deputy Speaker, Sir, as I was saying, alcoholism has become a big problem all over the world. In certain countries, the consumption of alcohol has been banned. In the USA, certain states have designated themselves as dry states. Also, in India, certain states have banned the consumption of alcohol because it destroys the society. The response we are having here in Kenya is very mild. We should ban the consumption of alcohol in any part of the country, if we think it is destroying that community.

The main contention of this Motion is the selling of alcohol in sachets. Alcohol is being sold in plastic sachets of low contents, for example, 10 millilitres, which are very cheap. The manufacturers use very cheap materials. It is very easy to pack and because of this, the price of the alcohol is very low and is affordable to anybody who wants to consume it. You can buy a sachet of alcohol at Kshs10 and this makes it affordable to school children. It is illegal to sell alcohol to under-age children, but we have not been observing this. We need to be very strict. The District



Liquor Licensing Act needs to be amended and made very strict for those who deal in alcohol. Even if we allow people to sell or hawk alcohol in sachets of 250 millilitres, it will still destroy our society. There has been hawking of alcohol and people have been riding bicycles or walking selling alcohol. This has made it affordable to the people.

Mr. Temporary Deputy Speaker, Sir, one other area which we need to address is the methanol content. It is known that most of this alcohol is distilled by the leading distiller in this country and they have been selling it as crude alcohol. Crude alcohol has a content of about 97 to 98 per cent alcohol and the rest is methanol. Some of the people who pack this alcohol do not redistill it to make it dry alcohol, which is about 99.9 per cent alcohol. After they have done that, they are supposed to dilute it with water to the required percentage. We need to look at the percentage of alcohol content in whatever form we are selling it. Although today we are addressing the issue of the contents, this is another issue which we should look into.

It is not true that Keroche Industries has only been targeting Central Province. This is because of their marketing strategy. When the industry was established, their marketing strategy was to target the high consuming areas where they could make maximum profits. We also have these drinks in my areas. I support the Minister when he says that we should not bring the ethnic aspect in the consumption of illicit brews. They are being sold everywhere. It is not only Keroche Industries which is manufacturing these types of alcohol. There are so many others which have started and are selling these types of alcohol. We have the Industrial Distillers Ltd. (IDL), which is a professional body and distils the alcohol made from molasses. It buys from the Agro Chemical and Food Company. So, the IDL re-distils that alcohol to nearly 100 per cent alcohol and then dilutes it to the required percentage. What we need to do if we have to control methanol in alcohol, is to allow the Agro Chemical and Food Company which is a major distiller sell the alcohol it makes to small packagers. If we do this, we will not get alcohol contaminated with methanol going to small distillers who do not have the capacity to re-distil it.

Mr. Temporary Deputy Speaker, Sir, the Kisumu Molasses Plant will be opened very soon and we need to regulate all this. This is because, initially, the plant used to distil power alcohol which it sold to run vehicles. That plant collapsed and nowadays we do not mix alcohol with petrol and sell it to motorists. Those products are now consumed as alcohol. Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support the Motion.

**The Temporary Deputy Speaker** (Mr. Poghishio): We have few minutes left to conclude debate on this Motion. I think the Mover would be generous to donate some of his time because debate on the Motion has to end. Let Mr. Mwandawiro contribute and then the Mover will reply at exactly 12.00 p.m. It is really up to the Mover, when he rises to reply, to donate some of his time to a few hon. Members.

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

Order! Some of you may be wondering why I have given two chances to this side of the House, but I gave two chances to the other side before.

**Mr. Mwandawiro:** Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii, ili niichangie Hoja hii. Yangu yatakuwa mafupi kwa sababu nilitumwa na watu wa Wundanyi *Constituency*. Watu wa Wundanyi hasa wanawake, waliniambia kwamba wasiposikia nikilaani pombe inayouzwa kwa mifuko midogo, nitakuwa na shida wakati nitawaomba kura wakati mwingine. Hii ni kwa sababu tatizo la ulevi kutokana na unywaji wa pombe ambayo inauzwa kwa mifuko midogo inayoitwa *kumi kumi* ni tatizo kubwa.

Sitaki kurudia yale mambo ambayo Wabunge wengine wameongea hapa kwa sababu ninayaunga mkono yote. Hoja hii inafaa ipitishwe mara moja. Wakati inapopitishwa, ni muhimu Serikali ichukue hatua halisi. Ninasema hivi kwa sababu pombe haramu na ile ya mifuko midogo inauzwa kandamnazi ya chifu, naibu wa chifu, wakuu wa tarafa, na wakuu wa wilaya. Kila mtu anaona. Kwa hivyo, hata kama tutaipitisha Hoja hii na Mswada ambao utakuja, ikiwa Serikali haitachukua hatua mathubuti, hatutaenda popote. Kwa hivyo ninaunga mkono kwamba ni lazima Serikali ichukue hatua na itekeleze Hoja hii ambayo tutaipitisha sasa hivi.

Bw. Naibu Spika wa Muda Ninakubali kwamba pombe imekuwa tatizo katika shule zetu kote nchini. Pombe imesababisha shida nyingi kwa sababu inawafanya wanafunzi wawe walevi. Ningependa kusema kwamba tusifanye makosa kwa kusema kwamba matatizo yanayokumba shule zetu yanatokana na pombe pekee. Tukifanya hivyo, tutakuwa tunawalaani wanafunzi bila kuwasikiliza. Ni muhimu kuwasikiliza wanafunzi na kuangalia ikiwa kuna uwazi na uajibikaji baina ya walimu wakuu, wazazi na wale wote wanaoendesha shule. Tatizo siyo pombe peke yake. Kuna mambo mengine ya ndani zaidi, ambayo lazima tuyashughulikie kama viongozi, wakiwemo wale wanaoendesha shule.

Mwisho, ningependa kusema kwamba, watu wamekuwa wakinywa pombe tangu zamani. Tusije tukafikiria kwamba tunaweza kuzuia watu kunywa pombe. Watu wataendelea kunywa pombe. La muhimu ni kuhakikisha kwamba pombe za kienyeji zina kanuni ya kuzihalalisha na kuwekewa wakati wa kuzinywa. Tunaweza kusema watu wanywe kutoka saa kumi na moja jioni hadi saa tano ya usiku. Vile vile, lazima kuwe na kanuni za afya kutoka kwa Idara ya Afya kuhakikisha kwamba pombe zote ni safi. Kwa hivyo, kuna umuhimu wa kuhalalisha pombe za kienyeji, lakini tuweke kanuni za kuzisimamia, ili watu wazinywe kwa njia ya halali.

Kwa hayo machache, naunga mkono Hoja hii.

**The Assistant Minister for Environment and Natural Resources** (Prof. Maathai): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to thank the hon. Member for Kiharu Constituency, Mr. Kembi-Gitura, for bringing this Motion. I also thank the Minister for his quick response. I think that, as leaders in this country, we have a special responsibility to protect our society. As has been said, there is no way we can be a working nation, when we do not have discipline in the way we consume alcohol. I think as a country that prides itself to be 85 per cent christian, it is an embarrassment that our society is too indisciplined to take alcohol everywhere.

Mr. Temporary Deputy Speaker, Sir, this country is rated as a country of disasters. We have high corruption levels, HIV/AIDS, famine, poverty and street children, which are all disasters. Our tourism levels have gone down because we have turned into a country without discipline. That is a challenge for us, as leaders! We must introduce discipline in our society. We must curb corruption and do something about HIV/AIDS. Most of all, we must do something about alcohol. There are countries in this world which do not allow alcohol to be drunk in public places. There is no reason why alcohol should be sold everywhere.

I am very happy that the Minister has said that he is going to consult his other colleagues; so that, as a Government, we take action as quickly as possible. We are grateful to Mr. Kembi-Gitura because I know that he comes from an area where he is constantly asked by women to come to their rescue. All of us women in this country have been crying out to men! This Government, that is committed to making our country a working nation, must demonstrate through commitment. It must not take any time. This law should be enacted as quickly as possible. I hope that the concerned Ministers will not waste time. They should ensure that there is a law to introduce discipline in alcohol consumption. I agree with those who have said that it is not just a matter of alcohol sold in sachets. We should come up with a law that introduces discipline. When our people go home or offices half-drunk or suffering from hangovers, they cannot be effective. It is a shame that we have

to wait until there is a disaster, for us to act. Sometimes, it makes me wonder: What kind of leaders are we, that wait until there is a disaster to act? We waited for 16 years, after the first person had died of HIV/AIDS, before we stood up and said: "There is HIV/AIDS in our country." Women have been crying and walking down the streets to public offices to say that there is a problem in our society with regard to alcohol.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to strongly support this Motion.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Members! It is now time for the Mover to reply.

**Mr. Kembi-Gitura:** Mr. Temporary Deputy Speaker, Sir, I am donating three minutes of my time to Mr. Wetangula and three minutes again to Mr. Waithaka Mwangi.

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, I have been dying to speak on this Motion.

Having heard what my colleagues have said, first, I would like to congratulate Mr. Kembi-Gitura. More importantly, I think it is high time the Government considered declaring reckless consumption of alcohol in this country a national disaster.

Mr. Temporary Deputy Speaker, Sir, there is such recklessness in the drinking of alcohol in this country that actually, the moral fibre of our society is thoroughly eroded. Whether you talk of local brews, packaged brews, *mnazi* or whatever form of alcohol, it has visited a lot of damage to our society. As a lawyer who was previously practising in the law courts, I know that over 80 per cent of motor accidents on our roads are caused by alcohol or alcohol related activities. This has never been quantified. The damage to property, the loss of lives, the maiming of people and so on have visited unacceptable damage to our society.

Nothing is worse than accessing young children and especially school children to alcohol. I think the Government should come up with a very clear regulatory structure on how alcohol is manufactured, packaged and sold. We need to know how alcohol is sold and to whom it is sold. Banning alcohol, history has shown, does not work. They tried it in America and Scotland, but it failed. What it did was to send people underground to consume even more dangerous brews. What we need is to regulate the packaging and drinking hours. For example, people can be allowed to drink alcohol the way it was done in the old days. Bars were opened at 2.00 p.m. and closed at 5.00 p.m. so that people go home early. We have been told of a case where one day a man came home sober and all his children took off because the man had never been seen sober by his own family. These are the cases we want the law to control.

The law enforcement on alcohol especially for those who brew and sell is too lenient. We need a more stringent law. With regard to companies that are regularly mentioned here like Keroche Industries, perhaps, we need a law to close them down altogether if at all they are the cause of the problem. Then, we also need a way of regulating the brews. Drinks like *chang'aa* are regulated in Uganda. They are distilled and packed properly for sale to *wananchi*.

Mr. Temporary Deputy Speaker, my three minutes are over. However, I congratulate and support Mr. Kembi-Gitura for bringing this Motion. This is something that we all must view as a national disaster. Alcohol is destroying our society. With those few remarks, I beg to support.

**Mr. Waithaka:** Mr. Temporary Deputy Speaker, Sir, I thank the Mover of this Motion, Mr. Kembi-Gitura, for giving me three minutes to contribute and support this Motion.

I want to reiterate what has been said here by my good friend, hon. Mwandawiro. It is true that consumption of alcohol has been done centuries of years back. However, the kind of brew we are now talking about is not the kind that people have been consuming. For those who have done History, beer is at times associated with prostitution so that where there is a bar, there is a brothel

somewhere near. We are talking of a brew which, when you consume, it makes you hate two things very much. The first thing to hate is water. The consumers of these brews manufactured in Naivasha do not like bathing. They hate water.

Secondly, that brew will make you hate women. Beer and women are very friendly, but this brew that we are talking about makes you hate women. For instance, the boys who take this brew do not want to go home to their wives! We are not actually talking about alcohol here; we are rather talking about poisonous substances which are brewed at certain places and sold to our people. We must be very careful! The Government must take stern action. They must find out what raw materials are used in the preparation of those substances. What is this miracle that took place in Naivasha and which has led to the mushrooming of six industries which are brewing this illicit brew in Naivasha alone, if it is not siphoning of chemicals being transported from factories from Western Kenya to Nairobi? Other than Keroche Industries which many people are talking about, there are other industries in Naivasha, for instance, Texan and Tornado, Amarillo, Sunshine and so many others. What technology did these people of Naivasha acquire so suddenly that they are now brewing these very dangerous lethal drinks? We are not talking about alcohol here!

There is one other thing I would like to reiterate. Surely, if we have a law, it must be reinforced. You will find people taking this brew at 9.00 a.m. in the morning. We all know that if you have to take beer, you are supposed to take it after working hours. What work do these people do that they have to start drinking at 9.00 a.m. in the morning, and all of them are not watchmen?

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Mr. Waithaka!

**Mr. Waithaka:** What we are saying is that we know there are laws which regulate the hours within which people should take their drinks; that is from 5.00 p.m. in the evening to about midnight. But these days, you find that nobody is in control! Even those who are charged with the responsibility of licensing bars do not take into consideration that there are certain regulated times for the operation of bars. These days, you can even find a bar selling these illicit brews in the middle of a farming community or right in somebody's farm, which is not even a place designed for business. The district commissioners, who are the chairmen of the Liquor Licensing Boards license such bars.

The penetration of the consumption of these illicit brews has gone too deep into the farming areas that our youth are no longer working. Today, if you go to your farm, you can take a whole week or even a month without getting a farmhand to do some work for you, and people are still saying that there is no employment. It is because most of our youth cannot even work because they are so weak that their bodies are always shaking due to consuming these illicit brews, which I will not call alcohol, but poisonous drinks sold to our people in the name of alcohol! The Government must take very serious and stern measures to curb this menace, because unless this is actually done, we cannot be proud to say that we are a working nation. We cannot have a working nation when the youth are not working.

If you go to our primary schools today, you will find that most kids especially in Standard One, Two, Three and Four are being taken care of by their grandmothers because the fathers have deserted them, and the kids do not even know whether they have fathers or not! So, it is our grandfathers who actually brought us up and educated us and they are also now educating our children instead of us doing that.

Again, I would like to reiterate what has been said by hon. Mwandawiro. The strikes---

**The Temporary Deputy Speaker** (Mr. Poghisio): You do not have all the time!

**Mr. Waithaka:** Is my time up?

**The Temporary Deputy Speaker** (Mr. Poghisio): We are not timing you, but be conscious of time.

**Mr. Waithaka:** Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to support this Motion.

**Mr. Kembi-Gitura:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I want to start by sincerely thanking my colleagues for the very wonderful and comprehensive contributions they have given to this very very important Motion. I do trust that this will be a new beginning at least as regards alcoholism in our children.

Mr. Temporary Deputy Speaker, Sir, we have talked about HIV/AIDS. I am one hon. Member who is convinced that HIV/AIDS will not be controlled as long as illicit brews and cheap drinks in sachets continue to be sold. As I told my people recently, it is futile to tell people to use condoms because a person who has taken illicit brews will not know the inside or outside of a condom. It is an absolute waste of time and our people will continue to die of HIV/AIDS.

Recently, I must say that I was flabbergasted when I saw a man, for whom I have a lot of respect, the hon. Vice-President and Minister for Home Affairs of this country, accepting gifts of televisions and other items to give to prisons of his choice. These gifts were from Keroche Industries. In my view, when such a senior Government official accepts gifts from this kind of a company, however well-intentioned he may be, he has ended up sanitising the continuity of the sale of illicit brews. Just as in many countries in the world the manufacturers of cigarettes are not allowed to sponsor sports, because the two do not go together, this Government cannot afford to be seen to be supporting, in whatever way, the continued manufacture and sale of illicit brews. Mr. Temporary Deputy Speaker, Sir, I am very grateful to the Minister for Trade and Industry because of the positiveness with which he supported this Motion. I am happy to see that even the Government realises the need for this Motion, but it has to galvanize the masses into some action. I am most grateful and trust that the Government will take what it has said this morning seriously, and that we will see an end to the manufacture, sale and consumption of illicit brews and sacheted drinks in our country.

With those few words, I beg to move.

*(Question of the Motion as amended  
put and agreed to)*

*Resolved accordingly:*

THAT, in view of the fact that the sale of illicit brews has continued to kill very many Kenyans and negatively affect the economy of this country, particularly the agricultural sector and destroyed a lot of families, and considering that the sale of brews of any kind is not by law allowed to children and taking into account that the mushroomed sale of alcohol in sachets has made the same accessible even to school going children; and cognisant of the fact that very many of such school going children have been destroyed by the consumption of the alcohol in sachets, this House urges the Government to ban the sale of alcohol of whatever kind in sachets and that the alcohol henceforth, be sold in designated sealed rigid containers, the minimum such size to be 250 millilitres.

WITHHOLDING OF SCHOOL CERTIFICATES  
ON ACCOUNT OF FEES BALANCES

**(Mr. Musila to move):-**

THAT, noting with concern that students who have sat for the Kenya Certificate of Education Examinations continue to be denied their certificates on account of school fees balances; aware that the bursaries allocated to schools are inadequate to cater for all the needy students; conscious that academic testimonials are statutory requirements for career and job opportunities; and appreciating that the schools require adequate funds to meet the cost of their maintenance, this House recommends:-

(i) that all certificates held by schools on account of fees balances be released forthwith and that no more certificates shall be withheld by schools on account of fees balances in future; and

(ii) that the Ministry finds ways and means of compensating the affected schools.

**The Temporary Deputy Speaker** (Mr. Poghisio): This Motion has been deferred.

*(Motion deferred)*

ESTABLISHMENT OF COMMITTEE TO LOOK  
INTO THE PYRETHRUM INDUSTRY

**Mr. Mukiri:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, noting that Kenya is the leading producer of pyrethrum in the world; considering that the pyrethrum industry has in the past earned this country considerable foreign exchange; cognisant of the fact that the industry is currently facing a lot of problems, this House urges the Government to establish a committee of experts to look into the problems affecting the industry, and that the committee submits its report to the Minister within four months after its appointment.

Mr. Temporary Deputy Speaker, Sir, first of all, I wish to state that I come from a region that grows this very important crop called pyrethrum. I know there are hon. Members in this House who do not understand what pyrethrum is. The pyrethrum crop has been in existence for a very long time. We are told that pyrethrum originated from China in the first century. It is used to produce insecticides for purposes of killing insects. We all know that it is mainly grown in the highlands areas; that is in the northern and southern parts of the Rift Valley Province, Laikipia, Kisii and Bomet districts, among other areas. About one million households in this country depend on pyrethrum. This crop is mostly grown on subsistence levels by peasant farmers who supplement it with other crops, for example, maize and potatoes. The net chemical from pyrethrum is also used for making mosquitoes coils which go a long way in killing mosquitoes which cause malaria.

Mr. Temporary Deputy Speaker, Sir, pyrethrum is now ranked as the fifth major foreign exchange earner in this country. It has been with us for about 60 years now. At the moment, Kenya produces about 65 per cent to 75 per cent of all the pyrethrum in the world. This country has been earning foreign exchange of about Kshs1.5 billion to Kshs2 billion every year from pyrethrum. However, of late, the industry has been declining. There is a problem facing this industry. It is unfortunate that pyrethrum farmers in this country are now uprooting this crop despite the fact that we need that foreign exchange and the fact that most of them would wish to continue relying on this crop to educate their children, buy sugar, tea and other household goods. However, they have been left with no alternative, other than to uproot it because they are not receiving anything from it.

So, as one of the hon. Members of Parliament from the pyrethrum growing areas, I felt it is my responsibility to see to it that the Government makes an urgent intervention. That is why I brought this Motion to this House. As much as the farmers would wish to continue planting this

crop and as much as we are saying this crop is earning this country a lot of money, it is a pity that farmers are now uprooting it. If you look at the production levels, for instance, in 1996 Kenya earned about Kshs2.1 billion from this crop. But from 1999, the sale of this crop went down. It is sad that we are now earning only about Kshs500 million. The latest statistics taken in 2001 show that Kenya only earned Ksh1 billion. There are so many problems that are affecting the production of this crop. That is why I call upon experts to dissect problems that are facing this industry. We have seen activities going on in the coffee sector, but the Government seems to have forgotten the pyrethrum farmers. One of the problems that is facing that crop is low domestic demand. What do I mean by that? There is a problem of marketing pyrethrum. People do not use it as much as they are supposed to do. The Pyrethrum Board of Kenya (PBK), which is the parastatal designated to deal with pyrethrum, has manufactured so many by-products which could be used in this country. They have come up with mosquito coils and other insecticides which could be used by farmers to kill ticks. We have a problem because the Government is not giving PBK enough financing. When we see a lot of money being wasted - even through the Anglo Leasing Company--- We only need about Kshs200 million to invest in a factory that could produce pyrethrum products. If that money is invested in a factory, we would stop importing other chemicals. We would have our own products which would compete with the likes of "Doom" and "Raid".

Mr. Temporary Deputy Speaker, Sir, there is also a problem of delayed payments. The other day, the President went to the Western region and promised the sugar-cane farmers that they are going to be paid their arrears. That was realised. The PBK has been fighting and the directors have been struggling with the Government, so that they could be allowed to borrow some money. The Pyrethrum Act Cap.340 allows PBK to borrow money. But the Government is not willing to guarantee PBK to be given enough money, so that it could pay the arrears and encourage the farmers.

Mr. Temporary Deputy Speaker, Sir, pyrethrum is facing a lot of competition from synthetic chemicals. At the moment, the world over, people are trying to bring in products that could assist in organic farming. I think pyrethrum products have been approved all over the world. But we have a problem. The other day, we heard a statement by one of the senior officers in the Ministry of Health, that they want to introduce Dichlorodiphenyltrichloroethane (DDT). That is a product that was banned in this country way back in 1985. Instead of the Government encouraging the pyrethrum by-products, it is talking about bringing in the DDT. We know that DDT has a lot of side effects. It causes cancer and deformities to the newly-born babies. If DDT was to be introduced, we are likely to lose a lot of exports in our horticulture products.

Mr. Temporary Deputy Speaker, Sir, the other problem that I would like that Committee to look at is competition. Pyrethrum is facing a lot of competition from other areas. At the moment, our pyrethrum is being processed in Rwanda. That is costing the farmers a lot of money. We have countries like the Island of Tasmania, which entered the industry recently. We are saying that we produce 65 per cent of pyrethrum sold in the world market. But, at the moment, they have taken 30 per cent of our market. I would recommend that they visit that island of Tasmania, because they have gone very far. In their production of pyrethrum, they have been emphasising mostly on research and

development. Unlike in Kenya where we have the Pyrethrum Board of Kenya having a monopoly, theirs is already privatised. They have invested heavily in technology. When it comes to sowing, cutting, harvesting, extraction and even refinement, these people have invested in the latest technology. If we are not going to look at what our competitors are doing, we are going to be relegated into history. We are going to lose our markets and we are even going to close the Pyrethrum Board of Kenya.

Mr. Temporary Deputy Speaker, Sir, I also think that this Committee that I am asking to be formed should also look at the Pyrethrum Act, which is a colonial legislation. It has been there for a very long time. If you look at it, it is a legislation that came in only when some few settlers were allowed to grow this crop. At the moment, if you want, for instance, to grow pyrethrum in this country, you have to go to the Pyrethrum Board of Kenya to seek for a licence. With this licence, the farmer is not supposed to grow more pyrethrum than what the Pyrethrum Board of Kenya will allow you. The licence is supposed to dictate to you the amount of pyrethrum that you are supposed to buy from them.

Mr. Temporary Deputy Speaker, Sir, the Act also prohibits competition, in that it is only the Pyrethrum Board of Kenya that is allowed to buy pyrethrum from the farmers. Nobody else is allowed to buy the crop.

Mr. Temporary Deputy Speaker, Sir, another problem with this Act is appointments. It is bad practice that in this country we have Ministers, the President and Chief Executives and politicians being given the monopoly of choosing the directors of companies. In the past, the Chief Executives of Pyrethrum Board of Kenya have been political appointees. That is why, for instance, last year, about Kshs150 million belonging to the pyrethrum farmers was siphoned out and deposited in the Euro Bank. All that money got lost, because the Chief Executives who are appointed have nothing to do with pyrethrum; they do not come from pyrethrum-growing areas. Even when it comes to employment, you find that the people who are employed at the board do not understand the problems that are faced by the farmers because they do not come from pyrethrum-growing areas.

#### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Poghio): Order! Mr. Mukiri, you have five minutes of your time left. Hon. Members, it is now time to interrupt the business of the House. This House, therefore, stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.