

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 4th July, 2002

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.282

ALLOCATION OF FUNDS TO AIDS CONTROL COMMITTEES

Mrs. Mugo asked the Minister of State, Office of the President:-

- (a) whether he is aware that Dagoretti Constituency has never received reimbursement of the cost incurred to inaugurate the Constituency AIDS Control Committee (CACC);
- (b) whether he is aware that no funds have been given to the Constituency AIDS Control Committee for public awareness and training;
- (c) what criteria was being used to determine the amount of money to be allocated to various constituencies; and,
- (d) why the funds have not been released and what he is doing to have the funds released in order to activate the operations of the Committee.

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Constituency HIV/AIDS Control Committees (CACCs) were established in November, 1999, following a workshop in Mombasa. In total, 21 Constituency AIDS Control Committees (NACCs) were established immediately and they each received Kshs350,000. A further 25 followed and each of those 25 constituencies received Kshs212,000.

However, due to financial constraints, the figures were reduced to Kshs25,000 per CACC, but only on reimbursement basis. Those CACCs that had not accounted for the above money were advanced Kshs45,000 each to cover fuel, stationery, travel, subsistence allowance, postage, telephone, meetings and so forth.

As it is, I am aware that the Dagoretti CACC has not received funds because it has not submitted launch returns for the reimbursement.

(b) Yes, I am aware that no funds have been given for public awareness and training. However, as other committees, Dagoretti has been advanced Kshs45,120 as a first quarter for running expenses.

(c) The Kshs45,120 advanced to each CACC as a first quarter was determined by both the World Bank and the Government at the time of designing the project.

(d) Operations of the community level are expected to be carried out by NGOs and CBOs working within those communities. CACCs are supposed to co-ordinate such activities. The National AIDS Control Council (NACC) is supposed to co-ordinate each activity. The NACC has put in place a Financial Management Agent (FMA) to allow smooth flow of funds to NGOs/CBOs as they work.

Mrs. Mugo: Mr. Deputy Speaker, Sir, Dagoretti CACC was launched on 10th March, 2001. Since then, we have never received any money, even the Kshs45,000 that the Minister mentioned. Indeed, the NACC gave us a secretary from the Nairobi City Council, a Mr. Mungai, who they purport to have dealings with. But our CACC has never received a cent. So, I find it difficult to believe when the Minister says that Dagoretti was advanced Kshs45,000. We have not received it. My efforts, even to reach Mr. Mungai and copy the letters to the NACC, have not met any success. I cannot locate the Secretary. The Secretary does not deal with the Committee any more and neither the chairperson nor the Chairman of the NACC knows where Mr. Mungai is. Could he tell this House how Dagoretti CACC is going to operate, and when will he give us the money that is supposed to come to Dagoretti? It is unfair if some constituencies have already received over Kshs400,000, and Dagoretti has not received a cent.

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, according to our records, Dagoretti CACC was advanced Kshs45,120 on the 17th July, 2001, for office running. The same has not been accounted for, but we have now found out that the cheque came back and it is now stale without having been accounted for.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, I would urge the Minister to listen to what I am going to ask. There has been a lot of "great" discrimination - at that - in that there are certain constituencies that have got big money to the tune of over Kshs300,000 and Kshs400,000. Others have got Kshs200,000 and some got zero. I belong to that category - Kamukunji - which got zero. I know of very many hon. Members who have not received the money for their constituencies because I sit in the Committee on Health, Housing, Labour and Social Welfare. Could he lay on the Table that list of all the money that has been given to the various constituencies and try to explain why there was discrimination?

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, for the benefit of hon. Members, I have brought a comprehensive list here of what has been paid to each province and constituency. I hope the Clerk will distribute this document to hon. Members so that they have a look at it and find out how much they have received for their constituencies, and, probably, we can start talking business when they have received this document.

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

Mr. Deputy Speaker: Order, hon. Members! If you want to ask questions, I will give you all the time, but do not stand on a point of order if it is not one.

Mr. Muchiri: Mr. Deputy Speaker, Sir, when the CACCs were inaugurated, it was hon. Members who paid money out of their pockets. Hon. Members have not been refunded that money. The Minister is aware that no CACC could have been launched with less than Kshs75,000. Could he now tell this House when the NACC will refund hon. Members the money that they spent?

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, there have been delays, discrepancies and disparities in paying the Constituency AIDS Control Committees money. I have laid this document on the Table so that the hon. Member can look at it and make a comparison with what other hon. Members have received. As I have said, the National AIDS Control Council and our Ministry will help the hon. Member sort out all these problems because we have to try our level best to reduce the scourge.

Mr. Deputy Speaker: Order! Mr. Minister, answer the question the hon. Member has asked you. When will you refund these hon. Members the money they used to launch Constituency AIDS Control Committees in their constituencies?

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, we are not even aware of the amount of money which has been paid and who has paid it. A proper system of accounting has to be established before we can know who should be paid the money.

Mr. Deputy Speaker: Order! This is a factual matter! Either the hon. Members have not been refunded the money, or they have been refunded the money. If you are not sure what the position is, just say so. But we do not want your opinion. We want a factual answer to this question. When will you refund to these hon. Members the money they used to launch AIDS Control Committees in their respective constituencies?

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, these hon. Members should produce receipts to the National AIDS Control Council. If they have the receipts, they should tell us when they launched these Committees in their respective constituencies and we will act. I do not know whether the hon. Member for Dagoretti Constituency has paid any money to her Constituency AIDS Control Committee.

Hon. Members: On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: Order! Mr. Minister, these hon. Members cannot chase payments from the National AIDS Control Council!

(A mobile phone rang)

Who is the owner of that cellular phone?

An hon. Member: Mr. Mwenje!

(Laughter)

Mr. Deputy Speaker: Order, hon. Members! Hon. Members seem to be taking this House so lightly, that I keep on asking myself: Why are we here, if we cannot take the business of this House seriously? The Chair has repeatedly advised hon. Members to leave their cellular phones out of the Chamber because there is nothing more irritating than that little thing ringing when an hon. Member is asking a question or the Chair is responding to something. Please, those hon. Members who have brought their cellular phones here, take them out!

Mr. O.K. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. I would like to seek the indulgence of the House on the fact that the Minister has tabled that list a few minutes ago, and we have not had time to look at it. Am I in order to request the Chair to defer this Question so that we can have time to look at the list and ask supplementary questions?

Mr. Deputy Speaker: Order! I cannot defer a Question merely because a document has been tabled. Anyway, that was part of the Question. So, get hold of the list and you can ask questions later on after you have read it.

Mr. Anyona: Mr. Deputy Speaker, Sir, the Minister has complicated the issue. There are some constituencies whose AIDS Control Committees have been inaugurated, and he has that list in his office. Kitutu Masaba Constituency is one of the constituencies whose AIDS Control Committees have been inaugurated. The list of the Minister should show the Constituency AIDS Control Committees which have been inaugurated and have been paid the money, and the ones which have not been paid. Could the Minister tell this House the number of Constituency AIDS Control Committees have been inaugurated, the amount of money they have been paid and the number of constituencies which have not been paid the money? Like Dagoretti Constituency, Kitutu Masaba Constituency has also not been paid the money.

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, I would like to say at the outset that I have got a lot of respect for this august House, and I would not like to give any information which will make me appear like I am taking lightly either the hon. Members or the House. But I would like to make it very clear that all the Constituency AIDS Control Committees have been inaugurated. That is a fact. I did my best when the Chair gave me two days to produce this list, which shows the province, the constituency, when the money was sent, how much and whether it was accounted for or not. It is important for the hon. Members to know where they stand so that next time, they can say the truth.

As far as payment to Dagoretti Constituency is concerned, I know that it has been paid Kshs45,120, which is the initial payment after the Constituency AIDS Control Committee has been inaugurated. I have no record which shows that Dagoretti Constituency is owed any money, or whether the hon. Member for this constituency has supported this Committee. If she has, let her submit the bill to the National AIDS Control Council.

Mr. Ndwiga: Thank you, Mr. Deputy Speaker, Sir. While we appreciate the work the Minister has done, is he aware that after the Constituency AIDS Control Committees were launched, a parallel committee called the "District AIDS Control Committee was also launched?" This is the conduit for the money which should be used for work in the constituencies.

Mr. Deputy Speaker: Mr. Ndwiga, ask your question!

Mr. Ndwiga: Mr. Deputy Speaker, Sir, is the Minister aware that monies which should go to the Constituency AIDS Control Committees are held at the district because there is a parallel committee at the district level? This Committee makes it difficult for monies meant for Constituency AIDS Control Committees to operate.

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, I know there is the District AIDS Control Committee, but it is supposed to co-ordinate the activities of the Constituency AIDS Control Committees and make sure that each constituency has received the right share of the money.

Mrs. Mugo: Mr. Deputy Speaker, Sir, the Minister is deliberately misleading this House by insisting that Dagoretti Constituency was paid Kshs45,000. The Dagoretti Constituency AIDS Control Committee has not been paid a single cent. I would like this to go on record. This is the case, and yet we launched the Constituency AIDS Control Committee in the presence of the Permanent Secretary, Ministry of Health. My question was, and still is: When will Dagoretti Constituency be paid not only the Kshs45,000, but also the equivalent amount of money the other constituencies have received, which is about Kshs400,000 or Kshs375,000? Why was Dagoretti Constituency left out in this payment? That is the reason why I asked what criteria was used to pay other constituencies this money and leave out Dagoretti Constituency?

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, the truth of the matter is that it is not only Dagoretti Constituency which was not paid the Kshs45,000. If you go through this list, you will find that some constituencies have also not received the Kshs45,000. I have just said that a cheque was sent to Dagoretti Constituency AIDS Control Committee, but it was returned to the National AIDS Control Council. This cheque is still lying there and it has expired. So, I know that this constituency has not received a single cent.

On the other part of the question, I would like to say that we are now in a position to sort out funds for every constituency. This is because we think that we, in the Government, and the donors, have organised ourselves. We are in a position to run every activity in all the constituencies in this country. That will include funding. So, I hope that the hon. Members will bear with us for a while as they study this list and know where they stand. This is because, very soon, we will provide funds, which will be shared equally among the constituencies in the country.

IMPLEMENTATION OF *EL NINO* PROJECTS

Mr. P.K. Mwangi asked the Minister of State, Office of the President:-

- (a) whether he is aware that Maragwa District suffered great losses from *El Nino* rains;
- (b) which projects have been earmarked to benefit from the *El Nino* Emergency Fund; and,
- (c) when the construction work on those projects will start.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I would like to apologise on behalf of my colleague, hon. Nassir. This Question falls under his docket and that is why I am unable to answer it. I am waiting for the Questions by Private Notice.

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. Yesterday, the Speaker had to warn against Ministers who fail to come to the House to answer Questions.

Mr. Deputy Speaker: Mr. Mwenje, why are you repeating what has already been said?

Mr. Mwenje: Mr. Deputy Speaker, Sir, I am repeating this issue because Ministers have continued to be absent from the House to answer Questions.

Mr. Deputy Speaker: Order! I have to say something about this issue.

(Mr. Mwenje stood up in his place)

Hon. Mwenje, this is the National Assembly and not another chamber.

It is, indeed, true that the Speaker yesterday spoke harshly about this culture that has crept in of Ministers absenting themselves from the business of the House. I would like to draw the attention of the Ministers, in particular, to Standing Order No.88, which defines disorderly conduct. Disorderly conduct means and includes deliberately refusing to answer legitimate Questions. I would like further to refer hon. Members to the Constitution, which provides that Ministers of the Cabinet are answerable to the National Assembly.

Hon. Members, we simply cannot continue on the basis that Questions are filed and the hon. Members who have filed those Questions do not turn up in the House to ask them, and Ministers do not turn up either, to answer them. So, it is a joint responsibility; when you file a Question, you must be here when it is called, and if you are due to answer a Question, please, be present.

Let me just repeat what the Speaker said, that those who want to abdicate their responsibilities had better say so, so that this House knows that in such and such a Ministry there is no Minister, and that the President should take the necessary action to fill the gap. But, for Christ's sake, let us take our work here seriously. I want to say that disorderly conduct means that the Speaker has the right to send you out of the Chamber, and this is not an idle statement now. If a Minister does not turn up to answer a Question, or an hon. Member does not turn up to ask his or her Question, I will have no alternative, but to exclude them from the Chamber, and more importantly, deny them an opportunity to speak in it.

Mr. P.K. Mwangi's Question is deferred.

(Question deferred)

Question No.296

INTERDICTION OF MR. PANAITO OCHIENG

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

Question No.231

OPERATION OF BUSES WITHOUT EMERGENCY DOORS

Mr. Mwalulu, on behalf of **Mr. Mwakiringo**, asked the Minister for Transport and Communications:-

- (a) whether he is aware that long distance passenger buses like Coast Bus, Busscar, Busclass, Akamba, Interstate 2000, etc, have no emergency exit doors;
- (b) what action he is taking to ensure that the said buses have emergency exit doors; and,
- (c) why these buses were allowed on the road without the said doors.

The Assistant Minister for Transport and Communications (Mr. Lengees): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware of the fact that some buses being operated on our roads have no adequate emergency exit doors as stipulated in the Traffic Act, Cap.403.

(b) The measures that have been taken to ensure that the said buses have emergency exit doors include:-

(i) The Ministry has written to the Commandant of Traffic Police, Director of Motor Vehicles Inspection Branch and the Registrar of Motor Vehicles on this anomaly and instructed them to ensure that the law is followed and implemented.

(ii) In turn, the Commandant of Traffic Police and the Director of Motor Vehicles Inspection Branch have written to all the stakeholders with public service vehicles (PSV) to comply with the Traffic Act and ensure that vehicles are presented for inspection and after inspection, they should not be sent back to the body builders to do other modifications which will alter the state of the vehicles.

(iii) The police have taken action, and to date have arrested 139 operators and taken them to court. Out of these cases, 75 have been finalised; warrants of arrest have been issued in respect of 49 cases, and another 15 cases are pending before the court.

(iv) In addition, the Traffic (Amendment) Bill, 2002, is before the House for discussion, and stiffer penalties have been proposed.

(v) Continuous sensitisation of the stakeholders through workshops on the importance of adherence to the laid-down legal requirements has been taking place.

(vi) The proposed Kenya Roads Safety Authority in the Traffic (Amendment) Bill, 2002, is expected to address these issues as part of its responsibility towards road safety.

(c) This omission in respect of some vehicles has been noted. The dealers modify the vehicles after the inspection by the Director of Motor Vehicles Inspection Branch, and fail to comply with the requirement for emergency exit doors as stipulated in the Traffic Act. The Commandant of Traffic Police and the Director of Motor Vehicles Inspection Branch have addressed this lapse in law by sending a circular to all the stakeholders and instructing them to operate within the existing traffic rules and regulations.

Mr. Mwalulu: Mr. Deputy Speaker, Sir, you will realise that the Assistant Minister has read out the same answer he gave last week. This Question was deferred so that a better answer could be provided.

However, could the Assistant Minister tell this House whether he has taken any measures against buses with no emergency exit doors so far?

Mr. Lengees: Mr. Deputy Speaker, Sir, the Question was deferred because, on 26th June, 2002, I promised to table before the House the relevant section of the law, namely, Cap.403, the Traffic Act, which requires every bus to be fitted with emergency exit doors. I will take this opportunity to table the document here.

Mr. Deputy Speaker, Sir, action has been taken against bus companies whose buses have not been fitted with emergency exit doors. The Director of Motor Vehicles Inspection Branch has already written to the companies concerned and the companies have written back to say that they are complying with the law and have already modified most of their buses. I want to table these letters here.

(Mr. Lengees laid the documents on the table)

Mr. Muturi: Mr. Deputy Speaker, Sir, in answer to part "a" of the Question, the Assistant Minister has admitted that the said buses are operating without emergency exit doors. Part "c" of the Question has asked why these buses were allowed on the road without the said doors. The Assistant Minister has not addressed that part of the Question. Could he now give an answer to that part of the Question? The issue here is not modification of the buses. Why were those buses, in the first instance, allowed on the road against the provisions of the law?

Mr. Lengees: Mr. Deputy Speaker, Sir, I apologise to the House because the law was silent on that issue earlier. But at the moment, the traffic police, plus the Inspector of Motor Vehicles, have already taken action.

Mr. Musila: Mr. Deputy Speaker, Sir, the Assistant Minister is deliberately avoiding to answer this Question. To the best of my knowledge, and I am sure hon. Members will agree with me, whenever the body of a vehicle is built, and before the vehicle is licensed to operate on our roads, that vehicle is supposed to go to the Motor Vehicle Inspection Unit for inspection. After that, the vehicle is licensed. Could the Assistant Minister deny or confirm that because this unit is corrupt, they allow vehicles which are dangerous to the public to operate on our roads?

Mr. Lengees: Mr. Deputy Speaker, Sir, I am not aware whether those officers are corrupt. But what was happening was that whenever a bus was purchased and inspected, the emergency doors were fixed. But the bus operators would go back to the dealers to seal the emergency doors. But I would like to assure the House that from the beginning of this month, and particularly from 21st June this year, action has been taken.

Mr. Anyona: Mr. Deputy Speaker, Sir, the Assistant Minister has been going round in circles for about two weeks now on this Question. Could he assure this House that as of today, there will be no such vehicles on our roads?

Mr. Lengees: Mr. Deputy Speaker, Sir, I am not able to commit myself right now. I know that this is the third

time I am answering this Question. It is of great concern because the lives of Kenyans are at stake. We thank God that no accident has taken place since that time. But since last month, the Akamba Bus Service management informed us that they have already rectified their buses. The other bus companies have also committed themselves. So, the issue is being addressed now!

Mr. Kamolleh: On a point of order, Mr. Deputy Speaker, Sir. This is an Assistant Minister in the Government of the Republic of Kenya and he is apologising!

Mr. Deputy Speaker: You stood on a point of order. What is your point of order?

Mr. Kamolleh: Is the Assistant Minister in order to mislead this House when he has cited an Act of Parliament, which states that all buses must have emergency doors? He is now saying that those buses did not install emergency doors because the police changed the order. Is he in order?

Mr. Deputy Speaker: That is not a point of order! Order, hon. Members! I think there is something which is not transparent about this Question. For the House to get to the bottom of it, I think it should be referred to the relevant Departmental Committee, so that they can report back to the House.

*(Question referred to the relevant
Departmental Committee)
Question No.039*

COST OF MALARIA PREVENTION MEASURES

Mr. Angwenyi asked the Minister for Public Health:-

(a) whether he could supply mosquito nets and insecticide sprays to the residents of the malaria-prone areas such as Nyamira, Kisii, Gucha, Trans Mara, Uasin Gishu and Nandi districts; and,

(b) whether he could further give the annual cost of treating malaria epidemic and the estimated cost of supplying insecticide sprays and mosquito nets to the malaria-prone areas.

The Assistant Minister for Health (Dr. G. Galgalo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry would like to supply mosquito nets to every person in the affected areas, but due to limited resources, it is unable to do so. However, we are sensitising the public on the use of nets and increasing accessibility to the nets. Furthermore, vulnerable groups are provided with some nets through the antenatal clinics.

(b) It is not possible to give the cost of treating the malaria epidemic, as the figures vary every year in magnitude from region, to region. It, however, costs about Kshs25,000 to treat one severe case of malaria. Due to the limitations cited above, it has not been possible to supply insecticides, sprays and mosquito nets to all the people in the malaria-prone areas.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, we do provide in the Budget, funds for the management and treatment of malaria. If the Ministry does not know how to supply anti-malaria equipment, how does it come up with the figures they give us for provision in the Budget?

Dr. G. Galgalo: Mr. Deputy Speaker, Sir, I think he did not understand my answer. His Question asks: "Could the Minister give the annual cost of treating the malaria epidemic, and the estimated cost of supplying insecticides, sprays and mosquito nets to the malaria-prone zones?"

Unless he misunderstood my answer, I would like to say that epidemics vary from region to region, and year by year. So, it is not possible to give the cost of treating epidemics in the regions. We do not know how many cases will come up each year. We only put in place a rough estimate of the cases to expect, but such cases are not always exact. We have a plan and a budget for which we do not get much money in any case.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the Assistant Minister has said that the Government is not able to estimate how much they are going to spend annually on treating malaria epidemic and supplying insecticide sprays. But during the colonial time, the Government used to have some laws and rules about stagnant waters as causes for breeding mosquitoes. That was one way of avoiding spending too much money on insecticide sprays. What is the present Government position regarding stagnant water, and what responsibilities does the Government give local government officials to ensure that such waters do not become breeding grounds for mosquitos?

Dr. G. Galgalo: Mr. Deputy Speaker, Sir, that policy is still in place. We have public health officers in all the sub-locations in this country whose primary role has been designated to tackle communicable diseases, particularly in the areas that are prone to malaria. That policy is still in place, although we have problems with funding. We still do our best to spray stagnant waters. We advise the public on measures to take at household and community levels, but we have a problem with funding.

Mr. Shidiye: Mr. Deputy Speaker, Sir, a country like Cyprus had the worst outbreaks of malaria, but that country has been able to eradicate malaria. Why is it that this country, which has pockets of malaria-prone areas, cannot eradicate it, 40 years after Independence? Why is it that the public health sector in this country is almost dead?

Public Health officers are behaving like layabouts and look like pensioners when they are very young in their careers, and yet we have drainage and sanitation problems in this country.

Dr. G. Galgalo: Mr. Deputy Speaker, Sir, the public health sector in this country is very vibrant. It is far from being dead as alleged by the hon. Member. But on the question of eradicating malaria, it is not possible to eradicate malaria anywhere in the world for one basic scientific reason. Malarial parasites use the mosquito as a host and they also inject the human body. We can only eradicate a disease if it does not have two different hosts. But we cannot eliminate human beings! Unless we eliminate the host, we cannot eradicate a disease. So, it is not possible to eradicate malaria but we have several programmes which are tackling the issue of malaria. We have the Roll Back Malaria Programme, which is found in all the districts listed by the hon. Member in his Question. For example, in Kisii, as part of that initiative, we have distributed over 3,600 mosquito nets, and spent a further Kshs260,000 to tackle the malaria issue. In Nyamira District, more than 3,000 mosquito nets have been distributed, and over Kshs160,000 has been spent.

In Nandi, over 4,000 mosquito nets and more than Kshs160,000 have been provided. In Uasin Gishu, Trans Mara, Gucha and all those districts which the hon. Member has asked about, they have received more than 3,000 mosquito nets treated with insecticides that keep away the malaria-carrying mosquitoes, and we have distributed more than Kshs160,000 to each of those areas, as a first step.

The second step, we have the Global Fight Against Malaria Initiative (GFAMI), which is now planning to supply spray pumps and anti-synthetic pyrethroid for indoor residual spraying to all areas that are malaria-prone. So, we have plans and several initiatives have been put in place to tackle the problem, and we hope that, eventually, we will subdue the malarial parasites, but it is not possible to eradicate malaria in totality.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, you have heard that confused answer given by the Assistant Minister. The Government says that it does not have funds, and yet it does not know the cost of supplying the nets and sprays. How do you say that you do not have the funds when you do not know the cost of the project? If the Government is serious about fighting this epidemic which kills a lot of our people, does it have to wait until the epidemic goes out of hand so that they can create a show, like they created in Kisii two years ago? They removed patients from their hospital beds in order to take the President of Kenya around the hospital!

Dr. G. Galgalo: Mr. Deputy Speaker, Sir, my answer has been very clear. With regard to the issue of us anticipating when we have epidemics; over the last two years, we had established a surveillance system that has been able to guide us in dealing with this epidemic. The trend has been that during the rainy season, both long and short rains, we have an upsurge of malaria cases in certain malaria-prone areas. We have been taking pre-emptive actions by supplying drugs to those areas before the epidemic starts. We have also been holding health seminars to educate members of the communities and we have been using this programme which I had talked about earlier in order to help those communities. Unfortunately, as my Minister made a statement here yesterday morning, we were taken by surprise this year because the upsurge that we used to see during the long rains in the months of March to June did not occur. I suspect this was due to the pre-emptive action that we had taken. We are beginning to see an upsurge at this time. This has not been usual and that is why the Minister issued an alert here in the House yesterday because this is a phenomenon which has not been seen in this country before. We are prepared for it and we are tackling it.

Question No.289

REHABILITATION OF SHAURI MOYO ROADS

Mr. N. Nyagah asked the

Minister for Local Government:-

- (a) why have the four main roads within Shauri Moyo and Pumwani, awarded to Krishan Behal Limited, not been completed after two years of awarding the contract;
- (b) whether he could state the contract sum for each road and how much has been paid for each of the roads; and,
- (c) when they will be completed.

Mr. Deputy Speaker: Is anyone here from the Ministry of Local Government? Nobody! We will come back to that Question later.

Mr. Munyao's Question!

Question No.333

REPAIR OF ROADS IN NAIROBI CITY ESTATES

Mr. Munyao asked the Minister for Local Government:-

- (a) whether he is aware that Kungu Karumba Road, off Langata Road, which was re-carpeted recently, was not completed to full length;
- (b) whether he is further aware that the three estates of Moi, Otiende and Ngei have many lanes which have peeled off and need urgent attention; and,
- (c) what urgent measures will be taken to repair/re-carpet the roads in the estates and also repair the broken water drainage systems.

Mr. Deputy Speaker: Is the Minister for Local Government still not here? We will go back to hon. Owino Achola's Question for the second time.

Question No.296

INTERDICTION OF MR. PANAITO OCHIENG

Mr. Deputy Speaker: Is Mr. Owino Achola still not here? The Question is dropped!

(Question dropped)

Norman Nyagah's Question for the second time!

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- (b) whether he could state the contract sum for each road and how much has been paid for each of the roads; and,
- (c) when they will be completed.

Mr. Deputy Speaker: Is the Minister for Local Government still not here? We will defer this Question to Tuesday next week.

(Question deferred)

Question No.333

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- (a) whether he is aware that Kungu Karumba Road, off Langata Road, which was re-carpeted recently, was not completed to full length;
- (b) whether he is further aware that the three estates of Moi, Otiende and Ngei have many lanes which have peeled off and need urgent attention; and,
- (c) what urgent measures will be taken to repair/re-carpet the roads in the estates and also repair the broken water drainage systems.

Mr. Deputy Speaker: Is the Minister for Local Government still not here? Order!

The Deputy Leader of Government Business, you have heard me talk about absenteeism and you heard the Speaker talk about it yesterday. Inform your colleagues that they must be here in the House next Tuesday to answer these Questions.

Thank you.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

KILLING OF INNOCENT KENYANS BY POLICE

Mr. Anyona: Mr. Deputy Speaker, Sir, I have not received the written answer, nevertheless, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

(a) Is the Minister aware that on Saturday, 8th June, 2002, a GK vehicle, registration GK085J, carrying police officers from Keroka Police Station and Administration Police Officers from Magombo Camp, hit Ms. Eunice Nyamoita Oginda, after which the officers opened fire and shot dead two students, namely, Denis Ombaye, Mang'are and Duke Mochama, and a tout, Mr. Tom Osinde?

(b) What action has he taken to have the driver of the GK vehicle charged with the killing of Ms. Oginda?

(c) What further action has he taken to charge the police officers with the killing of the three innocent Kenyans?

(d) What arrangements has he made to have the families of the victims compensated by the Government?

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware

(b) Investigations into the fatal accident are in progress and the results will be communicated on completion of those investigations. However, upon perusal of the file, I have instructed the Commissioner of Police to have the policemen responsible arrested and arraigned in court on holding charges as we get to the bottom of this matter.

With respect to the death of the other three persons, an inquest file, No.6/2002, has been opened. Once investigations are completed on that one, we will take the necessary action. Because of the stage in which these investigations are, it is not possible to discuss the question of compensation to the families of the victims for the time being.

Mr. Anyona: Mr. Deputy Speaker, Sir, I do not understand why the question of inquest should come into this matter. This is a matter where five police officers from Keroka Police Station, all not in uniform and drunk, were driving recklessly, hit this woman and when they found that she was not dead, they reversed the vehicle and crushed her to death, and they are all aware of that.

Then two other Administration Police (AP) officers were called for reinforcement, and between the policemen and the APs, they shot the other three people. Then the policemen carjacked a vehicle, KZT 310, from the market; put the body of the lady into it and drove away and went and dumped it in some village called Rikenye Village. How does the question of inquest arise in this case? All the people involved are known, and it was 3.00 p.m.

Mr. ole Sunkuli: Mr. Deputy Speaker, Sir, as you realise, the Question is by Private Notice. It was not possible to even ask for a postmortem report on these deaths. If the hon. Member does not mind, we could have this Question again on Thursday next week, so that I can get the postmortem report and get much more into the details of this case.

Mr. Deputy Speaker: Thank you.

Mr. Anyona: Mr. Deputy Speaker, Sir, my next question would have been to ask the Minister to lay on the Table, the postmortem results. I believe that his request is reasonable because that is a very serious matter. I am quite agreeable to the proposal by the Minister.

Mr. Deputy Speaker: The Question is deferred to Thursday next week.

(Question deferred)

Next Question!

CAUSE OF MR. MUIRU'S DEATH

Mr. Gitonga: Mr. Speaker, Sir, before I ask my Question, I would like to state that I have not received a written answer.

However, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

(a) Could the Minister inform the House the circumstances that led to the death of Mr. George Muiru of Uplands on or about 19th May, 2002?

(b) Was a postmortem carried out on the body of Mr. Muiru and, if so, what were the results?

(c) What immediate action does he intend to take against those individuals who were responsible for Mr. Muiru's death?

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Deputy Speaker, Sir, I do not know why the hon. Member has not received the written answer because I signed and sent it to Parliament. However, I beg

to reply.

- (a) Yes, I am aware.
- (b) Kamau's death was as a result of excessive drinking of miti ni dawa and hot drinks!
- (c) No one has been apprehended, but I have opened an inquest file No.7 of 2002. So, the investigations are continuing!

Mr. Gitonga: On a point of order, Mr. Deputy Speaker, Sir. He appears to be answering the wrong Question. My Question has nobody called Mr. Kamau! It has Mr. George Muiru!

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Deputy Speaker, Sir, it looks like the computer gave me the wrong answer! I apologise, but I would like to confirm--- I know that some people, especially-- - Could I just say something? Indeed, the Question I am answering is by Private Notice by the hon. Member for Lari. Unfortunately, it is not the one listed today.

Mr. Gitonga: Mr. Deputy Speaker, Sir, the Question listed today is very clear. It is about Mr. George Muiru. I have another Question which I have raised, and I had been informed that it will come next week. So, there is some confusion there! He is answering the wrong Question today. Could he answer the Question which is in the Order Paper?

Mr. Deputy Speaker: The Minister has sincerely told you that he is not ready to answer the Question because he does not have the answer. So, I will defer this Question to Tuesday next week. Is that okay with you?

Mr. Gitonga: Yes, Mr. Deputy Speaker, Sir.

(Question deferred)

ILLEGAL IMPORTATION OF CEMENT BAGS

Mr. Kombo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Trade and Industry the following Question by Private Notice.

- (a) Why has the Minister allowed cement bags to be imported from Egypt on a duty free basis, yet those bags do not meet COMESA criteria on rules of origin and value addition?
- (b) What action is the Minister taking to ensure that such illegal imports do not kill our local cement bag and paper manufacturing industries?

The Assistant Minister for Trade and Industry (Mr. Ekirapa): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry has not allowed the importation of cement bags which did not meet the COMESA criteria on the rules of origin and value addition from Egypt into this country duty free. The position is that an importer from Egypt exported a consignment of 154,880 kilograms of cement parking bags. The exporter was under the assumption that those bags met the necessary COMESA preferential treatment criteria.

(b) The Ministry sent an Inter-Ministerial Verification Team to Egypt to confirm whether COMESA rules of origin had been met or not. I am glad to say that the team confirmed that the rules of origin were not met. Consequently, the importer was requested by the customs authorities to pay duty on the imports.

Mr. Kombo: Mr. Deputy Speaker, Sir, I find the answer rather wanting. He has talked of an isolated case. He has just talked about one case and yet, first of all, that importation was in May last year and up to now, they are still investigating. He has taken one year to investigate one importation. But, since then, there have been other importations into the country. For example, I have information about a consignment that came in February this year and no duty was paid. Yet, the Assistant Minister has said that he has established that no duty can be paid on that consignment.

Could he explain how, and the Ministry has accepted that they do not meet the conditions, other importations were coming in as late as February this year? Why? Could he explain that?

Mr. Ekirapa: Mr. Deputy Speaker, Sir, I have said that, as far as Government policy is concerned, no importation of cement bags from Egypt, which is a member of COMESA are allowed into this country duty free. This is because they did not meet the necessary criteria. I have a letter here from the Customs which confirms that, that policy is strictly adhered to. If the hon. Member has some evidence to indicate that the bags are still coming into the country duty free, I would like to have it. I would like to confirm to the House that appropriate action will be taken. That is because the officers that would have allowed that importation to come in would have acted against the policy.

Capt. Ntwiga: Mr. Deputy Speaker, Sir, I have got a similar question, which is due to come to this House very soon. Could I ask the Assistant Minister whether he is aware that South Africa is dumping tissue papers in Kenya through Mauritius and it is not a member of COMESA? Is he aware of that?

Mr. Ekirapa: Mr. Deputy Speaker, Sir, I am not aware of that. If he gives us the details, we will take

appropriate action.

Mr. Imanyara: Mr. Deputy Speaker, Sir, Mr. Kombo has given information that, apart from that particular incident of last year in respect to which the Assistant Minister has given answers, there are, at least, five others. In fact, as of June this year, Nobel Enterprises imported 840,000 sacks worth US\$147,000. The Assistant Minister has said that if the hon. Member is aware--- Now that we are informing him, because Mr. Kombo has the information which is stamped, could the Assistant Minister in that case, take time to investigate and come back to the House. We have evidence that those imports were coming in as late as two weeks ago. The evidence is there on record and the Assistant Minister does not seem to be aware. Now that Mr. Kombo has the information, could the Assistant Minister assure this House that he will come back with an answer that shows how those imports are coming into the country?

(Mr. Imanyara laid the documents on the Table)

Mr. Ekirapa: Mr. Deputy Speaker, Sir, I want to, first of all, lay on the Table a letter from the Commissioner of Customs and Excise Duty, which confirms that except for that single import, no other imports have been allowed in the country. Therefore, I would like to say that if there are other imports which can be proven, they would have been against the policy and I would like to confirm that appropriate action will be taken.

(Mr. Ekirapa laid the letter on the Table)

Mr. Deputy Speaker: In that eventuality, do you not think it will take you time to read these papers to establish the facts and then come back to the House?

Mr. Ekirapa: Mr. Deputy Speaker, Sir, I will be glad to take those papers which have been laid on the Table. I will investigate and issue a comprehensive Ministerial Statement later on.

Mr. Deputy Speaker: You will do so in a week's time?

Mr. Ekirapa: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: So, in a week's time, the Assistant Minister will give a Ministerial Statement to cover the information that the hon. Member has made available.

(Mr. Anyona pushed the documents over the Table)

Mr. Deputy Speaker: Order! That is not the procedure of laying documents on the Table. If you want the documents to be passed over to the other side, please, do it through the Clerk.

An hon. Member: He has laid the documents on the Table!

Mr. Deputy Speaker: Yes, he has laid them on the Table, but he cannot stand and then push them over the Despatch Box.

Next Question, Mr. Murungi!

TARMACKING OF MERU-GITHONGO-CHOGORIA ROAD

Mr. Murungi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Roads and Public Works the following Question by Private Notice.

(a) Is the Minister aware that through a letter dated 31st January, 2002, Ref.MPW/A.35.04 Vol.20/71, the Government awarded a tender for detailed survey and engineering design for Meru-Githongo-Chogoria Road (D474, D482 and D483) to M/s Gibb Eastern Africa Limited at a cost of Kshs37,001,826.40?

(b) Is he also aware that although the said letter authorised M/s Gibb Eastern Africa Limited to commence the work on the said road with immediate effect, nothing has been done to date?

(c) In the light of "a" and "b" above, could the Minister explain the delay in the commencement of the work and outline the steps he is taking to ensure that the road is tarmacked without further delay?

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

(a) Yes, I am aware that the Government awarded a tender for the feasibility study, survey and engineering design for Meru-Githongo-Chogoria Road (D474, D482 and D483) to M/s Gibb Eastern Africa Limited at a cost of Kshs37,001,826.40.

(b) I am not aware that the letter of award authorised the company to commence the work immediately. However, the company was supposed to commence work immediately after the signing of the contract which has not

yet been done.

(c) The delay in the commencement of work has been occasioned by an appeal lodged by one of the tenderers who did not win, to the Public Procurement Complaints Review and Appeals Board. This Board ruled in favour of the appellant. As a result, the matter was taken back to the Ministerial Tender Board (MTB) of the Ministry of Roads and Public Works for deliberation and subsequent award of the tender. The outcome is still being awaited.

Mr. Murungi: Mr. Deputy Speaker, Sir, the lengthy answer given by the Assistant Minister is not credible. The issue here is that the Government does not want to spend Kshs37 million for the detailed survey and engineering design of this road because, in the current Budget, they have only allocated Kshs10 million for this work. If he is serious, could he give to this House in detail the irregularities that were found by the Public Procurement Complaints Review and Appeals Board in the award of the tender to M/s Gibb Eastern Africa Limited in January this year?

Eng. Rotich: Mr. Deputy Speaker, Sir, six firms pre-qualified for this tender and only five of them wrote back to us. M/s Wanjohi Consultants did not respond. We issued five tender documents to those contractors who responded. Among them was M/s Otieno Odongo company, M/s Gibb Eastern Africa Limited and Abdul Molek Associates. Abdul Molek Associates had quoted for the wrong road, Muchongoi Road which is in Baringo District. So, we remained with two firms; that is, M/s Otieno-Odongo and M/s Gibb Eastern Africa Limited. M/s Otieno Odongo company quoted Kshs19 million, while M/s Gibb Eastern Africa Limited quoted Kshs37 million. But there was a problem because they did not quote for drilling works in order to find out what was on the ground.

Mr. Deputy Speaker: Who did not?

Eng. Rotich: M/s Otieno Odongo Company.

Mr. Deputy Speaker, Sir, when they were doing summation, they made a mistake. We wrote to them and they agreed that they had made a mistake because they never quoted for drilling works as required by TOR. So, we eventually awarded the tender to M/s Gibb Eastern Africa Limited. When M/s Otieno Odongo Company appealed, the Board ruled in their favour. We have already notified M/s Gibb Eastern Africa Limited, but we had not signed the contract. That is why we have a problem.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, the Assistant Minister should have answered the question as to whether the Ministry seriously wants the detailed survey work done this year. He has given us figures to show that the firm which did not even quote for drilling had quoted Kshs19 million, and the other one Kshs37 million. However, they have only provided Kshs10 million in the current estimates. Could he tell the House how they will do the work even if they got better quotation from elsewhere?

Eng. Rotich: Mr. Deputy Speaker, Sir, I want to confirm that the Ministry is serious in doing this road. That is a fact. Our assumption was that, perhaps, as we go through this legal problem, we may not be able to spend beyond Kshs10 million by the time this contract starts. That was the reason behind the figure in the current estimates, but we are serious about it.

Mr. Ndicho: Mr. Deputy Speaker, Sir, my only concern is that all the big projects for construction of roads in this country are awarded to foreign companies. Why is it that when an African Company like M/s Otieno Odongo Company tenders for a project, the Government is not interested at all to help them get the contract? We got Independence so that Africans can run the affairs of their country. Could the Assistant Minister assure this House that there will be a deliberate move to ensure that Africa contractors are assisted to get these contracts? If the quotation by M/s Otieno Odongo Company did not include the cost of the drilling work, the Government ought to have asked them to give the right quotation. What will the Ministry do to ensure that contractors of Kenyan origin are awarded these contracts instead of awarding them to foreign companies?

Eng. Rotich: Mr. Deputy Speaker, Sir, the intention is not to award these contracts to foreigners. This was an open tender and it was published in the newspapers for everybody to see. We pre-qualified six firms, including M/s Otieno Odongo Company. We do not discriminate. In fact, it is the Government policy to give 10 per cent bias to indigenous Kenyan firms. If the African contractors are 10 per cent more expensive than foreign firms, then we award these contracts to them. But this firm did not quote for drilling works, and yet it was in the tender document. We are not really discriminating against African companies in the award of these contracts.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, my concern is the cost associated with the delay of this project. I have been the Chairman of the Public Investments Committee for some time, and I do know that in an issue like this one, contractors use the court system to delay the project if they know quite honestly that they do not qualify. Consequently, the Government and the people of Kenya suffer. I also know that the Ministerial Tender Board is full of sharks. Could the Assistant Minister assure the House that this road will be properly surveyed, cost-effectively by a qualified firm, according to the regulations known to the Government without waiting for this delay in the court, which is causing some cost to be incurred because some interested parties are interested in getting some money through the back door? What is going on here is very clear to me. Could the Assistant Minister assure this House that we shall not

suffer because of this kind of behaviour?

Eng. Rotich: Mr. Deputy Speaker, Sir, we have sought legal advice from the Attorney-General in order to get out of this problem. If we now give the contract to M/s Otieno Odongo, we will be in a problem. They did not qualify. We called them and discussed the matter with them, and they said that they did not quote. What are we supposed to do now?

Mr. Imanyara: Mr. Deputy Speaker, Sir, this is one road which is central to the three constituencies of Meru Central District. This is a European Union-funded project, and funds have been provided. The Government was only required to ensure that the preliminary survey has been done. Since 1963, every Public Works Minister in the Kenya Government, and the two Presidents who have served this country, have promised the people of Meru that this road would be done during a particular development plan. The truth of the matter is that the money for the project was diverted elsewhere. Mr. Kones, who is sitting next to me, will confirm that fact. When he was the Minister for Roads and Public Works, he promised the people of Meru that the money for the project would be available when the money had actually been sent elsewhere. The Assistant Minister is determined to hoodwink the people of Meru that he will do this road, when he knows very well that even the grader that was provided by the European Union to facilitate the work that is the subject of this Question was taken away from Meru and returned to Nairobi under the pretext that the then Permanent Secretary, Ministry of Roads and Public Works, who happened to come from that area, refused to cooperate with the President's son in stealing money from the people of Meru.

Is it not true that the Assistant Minister is refusing to do that road because of a personal problem between one of the President's sons and the people who are supposed to award the contract?

(Applause)

Eng. Rotich: Mr. Deputy Speaker, Sir, I am not aware of that allegation. First of all, we have not received any grader from the European Union. So, that allegation is not true. We bought some graders using our own funds. We did not receive anything from the European Union.

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

Mr. Deputy Speaker: I am giving you the last chance, Mr. Murungi.

Mr. Murungi: Mr. Deputy Speaker, Sir, I have a supplementary question for the Minister.

Mr. Deputy Speaker: No, no, no! You have the last chance. If you want to ask the question, go ahead and do so.

Mr. Murungi: Mr. Deputy Speaker, Sir, I will ask my question. Let the Assistant Minister answer the question on the grader.

Mr. Deputy Speaker: Mr. Murungi, ask your question. You have your last chance on this Question.

Eng. Rotich: Mr. Deputy Speaker, Sir, I do not believe that as a Ministry, we want to hoodwink anybody.

Mr. Murungi: Mr. Deputy Speaker, Sir, this is a very sad story. If you look at the HANSARD, you will realise that in 1997, the late Prof. Ng'eno, who was the Minister for Works then, told this House that they were going to do a detailed survey and engineering for that road. Six years later, the Assistant Minister has come with similar stories of giving money and re-allocating it elsewhere; he is just fooling around. I am the Chairman of Meru Central District Roads Committee. I am aware that a grader had been bought for Meru Central District, but the Minister has refused to release it to that district, and the Permanent Secretary has re-allocated it to Nairobi. What other evidence do we need of the hatred of this Government for the people of Meru? This road is in a tea-growing area. Our people are not able to deliver tea leaves to factories because it cannot be collected from the farms. Because the Ministry has now allocated Kshs10 million for the design of the road - we know that there will be no design - could the Assistant Minister allow the District Roads Engineer, Meru Central, to use the Kshs10 million to make this road passable as the Ministry Headquarters sorts out this mess? We know that this is just a trick. Could he allow us to use the Kshs10 million that has been allocated to this road to grade it and have it opened up?

Eng. Rotich: Mr. Deputy Speaker, Sir, I said that the European Union did not buy a grader for us. It is true that we bought graders with our own resources.

An hon. Member: The grader was meant for Meru Central District! Where is it?

Eng. Rotich: Mr. Deputy Speaker, Sir, the grader was not for Meru Central District. The Kshs10 million allocated to this road is for design work, and not for its grading. The design work will be done.

Mr. Deputy Speaker: Hon. Members, that marks the end of Question Time.

POINTS OF ORDER

DEFIANCE BY MINISTER TO TABLE DOCUMENTS

Mr. Muiruri: On a point of order, Mr. Deputy Speaker, Sir. On 11th April, 2002, while answering Question No.166, the Assistant Minister for Agriculture and Rural Development promised to lay on the Table documents concerning the construction of Gachege Tea Factory in my constituency. You know very well that I have been to your Chamber; I have raised this matter over and over again in this House, but the promised documents have not been produced to date. You were in the Chair when the Question came up. Your last words to the Assistant Minister were: "Mr. Sumbeiywo, I give you up to Wednesday next week to produce the documents". We are now in July, 2002. What happens when your orders are defied; when you tell a Minister to do something and he does not do it? When you order me to leave, I withdraw from the Chamber very quickly. I am seeking your guidance. Could you now order the Assistant Minister for Agriculture and Rural Development to produce all the documents he had promised to lay on the Table? The documents are of great concern to my constituents.

Mr. Deputy Speaker: Deputy Leader of Government Business, the Assistant Minister for Agriculture and Rural Development, Mr. Sumbeiywo, undertook to produce some documents in the House, but he has not done so. The hon. Member who has raised this issue reminds me that, in fact, I was in the Chair and I made the ruling. So, please, convey it to the Assistant Minister that on Wednesday next week, he must come and produce the documents.

(Mr. Mudavadi nodded his head in agreement)

FAILURE BY AG TO ANSWER QUESTION

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. I rise to raise an issue similar to the one raised by Mr. Muiruri. On 11th June, 2002, Mr. Speaker directed the Attorney-General to come and answer a Question I had asked regarding the Constitution of Kenya Review Commissioners. Up to now, the Question has not been answered. It has not even been put on the Order Paper. I do not know what is happening. This is, again, defiance by the Attorney-General of Mr. Speaker's ruling. What do I do now?

Mr. Deputy Speaker: Keep on asking for an answer.

Mr. Mwenje: Mr. Deputy Speaker, Sir, my requests have fallen on deaf ears. I am now appealing to you to intervene.

Mr. Deputy Speaker: Once again, I will ask the Deputy Leader of Government Business to convey the message to the Attorney-General.

(Mr. Mudavadi nodded his head in agreement)

CONDUCT OF ACCREDITED DIPLOMATS TO KENYA

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. I would like to raise a very important matter. I want to relate it to Standing Order No.73(1). There is a situation which is gaining some kind of notoriety. These days it is very common in the newspapers, on radio and television to see arguments and some very serious statements by foreign diplomats accredited to this country. You see them engaged in arguments with either Ministers or the Press, or addressing some meeting. Many times, the matters they discuss touch on Parliament and, therefore, on the integrity of the Parliament of the Republic of Kenya, and that of the sovereignty of the Republic. I believe that the fundamental responsibility of this Parliament is to uphold and defend the supremacy of the Republic of Kenya. Under Standing Order No.73(1), we have made a provision that we can, indeed, discuss the conduct of a representative of a friendly Government if we deem it fit. For some good reasons, we have hardly invoked this rule. However, given the situation as it is now, when Kenyans are being treated to views and comments by foreign diplomats and foreign governments about the Kenya Government, Kenya Parliament and Kenya as a whole, I really wonder what the position of this Parliament is, in the protection of the interests of this country.

Mr. Deputy Speaker, Sir, I want to raise two issues. One, I think very soon it will be necessary for this Parliament to be able to discuss the conduct of some of the foreign diplomats here in accordance with that rule of the House. However, before we do that, because there is good reason why it is put the way it is, we would like to have a Ministerial Statement from the Ministry of Foreign Affairs and International Co-operation as to the diplomatic conduct of accredited diplomats of foreign countries to this nation, and it does not matter what feelings you have. I do not think that we can allow everybody just to tear this country apart.

Mr. Deputy Speaker: Order! I must say I have a lot of sympathy with what hon. Anyona has said. I would urge the Leader of Government Business to make sure that the Minister for Foreign Affairs and International Co-

operation does tell this House what the Government's position is on these unwarranted, often provocative and sometimes insulting comments about this nation and this Parliament. I would have preferred that a substantive Motion be moved, but the Chair cannot move that Motion. So, after that statement, the House will itself decide whether it wants to proceed to a substantive Motion or not.

EMPLOYMENT OF OUTSIDERS IN DADAAB

Mr. Shidiye: Mr. Deputy Speaker, Sir, I stand here to seek a Ministerial Statement from the Minister for Home Affairs, Heritage and Sports in connection with what happened in Dadaab area of my constituency. As you are aware, I host the largest refugee population in this country. Last week, the United Nations High Commission for Refugees (UNHCR) airlifted 26 people to be employed in my locality of Dadaab. They comprised of clerks, watchmen *et cetera*. These were people who could have been recruited on the ground. This is not the first time. UNHCR and associates have employed more than 800 people. Out of these 800 people, only less than 3 per cent are my people. Last week, as a result of airlifting---

Mr. Deputy Speaker: What do you want?

Mr. Shidiye: Mr. Deputy Speaker, Sir, I want a Ministerial Statement on this issue because, last week, 26 people who were not locals were airlifted from here in Nairobi to be employed in Dadaab, which is in my constituency. As a result, there was fracas in the town and people were beaten and arrested.

Mr. Deputy Speaker: Order! You can reserve those comments when the Minister has already made his Ministerial Statement. You have already made your point, that you want a Ministerial Statement from the Minister for Home Affairs, Heritage and Sports. That has been understood.

Dr. Anangwe!

Mr. Shidiye: Mr. Deputy Speaker, Sir, why should you cut me short?

Mr. Deputy Speaker: You have already made your point!

Mr. Shidiye: No! I have not made it!

Mr. Deputy Speaker: No! Hon. Shidiye, I am sorry, you have already asked the Minister for Home Affairs, Heritage and Sports to make a Ministerial Statement.

Mr. Shidiye: No! I am coming to the point that I want to say.

Mr. Deputy Speaker: Sorry! This is courtesy of the Chair!

Mr. Shidiye: Courtesy of what?

Mr. Deputy Speaker: Mr. Shidiye, I will now require you to leave the precincts of Parliament for the rest of the afternoon sitting.

Proceed, Dr. Anangwe!

(Mr. Shidiye withdrew from the Chamber)

NOTICE OF MOTION FOR THE ADJOURNMENT

MEASURES TO ENSURE ACCOUNTABILITY AMONG NGOS

Dr. Anangwe: Mr. Deputy Speaker, Sir, I stand to seek your permission to move a Motion under Standing Order No.18, which is a Motion that this House do now adjourn at an appropriate moment and time that you shall so decide. This arises out of a Question I raised last week in respect of NGOs and for which answer the Minister for Home Affairs, National Heritage and Sports did not give a satisfactory one. I have followed the procedures required under Standing Order No.18 (2), which states that:-

"Any Member who wishes to raise a matter under the provisions of this Standing Order shall give notice of the matter in writing to Mr. Speaker. Subject to the giving of such a notice, Mr. Speaker may allot the right to raise a matter to one Member on any sitting day by such method as he may deem fit, but he shall not allot such right on more than two sitting days in any week, nor on any Allotted Day".

Mr. Deputy Speaker, Sir, so, I have already discussed this matter with you and you have already given a verbal indication that it is okay, you can give me that kind of permission. So, may you, please, provide me with the time?

Mr. Deputy Speaker: Hon. Members, it is true that, in fact, hon. Dr. Anangwe served me with a notice of his intention to move a Motion on Adjournment to discuss the matter of unsatisfactory reply to a Question he raised with the Minister for Home Affairs, National Heritage and Sports. That notice has already been received and the Minister has been advised, but since I do not see him here in the House---

Hon. Members: Hon. Osundwa is here!

Mr. Deputy Speaker: That is right. Hon. Dr. Anangwe, I did agree that I would allocate a date, but I cannot do it today. So, I will give you a date next week on Tuesday at the very latest, for you to introduce this Motion.

Mr. Angwenyi!

STATE OF INSECURITY IN GUSIILAND

Mr. Angwenyi: Mr. Deputy Speaker, I rise to seek a Ministerial Statement from the Minister of State, Office of the President in charge of Internal Security and Provincial Administration regarding insecurity in Gusiiland. In the last few weeks, APs and Provincial Administration have been on the rampage killing people in Gusiiland. They killed one person in the home of the late Minister for Economic Planning, Dr. Zachary Onyonka, two weeks ago. Two days later, they killed two people in Kiong'ongi Village, Mwambogesa sub-location in Kisii Town. Two days later, they killed people in Kitutu Masaba.

Mr. Deputy Speaker: Order! Really, if you want the Minister to give you a Ministerial Statement, you do not go into describing every event that has taken place. Just tell the Minister that you want him to issue a Ministerial Statement on the state of insecurity in Kisii, Gucha or Nyamira.

Mr. Angwenyi: Okay, Mr. Deputy Speaker, Sir. I was just enumerating the incidences. However, I seek a Ministerial Statement on the state of insecurity in Gusiiland.

ALLEGED MISUSE OF FUNDS IN NHIF

Mr. Kamolleh: Mr. Deputy Speaker, Sir, I rise on a point of order on a matter which happened last week regarding statements which were made about the misappropriation of funds perpetrated by the National Hospital Insurance Fund (NHIF). I have done some inquiries, both in Shah Munge and Company, NHIF and from Central Bank, and they have shown me authenticated documents to prove that, in fact, the matters were done cleanly and that there were no hidden deals, and no money was stolen from NHIF at all. In that regard, would I be in order to ask the Member for Mwea, hon. Alfred Nderitu, to apologise to this House for bringing matters here which have no basis whatsoever?

Mr. Deputy Speaker: Order! Order! If my memory serves me right, Mr. Nderitu attempted to lay on the Table some documents which I overruled. So, those documents were not received in our records. He proceeded outside the Chamber and held a press conference. That is a matter of privilege. If you want it taken up, it must be taken up by the Privileges Committee. It is not a matter for the Chair in the Chamber.

Next Order!

BILL

Second Reading

THE CIVIL AVIATION (AMENDMENT) BILL

The Minister for Transport and Communications (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I beg to move that the Civil Aviation (Amendment) Bill be read a second time.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the Bill in question proposes to amend the Civil Aviation Act, Cap.394 of the Laws of Kenya. It basically has the following objectives:-

- (i) We would like to establish the Kenya Civil Aviation Authority.

(ii) The Bill will also aim to align the functions and responsibilities of the Directorate of Civil Aviation and the Civil Aviation Board under the Kenya Civil Aviation Authority.

(iii) The Bill will also harmonise certain aspects relating to the establishment, maintenance, development and management of aerodromes in the Civil Aviation Act, Cap.394, and also the Kenya Airports Authority Act, Cap.395.

The management of the national civil aviation systems worldwide is undergoing changes and Kenya cannot afford to be left behind. Many governments have introduced organizational changes to respond to flight safety requirements and aviation commercial trends. Governments worldwide make efforts to satisfy the provisions of the Chicago Convention of 1944 on International Civil Aviation and recommended practices under that Convention. In Kenya, the Directorate of Civil Aviation (DCA) has been operating as a department of the Ministry of Transport and Communications with the following responsibilities:-

- (i) the provision of air navigation services,
- (ii) enforcement of flight safety and regulations,
- (iii) provision of flight information services,
- (iv) the alerting services, especially for search and rescue purposes; and,
- (v) the management of the Civil Aviation Training Institute.

Mr. Temporary Deputy Speaker, Sir, I would like the House to note that the Government, jointly with the United Nations Development Programme (UNDP), commissioned a research on the creation of the Civil Aviation Authority in Kenya by Seth Amula(?) and a Report was produced in 1994. The Report identified various deficiencies in the DCA, coupled by inadequate budgetary provisions and the general bureaucracy inherent in the mainstream Civil Service. The Report recommended that an institution with financial autonomy and enhanced operational capacity be put in place. This delinking process has taken long since the Cabinet approval was received. This is because time was needed to ensure that there was sufficient infrastructural development and adequate institutional arrangements for the efficient collection of revenue and so forth. To date, the revenue collected by the Department over the last three years indicates that the revenues are now adequate to justify the creation of an authority which will be financially self-sufficient.

Mr. Temporary Deputy Speaker, Sir, the Kenya Civil Aviation (Amendment) Bill is a result of surveys and expert research, including consultations with all the stakeholders in the civil aviation industry. The Bill provides for the establishment of the Kenya Civil Aviation Authority (KCAA) with powers to retain accruing revenue and autonomy to recruit, develop and retain qualified staff, and to enhance operational and financial management, and also improve service delivery.

Secondly, the Bill will also ensure that we align the present functions and responsibilities of the Directorate of Civil Aviation and also the Civil Aviation Board. Thirdly, as I said earlier, it will also help us to harmonize the various aspects relating to civil aviation and related functions.

Mr. Temporary Deputy Speaker, Sir, it is also important to note that, while moving this Bill, the Minister or the Ministry will remain the chief civil aviation authority responsible for civil aviation policy formulation, the civil aviation international and bilateral relations, the general regulations of air transport, the investigation of aircraft accidents and incidents, and policy guidance of the Kenya Civil Aviation Authority. On its part, the Authority will be mandated with sufficient autonomy to manage both human and financial resources and operations in an efficient and effective manner, and in compliance with the State Corporations Act. The management of the Authority will be vested in the Board of Directors under a chairman to be appointed by the Minister for Transport and Communications, and the Director-General as the Chief Executive, also to be appointed by the Minister.

Attention has also been given to the provisions for organising, staffing and controlling the organs and activities of the Authority. Transitional arrangements have also been provided for contracts, liabilities, employees, property, legal proceedings and applications of directions, orders, rules, authorizations and subsidiary legislation. Emphasis has also been given to the need for a sufficient degree of autonomy in the operations and management of the Authority, consistent with its responsibilities, ICA standards and recommended practices and the best worldwide practices, so as to promote its long-term viability. Care has also been taken to ensure that there is a minimum overlap between the Authority and other organizations involved in the planning, development, operation and regulation of civil aviation. The Authority's ability to attract and retain qualified personnel is captioned in the Bill and qualifications for certain personnel, for example, the Chairman of the Board of Directors and the Director-General have been stated.

Mr. Temporary Deputy Speaker, Sir, I would also just like to highlight that when we establish the Authority, the revenues will be generated from many areas. Indeed, as I indicated, today, the DCA generates more than Kshs1 billion from its operations. The monies earned are generated from services and the use of facilities in the following ways: Fees charged for air navigation services, flight crew licence fees, aircraft certificate registration fees, aircraft certificate of airworthiness charges, certificate for aircraft maintenance and organization charges, aircraft maintenance personnel licence fees and air operators certificate fees. In addition, the Civil Aviation Board also generates about

Kshs10 million from the application of licence fees for air services, *ad hoc* flight permits fees, and aircraft lease approval fees.

Mr. Temporary Deputy Speaker, Sir, I would like to emphasize that the delinking of the DCA from the mainstream Civil Service does not require the Government to surrender its state responsibilities in the context of the Chicago Convention covering legal, technical and economic matters. The Government will remain the sovereign civil aviation authority with overall control enshrined in the powers of the Minister as contained in the special provisions of the Bill.

Mr. Temporary Deputy Speaker, Sir, I would just like to emphasise that this Bill is extremely important and we all know that in this region, Kenya is the leading civil aviation country. We are seeing a lot of growth in the air transport industry in this country. For instance, we are aware that the Jomo Kenyatta International Airport is now able to handle over 2.5 million passengers on an annual basis. They are now able to have a throughput of over 150 million kilograms of cargo and we hope that this will increase rapidly to about 180 million kilograms of cargo on an annual basis. Therefore, one can see that there is a lot of growth taking place in the aviation industry.

I would also like to point out that we know that most of the countries in the region rely on the Directorate of civil aviation to even undertake calibration services for some of their equipment in the region. These include countries like Malawi and Zambia. That is the kind of expertise that Kenya has been building over these years when it comes to civil aviation matters. We are also playing a very important role in harmonising civil aviation activities within the COMESA region to also allow for a free flow of air traffic services concepts such as the open sky policy. The ability to liberalise air services has become such a central activity for the Aviation Authority. It is, therefore, important that we now provide what the members of the civil aviation staff have been demanding for a long time and that is an autonomous entity which shall be able to pay them a salary that is commensurate to their professional qualifications. This will enable us to retain them because we have trained so many people and we end up losing so many of them to other countries or institutions. Although that may be positive, I think we should also have the capacity to retain the best for the management of our own air services.

One of the most recent things that has happened - and hon. Members will also recall - is the air traffic controllers strike which took place some few months back. It is clear that one of the things they were agitating for was the need to have an entity of their own that would recognise their professional status, be able to pay them for their qualifications and be more responsive to their training and upgrading needs which the Civil Service could not do because they were all subjected to the general provisions that are available under the Public Service Code of Regulations.

This Bill is absolutely important because some countries in the region have indeed even gone ahead of us. Although we have a more vibrant aviation industry, we are aware that some countries with even lesser growth in this area have already established such an institution and, therefore, this is really long overdue. I would like to urge the House to support it fully. This is a straightforward Bill which is enhancing our aviation industry. We have, as a Ministry, been revisiting the Bill again and we have detected some areas where we will need to propose further amendments at the Committee Stage. Some of these include Sections 3 and 4. I do not want to really belabour those because they will come at the Committee Stage, but there are several amendments touching on a couple of sections which we will want to fine-tune when we get to the Committee Stage. I would like to urge hon. Members to scrutinise the Bill thoroughly and also make some suggestions which will help us improve it and make it one of the best in the region so that our aviation industry can grow.

Mr. Temporary Deputy Speaker, Sir, I look forward to total support and a quick disposal of this Bill though with very good contributions from the hon. Members. With the enactment of the Bill, we can now start implementing what is required and have our civil aviation people get the right status in conformity with the other international countries. At this stage, I would like to say that the strike-related problem is now under control. Our air space is very safe and we have enough people manning all the airports in the country. At the same time, we have a parallel exercise which is going on to also look at the genuine appeals being made by some of the employees who were involved in the strike and their cases will be given the necessary consideration in accordance with the Public Service Code of Regulations. At this point in time I would like to urge hon. Members to support this Bill fully.

Mr. Temporary Deputy Speaker, Sir, I beg to move and I hope I can be seconded and supported so that we can deal with this Aviation Authority.

Mr. Kamolleh: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to second this Bill. In seconding the Bill, I would like to say that the Minister has brought a Bill which, after a long time, will harmonise and combine both the Directorate of Civil Aviation (DCA) and the Kenya Civil Aviation Board (KCAB). There has been a big problem brought about by bureaucratic red tape between the DCA and KCAB which has hampered a lot of development in the DCA. I would also like to thank the Minister for having brought this Bill because, as he said, finally we will not have those problems of the air traffic controllers running from one place to

another. Instead, we will have one body which will formulate all air traffic policies. This body is intended to regulate all air traffic and ensure that all investigations on aircraft accidents and incidents are handled by one body rather than various entities. This has and will reduce quite a bit of the bureaucracy that has been in existence previously.

The world has moved pretty fast in this area to the extent that we were left behind for quite some time. In our harmonisation here we will ensure that all aspects relating to the establishment, maintenance, development and management of aerodromes will be put under one Act rather than the current position where they fall under the Kenya Airports Authority Act and the Civil Aviation Act, both of which may give contradictory rulings.

Mr. Temporary Deputy Speaker, Sir, here, I want to talk about air navigation services, flight safety and regulations, flight information services and other services which will now not be separated into two bodies - the Directorate of Civil Aviation (DCA) and the Kenya Civil Aviation Board (KCAB). Rather, we will have one body which will be dealing with all these services. I believe that will bring in considerable expertise, control and depth in the management of civil aviation in this country.

Mr. Temporary Deputy Speaker, Sir, there is yet another thing that I want to say; that is, in many countries where there are bodies dealing with airspace, they have managed to make a lot of money because of the various other services which are rendered through those bodies. In this country, for quite some time, we have been missing some of those points because we had those two bodies, each almost competing with the other. With the new body, we will make sure that licensing, ad hoc flight fees, aircraft lease approval and other services will be dealt with under it at one go. One, we will not have to employ so many people to do one thing; two, we will not have so many people doing the same thing - repetition of jobs - as it were.

So, in seconding this Bill, I would also want to say that one reason why we should support this Bill is because of the policy formulation. It has been hampered for quite some time. For example, you will find that even when charter flights are supposed to fly only from here to Mogadishu, they fly freely to many other places. Of late, you have heard of some of the planes which have been flying and landing in Embu or here or there. This is because of the separation of the two bodies that we had; DCA and KCAB. There has been a little bit of bureaucracy, and I tend to think that policy formulation will be an advantage here because one body is doing all the formulation, management and control. Secondly, it is about the international and bilateral relations. One body - not DCA or KCAB - will be dealing with all the other bodies either in Uganda, Tanzania or Ethiopia as far as matters of civil aviation are concerned.

Regarding aircraft incidents and accidents, you will note that when Kenya Airways had a problem in Ivory Coast, the Minister himself was there. But there should have been a body which should have had direct contact with those Ivorian civil aviation authorities and made sure that information trickled into Kenya as quickly as possible. That did not happen. We did have pictures, but to date, much as I want to applaud what happened to the Ministry, we do not know for sure what happened to the aircraft, our crew and the loss to the Kenya Airways. This is because of lack of such a body which could co-ordinate directly without having politics in it. Such a body should not have been part of the Civil Service; it should be very neutral and do this work directly. This is a body which I support because, as you know, we have lost quite a number of things. We have lost aircraft, fees and direction. To add to that, an Israeli plane was flying from Nairobi to Israel and back carrying flowers when, in fact, other planes were supposed to do that, and there was no licence for that particular plane.

Due to some of these things, it is timely that the Minister has brought this Bill so that we can form this body and regulate ourselves properly, so that in future, after this Bill, we will not have planes flying to Embu or Nairobi with flowers without any permission.

Other than that, regarding licensing, there is quite a bit of "dubious deals" going on, between KCA and KCAB. In this case, the directors of DCA and the Director of KCAB will be under the Kenya Civil Aviation Authority. So, there is nothing like competition and other things. I see policy being enhanced here with the establishment of this Authority.

Investigations have been lacking for quite some time. This body is also going to encompass investigations of aircraft accidents and incidents, such that we will not be having some of those dubious funny spare parts for aircraft which after flying tourists between here and Maasai Mara, which is part of our tourism attraction - or from Mombasa to Nairobi; to Maasai Mara - get involved in accidents. We have had quite a number of accidents there. It is rumoured within the circles of tourism that some of the spare parts which come into this country are not airworthy.

This Bill will enable us to control our airspace, the aircraft themselves, the policy of licensing, investigations and even charging of fees for the various flights that take off from any of our airports of this country. The formation of this body is very timely.

With due regard to navigation charges, flight crew licences and fees, aircraft certificate and registration fees, these are areas that we did not benefit much from because there was quite a bit of rigmarole and confusion. But since we have now one body, we can benefit. We have done the same to the Kenya Revenue Authority. Now, the Kenya Civil Aviation Authority will encompass all those other areas into one body, just like the Income Tax and Customs

were encompassed into one body, KRA.

I tend to think that we should have done this ten years ago, but better late than never. We have now arrived at that point, and we hope we will support the move to create this Authority so that we not only join the international community in this particular kind of operation, but also benefit from some of those aspects which we had been missing for quite some time.

I think the Minister has also told us that, apart from alignment of functions and responsibilities of the DCA and the KCAB, he has wanted to bring this Bill. We should support this Bill in order that aircraft, which are the vessels, and the aircraft controllers, who are the people who control the airspace in that manner - and I suppose pilots who fly the aircraft - are also controlled from the same body. In other words, it is a body which is going to accommodate the entire airspace in terms of flying, landing and all the infrastructure behind it. I think this is a very good move, and it is a very good Bill. I stood to second the Bill because of some of those reasons that I talked about; the benefits which have been lacking in this Bill.

I beg to second.

(Question proposed)

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

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kihoro, are you responding officially from the Opposition side?

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, I am going to contribute to this Bill as an hon. Member of this House. I think there will be an official Responder. Eng. Toro, who is the Shadow Minister for Transport and Communications will respond officially. I know he will do that in a few minutes from now. I also rise to accept the proposals which are contained in the Bill, which is an amendment to the Civil Aviation Act. These proposals are most welcome because they will put the provisions of the law in this country in line with the prevailing international standards. This has been stated by the Minister, and I do commend him for that. It is important that, as time passes by, we also keep up with what is happening internationally. This time round, the Government stands to be commended for doing that. This is a very technical area, and it seems that the Government is waking up to a very important responsibility of making our airspace safer. That is most welcome.

Recently, the Government handled the officers who work in the aviation industry in a manner which was less than desirable. One of the proposals which are contained in the Bill, and the purpose of the Bill is:-

"To enhance the Authority's financial autonomy and in particular, enable it to recruit and retain the calibre of staff it requires to enable it discharge its functions effectively and efficiently."

Mr. Temporary Deputy Speaker, Sir, I have chosen to start from there, even though I will come to certain clauses in the Bill. This is because it is very important how we deal with our people. Some of these people have the skills which have taken so many years to attain. Recently, the manner in which the Government dealt with the striking staff in the Department of Civil Aviation was less than desirable. Men were manhandled and we also saw, on television, how women were dealt with. This was the case, and yet those people really wanted to get enhanced salaries and there was nothing wrong with that. Even hon. Members fight for enhanced salaries from time to time. Even the Civil Service in this country fights for enhanced salaries. I do welcome the remarks by the Minister that they will again look at how they dealt with some very qualified people in the Department of Civil Aviation. What is happening in this country is that some of the well-trained professionals, such as doctors and teachers, have left this country to work elsewhere where they find they are welcome and get better remuneration. It will be a tragedy if we will continue to deal with the staff in the Department of Civil Aviation in the manner they have been dealt with by the Government in the last two months. I think the Government should be reconciled with these very qualified staff who make our airspace safe. We saw recently what can happen when you do not have qualified staff to man the airspace. Recently, we heard of an accident in Germany which was attributed to human error. This accident occurred because orders were given and the ground staff were not properly qualified or could not communicate. This country had an accident in which so much human life was lost.

We would like the Government to be reconciled with these very qualified staff of the Kenyan community. These are people who have taken a very long time to train and have some skills that are not found elsewhere. These officers might not have acquired these skills from books. Therefore, it is important that the Government stretches out its hand of reconciliation to the ground staff, who were alienated recently because of this strike.

As I speak about the staff, I cannot forget to name the Managing Director of the Kenya Airports Authority who is a former detainee and served a term in detention with me. This Managing Director is called "Mr. Stephen Mwangi Muriithi".

(Mr. Raila smiled)

I can see Mr. Raila smiling for that remark.

An hon. Member: Mr. Muriithi also served a term in detention with Mr. Raila!

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, it is true that Mr. Muriithi also served a term in detention with Mr. Raila. In an area like this one, which requires a lot of technical knowledge, and considering Mr. Muriithi's age, the Government should do something about him. I will leave the matter at that and I know the Minister will take heed of my advice. We do not want to hear in future when something happens in the Department of Civil Aviation to be attributed to somebody who has passed his retirement age.

Mr. Temporary Deputy Speaker, Sir, there was a contract which was awarded to modernise the Jomo Kenyatta International Airport (JKIA). This contract raised a lot of hue and cry in this country because some people thought that a lot of money was being spent on the renovations at the airport. These renovations cost up to Kshs1.8 billion, which is a lot of money. When some people compared the cost of renovations at the JKIA with the amount of money, of Kshs3 billion, which was spent to build Eldoret International Airport, they thought that this money was not spent in the right manner. So, we would like the Kenya Civil Aviation Authority, which will be set up, to be very vigilant in contracting out work when it is very necessary, and be very prudent when it awards contracts. We do not want to have an authority like this the proposed one which will spend a lot of money and award many contracts in a manner that will make people feel that they do not get value for their money. This is a very important area, and I know that when the authority will be set up, it will be very vigilant so that a lot of money earned from the activities and the operations of the authority will supplement the income which goes to the Treasury.

When I speak on that note, I do remember that there is a neighbouring country, which recently bought an air defence system worth US\$40 million, which has attracted attention internationally because of the amount of money spent on the purchase. It has been said that, that air defence system is obsolete and it cannot be sold anywhere else except, maybe, in Africa. This is totally undesirable.

So, the authority, which we will set up, should be warned about its activities. We do not want to think that it will be involved in certain contracts or operations which will make it lose public support.

The JKIA and Moi International Airport in Mombasa are very important assets to this country. We remember that there were times when some aircraft, for example, those from South Africa could not land in Nairobi during the days of apartheid. But we must exploit our central position. Kenya is very strategic and it is very important that we exploit that opportunity of being a central communications area in this part of Africa. There have been times when Nairobi actually exploited that opportunity, even though in recent years, that advantage appears to have been lost to Dar-es-Salaam and Entebbe. It is important, therefore, that when the Kenya Civil Aviation Authority will be set up, it should look into ways and means in which we can enhance the use of the Jomo Kenyatta International Airport (JKIA) internationally, so that it can raise more money in terms of charges, fees and other levies.

Mr. Temporary Deputy Speaker, Sir, as we set up the Authority, there should be a way of exploring how we can, in East Africa, enhance our training facility. A long time ago, there used to be the East African Flying School at Soroti, which was part of the former East African Community. What we are talking about here is an international asset. There could be local flights, but the majority of the flights will be international. So, it is important that we also look into ways in which we can set up in East Africa, maybe regionally for COMESA, a facility that will train East Africans in flying and other civil aviation management services. This will be very important. If an East African flying school was set up 30 years ago and became famous and attracted students from beyond East Africa, it is important to see what can be done to enhance this facility as we set up the Kenya Civil Aviation Authority.

I find also that the motive of setting up this authority, which will be a successor to the Directorate of Civil Aviation, is very good. The objective will be to provide a safe, economical and efficient civil aviation system for this country. This provision is contained in Clause 3 of the proposed Civil Aviation (Amendment) Bill. That is a very noble objective. The only thing I disagree with is contained in Clause 4. Clause 4 has proposed that a Board of Directors should be set up to run the Authority. According to this clause, the Board of Directors will have four Permanent Secretaries. There will be a Chairman and a Director-General, two public officers and two other members, not being public officers, to be appointed by the Minister. I find that the proposed provision to have four PSs, while we have got only 15 Ministries, is a bit top-heavy in terms of Government representation. It would be important for the Minister to see how he can balance this representation and retain, at least, two PSs who can represent the Government, so that he also creates more room on the Board for people who are experienced in civil aviation management. That will be very important and their contribution will be very important. So, the Minister should look into ways in which he can reconcile that Government representation with the need to have a greater representation of people who are better versed in civil aviation.

I welcome the Bill as proposed. My hope is that, when the Authority will be set up, it will control the various

airports, aerodromes and airstrips in this country, and ensure that there is better licensing and airworthy aircraft are licensed and there is better control on the ground. One hon. Member has already talked about flights coming in and going out and operating in certain areas where they break the law, or where they are not regulated, and they could be avoiding paying duties and levies. This Authority will have an obligation to Kenyans in terms of managing a very important aspect.

One of the things that I find repulsive from time to time, when I go to the airport, is the kind of service offered. For example, provision of parking space at the airport has been contracted out to foreigners. That is not welcome. It cannot be that it is only a foreigner who can provide a service such as parking space at the airport, or charging us as we go in and out of the airport. We have got a lot of personnel in this country and there must be a way of regulating provision of these services to prevent corruption. I do not believe that it is only a machine that can regulate such services in this country. I have been to New York City and London and I have seen people moving along parking areas with machines that can clock time in and out, and employment is created. But it cannot be that we have two machines at the entrance of the JKIA and maybe one at the entrance of the Moi International Airport, Mombasa, creating employment for only three machine operators, while our people are unemployed. There must be a way of engaging our labour in this country so that we can provide employment. That is a matter to be reviewed by the Minister. He should consider whether it is desirable to contract out provision of a service such as parking space at the airport, where somebody makes a lot of money just because he clocks vehicles in and out. The parking space at the airport has been provided by use of resources which belong to the Directorate of Civil Aviation.

Let me finish by commending the Kenya Airways. Recently, the Kenya Airways has modernised its aircraft, and has made every Kenyan flying out of this country feel that he is flying in a safe aircraft with good services. Passengers arrive the following morning after a non-stop flight from London and land at the right place. They do not land at Gatwick like the British Airways do. Let me commend the Kenya Airways because of modernising its aircraft and employing more Africans. There is one or two things that need to be sorted out. Otherwise, in terms of modernising its aircraft and providing a good service to Kenyans, Kenya Airways has done a very good job and it needs commendation.

With those few remarks, I beg to support.

The Minister for Energy (Mr. Raila): Thank you, Mr. Temporary Deputy Speaker, Sir. Let me begin by joining the previous speakers in commending the Minister for having brought this Bill to the House.

The Bill is actually long overdue and the purpose of introducing it is very noble. The purpose of introducing this Bill is to create efficiency in managing the air traffic in our country. As the world becomes smaller through globalisation, air traffic will gain more importance as a form of transport. There will be, therefore, many more aircraft that will be moving around in our airspace. Because of this, there is need to create efficiency and introduce incentives that will make the workers more motivated to do what they are doing. The Minister has rightly said that the trend universally is to try to create autonomous institutions to manage air traffic.

Mr. Temporary Deputy Speaker, Sir, I am happy that the tension that existed, and caused the Air-Traffic Controllers strike early this year, has now gone down, as the Minister has rightly said. I want to inform my friend there that there is now no problem with those who had gone on strike. We want to begin a new chapter and all those who are working, are patriotic and are qualified, will be engaged in managing our air traffic. When Idi Amin had taken Israelis hostage in Uganda, the Israelis were able to travel through Nairobi and land in Entebbe, storm the building, free the hostages and take off when Idi Amin and the entire Ugandan nation were asleep. That speaks volumes.

Mr. Temporary Deputy Speaker, Sir, the other issue is about the 11th September, 2001 events in New York and Washington. The aircrafts definitely deviated from the charted routes. Investigations have now confirmed that in fact, the air traffic controllers in that country should have known that there was something definitely wrong and warned those people who were on the ground. So, even a country that is as developed as the United States of America, still has some problems.

Mr. Temporary Deputy Speaker, Sir, a few days ago, there was a crash two of aircraft in Germany. A Russian passenger aircraft collided with a Swiss cargo aircraft. They said that the Swiss air traffic controllers had switched off the automatic warning systems for maintenance but they had not warned the pilot that they were trying to give instructions to him manually. It is said that there was some time lapse in the transmission of that information. So, that resulted in a crash and over 70 lives were lost.

Mr. Temporary Deputy Speaker, Sir, the Masinga incident, where an aircraft flew from Somalia and landed and took off, is another major cause of concern. We have over 100 airstrips in this country and most of them are not equipped with air navigation systems. Therefore, it is difficult to detect an aircraft which enters our airspace, lands and takes off immediately. It would appear that, from the information available, some business was being done in this regard - trafficking of foreigners into this country. One is forced to remember the U2 flights over the Soviet Union in the early 1960s when the Russians were able to detect those aircraft, although they were flying high up, and bring them

down. I am giving these examples to show that there is need for us to improve our air traffic control and navigation systems. One way of doing it is to create an autonomous institution that is going to provide training, do the testing of pilots and issue certificates of airworthiness for aircraft. It is important for us to make sure that people who are not responsible are not allowed to either operate aircraft or to be in the control towers. That is the reason why I am not happy with the kind of penalties that have been provided for in the Bill. But I am informed that there is an intention, by the Minister, to move amendments at the Committee Stage, to enhance the penalties for those people who offend. For example, people who go to work drunk or under the influence of drugs, are endangering innocent citizens. They should be given heavy penalties. Likewise, people who are not sufficiently qualified should not be allowed to operate aircraft. That is why I am happy with the provisions that have been put forward in this Bill because they will enable us to deal with those people.

Mr. Temporary Deputy Speaker, Sir, there is need for us to modernise the control systems all over the country. There is the scandal in Tanzania, what I would call the "Tanzaniagate". They acquired very expensive radar systems. I am told that the system they acquired is made more for military purposes rather than civilian purposes. A lot of money has been spent on it. In fact, there are allegations that much more was paid than what the equipment is worth, and that some money was paid under the table. I want the House to appreciate that there is need for us to do this kind of modernisation, but not the Tanzanian way. We should prepare to spend money to modernise our airports, so that we are not only able to see aircraft overflying our airspace but also what they are doing while overflying our airspace. What I have in mind here is what used to happen in the United States of America. Aircraft were flying from the South, carrying drugs and would overfly the American airspace and parachute the drugs down and the plane would go and land safely at an airport and there was no way of detecting what had happened.

Mr. Temporary Deputy Speaker, Sir, it is possible for an aircraft to fly from Ethiopia, fly over our airspace and drop drugs and even human beings using a parachute at a designated place where somebody is waiting to receive them, without us knowing. This is dangerous! We need to develop the capacity to be able to monitor planes on a minute-by-minute and second-by-second basis, what is happening in our airspace. This is important and we should be prepared to pay some money for it.

Mr. Temporary Deputy Speaker, Sir, on the regional front, we have got the East African Aviation School in Soroti. That is an old school and to my knowledge, it is the only school with the capacity to carry out the training that we need around this region. That school needs to be upgraded. In this area, technology keeps on changing all the time and we must be prepared to constantly update whatever we have, to keep pace with the changing technology. Otherwise our equipment will become technologically obsolete and we will continue to lag behind. We should arrange, through the East African Community, to enhance the training capacity of that college in Soroti.

Mr. Temporary Deputy Speaker, Sir, I share my friend's view that the Kenya Airways has done well on the international front. But before I touch on the Kenya Airways, let me talk about the local front. Locally, apart from the Mombasa route, Kenya Airways is a total failure in the routes to Kisumu and Eldoret. This is because they have "killed" any kind of competition. They have "killed" Eagle Airways, and once they did so, they now enjoy the monopoly. That is why they came up with Flamingo Airlines Limited which, at the moment, is not issuing any air tickets to people. When you go to buy a ticket from them, they give you a piece of paper and with that piece of paper, you must use the flight indicated on it on that particular day. If you do not use that flight, you forfeit your money!

They have also cut out travel agents and, therefore, you cannot book your flight through any travel agency. You must go and queue at the Kenya Airways offices at the Airport and you must go with your identity card in order to be seen. This practice is causing a lot of inconveniences to people who want to travel to Kisumu. Why is the Kenya Airways not allowing competition on these routes? They have spent a lot of money to "kill" competition; they have bought outdated, narrow and inefficient aircraft and, therefore, causing a lot of inconvenience to passengers who want to travel.

Mr. Temporary Deputy Speaker, Sir, let me commend them on the international routes. It is now accepted that on the African Continent, apart from South African Airways, Kenya Airways is the best airline. They have beaten the Ethiopian Airlines on that. My advice to Kenya Airways is to try and team up with South African Airways and buy the collapsed Air Afrique in West Africa. That way, they will be able to dominate the African airspace and create a giant airline that can compete internationally with the other airlines like the American Airlines, British Airways, Air France and others. This is my advice to Kenya Airways - it is free advice which they should take freely. Right now, Air France is enjoying a complete monopoly on the whole of West African routes.

Mr. Temporary Deputy Speaker, Sir, Kenya Airways is also an example of what privatisation can do. It is how to do it and it is an example that we should repeat when we are privatising other corporations in our country.

With those few remarks, I beg to support.

Mr. Mwiraria: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Bill.

I join my colleagues who have already spoken in support of the Bill before the House and in congratulating the Minister for taking a timely action to establish an Authority to deal with aviation matters.

Having said that, let me hasten to add that, it is not enough to have an institution. We need to have proper management of this institution, if our aviation industry is going to grow, develop, be safe and protect this country. I am making this rider because we know that, at the moment, there is a lot of interference with the aviation industry from outside the Ministry. If it was not for this interference, how could an Israeli Airline operate on a regular basis into this country without appropriate licensing? Could the Minister tell us what he proposes to do to ensure that when the Authority comes into being, it will be able to stop this interference?

Secondly, I would like to say that in aviation, you trade traffic rights between countries. If, for instance, Kenya Airways wants to operate to Britain, and the British Airways wants to operate to Kenya, we exchange equal rights so that we share the traffic between Kenya and Britain. As a Kenyan, I really support having services between various airports in Kenya, from all areas to Nairobi Airport. I wonder what traffic rights the British Government gave to the Kenya Government in exchange of Nairobi and Mombasa rights, which are being enjoyed by British Airways. What were they given and what did they exchange for those rights? Do we have more traffic rights on the Nairobi-London route to compensate for the twice-daily traffic rights between here and Mombasa, or has it been done through corruption? I am really trying to tell the Minister that, it is one thing establishing the Authority and it is completely another allowing the Authority to remain autonomous, to exercise its powers so that they, and they alone, can decide on what should happen in the airspace of this country.

As we have been told by some of the hon. Members who have spoken before me, aviation is a highly technical field. It is so technical that we in Kenya must be as good as the best in the world. This is because flights have got to come here from all over the world, our pilots must fly from here and land in airfields all over the world, and for that reason, we cannot afford to compromise our position, we must be as good as the best.

I am happy to see the Minister giving the Kenya Airports Authority power to look after air navigation. Air navigation is, perhaps, one of the most sensitive areas in the sense that, unless you have got a properly calibrated and the most modern air navigation equipment, for example, at JKIA, pilots will not land there, even when there is slight fog. I was very encouraged to hear the Minister talk about calibration. If I remember well, we used to have one calibration aircraft. I cannot remember exactly what it was, but it was Nod/262 or something like that. It was a very old aircraft and I do not know whether it has been changed or not. Are you going to have the latest calibration aircraft so that we can make sure that, whatever equipment we have on the ground is calibrated to the highest standards and can, therefore, serve the pilots in the air, whether it is sunny, rainy or foggy?

Mr. Temporary Deputy Speaker, Sir, there is the question of security and I am happy to note that the Permanent Secretary in charge of internal security is included in the Board. I know we have very good equipment at East Air Centre; our centre in Nairobi. I have been on planes and I have heard pilots get in touch with East Air Centre from as far as the Mediterranean Sea. I can understand Kenya controlling all traffic from Nairobi. But I cannot understand how Nairobi can control the entrance of traffic. Do we have a sufficiently powerful radar which can notice a small aircraft crossing the Somalia border? I think it is really in the interest of this nation that we develop our aviation industry, in such a way that people cannot violate our airspace at will. We need to ensure that we are equipped sufficiently to see aircraft entering into the Kenyan airspace the minute they reach our border. We ought to be in a position to challenge, talk to them, get information from them; failure to which they should be approached and, if need be, forced down by our airforce.

Mr. Temporary Deputy Speaker, Sir, I fully support the Minister's need for establishing a calibre of staff that is qualified, competent and meets international standards. But our recent experience, where staff of the Air-Traffic Control Department went on strike and all of them were sacked, is a rather sad experience. I would like to hear from the Minister himself, although his colleague told us that something was happening, that, indeed, those people are going to be reinstated and re-employed. Training an air traffic controller is an expensive affair. We cannot sack all the ones that we had trained to begin training new ones. It is not only traffic controllers that we desperately need. We need highly qualified staff in the inspection department. The people who have to examine aircraft after they are checked. An aircraft is a machine which must, at all times, be well maintained. The people who make them have got a schedule of maintenance which I know we observe in Kenya. That is where I would like to differ with Mr. Kamolleh and say that in Kenya, we do not take aviation lightly. We do not fly aircraft which are not fit. I know if people follow the maintenance schedule--- They have the three checks and if they check them properly, then the aircraft, even the old ones, will always be well maintained. So, the point that I am making to the Minister is that if there is one area where we cannot afford to compromise, it is the inspection of aircraft. Those are the people who pass aircraft as airworthy at all time. That is because a slight mistake means loss of lives. It is important for all aircraft, big or small.

Mr. Temporary Deputy Speaker, Sir, looking at the functions of the Authority, Item (d) reads: "Securing sound development of civil aviation industry in Kenya."

We need to develop a sound civil aviation industry in Kenya. How can we do that? We can do that by giving powers to the Authority not to grant monopolies, but to license enough people to offer the required services. I am a little surprised to hear that Flamingo Airways makes people queue for their tickets. I flew to Eldoret the other day and I got my ticket from a tour operator.

Mr. Khamasi: Was it a ticket or a letter?

Mr. Mwiraria: It was not a ticket but a letter! But what I am trying to say is that those people sell letters through tour operators, unless there is one who is favoured. Let me stop there, and if Mr. Khamasi wants me to show him where I got my ticket from, I will do so after the end of this debate.

Mr. Temporary Deputy Speaker, Sir, regarding the development of the aviation industry in Kenya, we need to look and plan ahead. I do remember that when the present Jomo Kenyatta International Airport was planned, there was anticipation that it was planned with the intention of having a second runway by around the year 2005, when it was expected that air traffic in the present runway would be too high for one runway. Looking at the other side of the airport where the second runway was supposed to be, I see many housing developments. Could the Minister, when he stands to reply, tell this House what the future development of Jomo Kenyatta International Airport will be? As originally planned, are we going to have a second runway with a second air terminal building like the one we have, or have we already given the land to private developers? We must really plan ahead. This country must catch up with the rest of the world.

My third point on the development of civil aviation is that we have many airfields in the country, but most of them are overgrown with bushes and have become grazing fields. They are no longer usable. They have got holes made by warthogs and other animals. I think it is time the Ministry took over those airfields. We have one at Gaitu in Meru. The last time we tried to land there, the pilot had to fly low over the airfield five times to scare the cattle out of the runway. Surely, something must be done. I know we have financial problems, but we need to systematically develop our airports. This is because, in future, air travel will be as important in Kenya as it is already in other countries such as the USA. We cannot afford to lag behind.

Mr. Temporary Deputy Speaker, Sir, I have already talked about air navigation services. My hope here is that we would not have only a few airports such as Nairobi, Mombasa and Eldoret supplied with the most modern air navigation equipment. It is important to ensure that even our air corridors are served with navigation equipment which can keep people on course because of the many accidents which occur in this country. Some of the accidents which occur, particularly around the mountains, can be attributed to the fact that pilots lose their sense of direction and, as a result, the aircraft hit sides of mountains.

Mr. Temporary Deputy Speaker, Sir, I know that during the peak period for export of flowers and horticultural produce; that is between October and February, we have a shortage of air cargo space. Sometimes perishable goods are delivered at the airport but they cannot be transported to their destinations. As a result, their quality deteriorates. Sometimes they are taken back for sale in the local market or, worse still, they may rot before being sold. It is my hope that the Authority will make provision of adequate air cargo space during the peak production periods one of its first and most important priorities. Even *miraa* destined for London and other places in Europe is left behind because there is no cargo space.

Mr. Temporary Deputy Speaker, Sir, let me conclude my brief remarks by congratulating the Kenya Airways for showing this country what a privatised industry can do and what benefits it can bring to a nation. In this connection, I do hope that the Minister, who is also responsible for some of the other key institutions which need privatisation such as the ports, will bring to this House a Bill to privatise ports because this will make them competitive. Already, the port of Mombasa is losing traffic to Dar-es-Salaam and Djibouti which is quite far away from us, but which recently introduced very innovative techniques. Our port of Mombasa is also losing traffic to ports in South Africa which take some of the goods destined to East African countries. These goods are then brought in by Tazara Railways. It is a pity that we are losing traffic to other nations in Africa. We have to survive in this world of competition. We have to compete with the other institutions around us. It is for this reason that I am happy with what is happening in the Kenya Airways.

Mr. Temporary Deputy Speaker, Sir, we need to strengthen and improve our training facilities. The East African School of Aviation at Soroti which trains pilots is fairly old. I really do not know what type of aircraft they use now. But I know when they started, they had some very good trainers from the United Nations. In fact, two of them had been test-pilots in the American airports. I believe they trained some of the best pilots in those days. I would hope that once the Authority comes into being, it will support that school through the East African Community to continue with its good work of training pilots of the highest standards possible.

Mr. Temporary Deputy Speaker, Sir, let me comment on an incident which I had to go through recently. We flew from London to Nairobi. We went through Europe. We came to JKIA, but we could not land and we went down to Mombasa. After staying in Mombasa, we needed to come back to Nairobi. One of the pilots who had been seated

in the cabin with us, as one of the passengers, and had been enjoying his alcoholic drink throughout the flight decided to be a good Kenyan to assist to fly the aircraft from Mombasa to Nairobi. I am mentioning this because when we got here, the officer was, in fact, disciplined for having flown an aircraft when he had been drinking. I do not know what the requirements are, but this really shows that, here in Kenya, we care about aviation security.

My last point is that we can have the Authority, but first, let us make sure that we give it real autonomy so that nobody else will interfere with its operations. Let us make sure that if they do not license an Israeli airline, nobody else outside that Authority will do so. We must make sure that, that Authority trades our rights for equal rights. I hope that the Minister has an explanation as to why British Airways has two flights to Mombasa everyday when Kenya Airways cannot fly from London to Manchester, or from London to any other destination in the United Kingdom.

Mr. Temporary Deputy Speaker, Sir, I beg to support.

Mr. Khamasi: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to make a few remarks on this Bill.

First, I would like to congratulate the Minister for the manner in which he moved this Bill and for the good objects it intends to achieve. As said earlier, the proposal to create the Kenya Civil Aviation Authority (KCAA) has come a little too late. Nevertheless, it is better late than never.

Mr. Temporary Deputy Speaker, Sir, this Bill is addressing issues which have, for a long time, been at hand. The air traffic controllers have been crying about the creation of the Authority for a long time. The Bill was brought to the House immediately the Ministry sacked all Civil Aviation Department employees who had gone on strike to press for better terms of service. A Government Minister has now told us that something is being done about the sacked employees.

I would like to appeal to the Minister for Transport and Communications - who is a very good listener and humane - to be man enough and reinstate all these employees. I would like him to use his ministerial powers to re-employ all the sacked employees. It cost this Government so much money to train them. There is no point in saying that the Government has sacked them. After all, the Minister brought this Bill here to facilitate what these employees had been crying for, immediately after they were sacked. So, the Minister should consider that fact.

Mr. Temporary Deputy Speaker, Sir, the proposed Authority will address quite serious issues. In my view, it will be a one-stop shop for all aviation services. So, it is worthwhile to support the Minister in establishing the Authority. The aviation industry is a technical field, which needs the best qualified personnel. It is not an area where we can conduct experiments. It is, therefore, necessary that all the objects, as shown in this Bill, are undertaken to ensure the safety of this country's airspace.

I would like to point out one or two issues which I think the Minister should address. So far, Nairobi's Jomo Kenyatta International Airport (JKIA) and Mombasa's Moi International Airport (MIA) look good enough; they are currently serving us well. However, I would like to reiterate what Mr. Mwiraria said. If you go to Wilson Airport, you will find that many residential buildings have mushroomed in its neighbourhood. The same is happening at JKIA. We would like to know what the Government is doing in terms of expansion of these facilities when the need arises. We should look much more into the future and ensure that there will be enough land for expansion of airport facilities. Unfortunately, Kenyans are so greedy when it comes to land ownership. In the case of Wilson Airport, we may need to construct a second runway. There should be reserve land for that purpose.

The Minister for Energy, Mr. Raila Odinga, had promised the people of Nyanza that there was allocation of money in the Budget for the expansion of Kisumu Airport, so that it may accommodate larger aircraft. We have been here for five years now, but nothing seems to have come through. I think that is the only airport in Western Kenya which needs expansion. When this Authority comes into existence, that is one thing we would like to see happen to that airport. Kisumu Airport is busy. It is only that it cannot accommodate bigger aircraft. So, it is necessary that the Minister gives us some hope when he replies to this debate.

Mr. Temporary Deputy Speaker, Sir, drunkards and drug peddlers have no place in our aviation industry. I want to support the Minister for addressing this aspect in this Bill. People who drink alcohol and peddle drugs have no place in our aviation industry. We would like to see stiffer penalties meted out to people who will violate rules against these matters. We should not encourage such activities by providing for very liberal penalties against offenders of this nature. If we do that, the international community will look at us with suspicion. They will regard us as people who encourage drunkenness and drug peddling.

My colleagues have talked of our airspace being interfered with, without our notice. That is a sorry story. We do not know for how long such activities have been going on. We do not know whether the recent incident, where some Somali nationals were flown into the country and landed at an isolated airstrip in Masinga, was an isolated case. I am told that there are more than 100 airstrips in this country. What could be happening at all these airstrips? This incident shows that our supervision of our airspace is not up to the mark, and something must be done about it. It is very serious that an aircraft can fly aliens into the country and take off without being detected by our radars. So,

through the Authority proposed in this Bill, in future, the Minister should address this aspect very seriously and ensure that such an incident does not recur.

Mr. Temporary Deputy Speaker, Sir, I would now like to comment on the aviation services we get, particularly from our national carrier, Kenya Airways. I would like to correct one of my colleagues, who said something which is not right. Since Flamingo Airways came into existence, it has not issued any air tickets. I do not know whether that is in conformity with international aviation laws. Perhaps I should be corrected on this. As Mr. Raila said, Flamingo Airways has completely rendered redundant the services of air ticketing firms. Nowadays, if you want to travel, you must go and queue at the company's offices with either your passport or national identity card, so that you can be issued with a ticket to travel on the same day. At the airport, you are required to produce your identity card. If you do not fly on that day, you will forfeit whatever amount of money you will have paid. So, I think this is a matter which should be looked into. It actually restricts travel between Nairobi and the Western Circuit. So, it is a matter which people in that particular industry need to be told about. We want to support the Minister in bringing this Bill and I believe that when he will be replying he will touch on some of the issues we have touched on since this is a straightforward Bill that should have no problems being passed.

With those few remarks, I beg to support.

The Assistant Minister for Labour and Human Resource Development (Mr. Chanzu): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this very important Bill. This Bill is essentially for putting in place safety measures in air travel in conformity with the prevailing international standards. Therefore, the Bill is very timely.

Mr. Temporary Deputy Speaker, Sir, I would like to make a few comments. In the Bill, the Chairman is to be appointed by the Minister from amongst people with knowledge in matters relating to civil aviation. That is quite okay but I would like [**The Assistant Minister for Labour and Human Resource Development**] to suggest that, when it comes to the appointment of the Director-General, I think to use the same criteria, bearing in mind that this is a very highly sensitive and technical field, I would have preferred to have the qualifications of the Director-General specified in the Act so that the Minister can use them as criteria when appointing the Director-General from amongst those who maybe be pre-qualified or shortlisted by the Board.

Mr. Temporary Deputy Speaker, Sir, otherwise, it is very necessary that we have---

(Mr. Chanzu's mobile phone rang)

The Assistant Minister for Labour and Human Development (Mr. Chanzu): I am very sorry, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Chanzu, you know the rules. The Speaker has made it very clear. You have to get out! That is the rule. It has been laid down very well by the Speaker. You should not continue even for a second!

The Assistant Minister for Labour and Human Development (Mr. Chanzu): Mr. Temporary Deputy Speaker, Sir, I am very sorry. I rushed out and then I rushed in and then---

The Temporary Deputy Speaker (Mr. Imanyara): Sorry, Mr. Chanzu! The Speaker has laid down the rules. There is no alternative. You must get out of the precincts of the House for the remaining period.

The Assistant Minister for Labour and Human Resource Development (Mr. Chanzu): I am sorry, Mr. Temporary Deputy Speaker, Sir.

(Mr. Chanzu's mobile phone rang for the second time)

(Laughter)

(Mr. Chanzu withdrew from the Chamber)

Mr. Mwenje: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to make my contribution to this Bill. It is good that the Minister has finally come up with this Bill. It is not a Bill that many people would possibly want to say much about because it has a lot of international implications and a lot of areas which most Members would not be conversant with. However, nevertheless, some of us who are operating in areas where there are airports and I being the Member of Parliament where the largest airport in this country is located, I have a few things to say maybe on those on the ground than those in the air.

Mr. Temporary Deputy Speaker, Sir, the first thing is that most of these airport employees live in Embakasi. They live in the Civil Aviation Village which is right in the middle of my constituency just near the airport. Even most

of these air traffic controllers we have talked much about, indeed, live in Embakasi. I have had a chat with some of them and they feel that they have been marginalised. They have been pushed to a corner and have not been paid well. When they went on strike instead of the Government sympathising with them, it decided to use an iron hand against them. Instead of negotiating, discussing and finding out what problems they had, the Government simply sacked them, kicked them around and put so many difficult conditions upon their reinstatement and so many of them had to lose their jobs.

Mr. Temporary Deputy Speaker, Sir, the Government was very unfair to these people. I want to agree with hon. Khamasi that even up to now, some considerations need to be undertaken to reconsider the position that was taken by the Government. A number of them lost their jobs and yet they had families and children here and some of them were living in Embakasi Village. Some of them were actually kicked out of those houses. I think nearly all of them and up to now they have never been considered for reinstatement. These people were doing a very important job. I realise that a number of people are confusing between the air traffic controller and the marshallers. The marshallers actually show the pilots where to park the planes. Those are not the air traffic controllers. The air traffic controllers are doing a very important job with all the computers and controlling and guiding the plane when it is in air. Once they are not there, the plane has no way of making any progress. These are qualified and very important people and the kind of salaries they were being given were quite low. These people need to be given good salaries so that they can do their jobs properly. They are taking care of a whole aeroplane and many passengers. One aeroplane may be carrying 500 to 600 where lives depend on these people. So, it is important that they should have been paid well and they should not have been kicked around as it they are not important people in our community.

Mr. Temporary Deputy Speaker, Sir, they are very important and we tarnished our name before the international community for failing to consider them and pay them good salaries. They were comparing their salaries with those being paid to other air traffic controllers and that is the most logical way to do. You compare yourself with a person who is doing the same job. Even here in Parliament we consider what a Member of Parliament is paid in Uganda and Tanzania, Britain or Germany. We can compare ourselves because we are doing the same job. So, the air traffic controllers were doing the same. I still believe that these people are very lowly paid and they were not treated well by the Government and the Government needs to reconsider their pay. If this does not happen, we must warn that in the next Government of the Democratic Party (DP) and National Alliance for Change (NAC), we are prepared to consider increasing their salaries.

Mr. Temporary Deputy Speaker, I happen to pass through the airport literally daily because it is on the route from my house to the City and one thing I have noticed which the Minister needs to consider is that there is a danger which either has been noticed or has been ignored. Next to the landing lane of Jomo Kenyatta International Airport, you find some people grazing cattle. Then there are these white birds that follow cattle in order to get food. These birds are very dangerous to the aeroplanes and yet this problem has been ignored all through.

Mr. Temporary Deputy Speaker, Sir, I have had the courtesy, myself, even to write to the Managing Director of the Kenya Airports Authority about the danger posed by the cattle which are grazing below the landing lane because of these birds. These birds keep on following the cattle wherever they go and the people who are grazing there are known. The landing area must be cleared of any grazing activity. This has been going on for many years and I do not know why neither the Director of Civil Aviation nor the Managing Director of the Kenya Airports Authority has noticed this. It is risky and if the international community knew that we still graze under the landing lanes, nobody would dare land at our airports. So, it is important that it be taken seriously and the necessary action be taken urgently.

Mr. Temporary Deputy Speaker, Sir, we are in the process of allowing the Minister to form a Board like we did with the Kenya Airports Authority (KAA). This Bill intends to make the Directorate of Civil Aviation a parastatal which will no longer be a department of the Ministry of Transport and Communications. When we formed the KAA Board, I was in this House and I remember we agreed that it should be left to operate like a parastatal. But what has been happening todate is that, any monies collected by the KAA is taken by the Government almost on a daily basis. The Board does not operate like a parastatal but a department of the Office of the President. I do not know for what reason the money is being collected from the KAA. I do not know whether it is taken to the Ministry or the Treasury. Consequently, the KAA is unable to construct houses for its employees at Embakasi Village. They live in houses which do not have electricity. Todate, the houses at Embakasi Village, where most employees of the Airport live, have no electricity. The roads are impassable. I have to keep on repairing them through the DRC, which has no money. It is a serious situation that people who work at the Airport live in houses which do not have electricity. You will think that they are living in the Stone Age. I hope that the Board we are forming will be allowed to operate like a parastatal. So, the revenue they will generate should not be taken from them. The Board keeps on budgeting for money which they do not have. I hope that will not continue when we form the Civil Aviation Board. They should be left to manage their own affairs. They have their own village. Even as at today, as I talk, if you visit this village where the Civil

Aviation employees live, the road is totally impassable. In fact, I sometimes have to repair this road through the DRC or even using my own money. I want to thank Mr. Nyachae because sometimes he repairs this road because he has a factory near there. Otherwise the Civil Aviation is unable to do it. I am talking of a place through which I pass literally every other day. It is a place I know. When the Board comes into operation, let it also look after the welfare of its employees, the roads and the houses where they live. It is important that we look after the welfare of our people if we expect to get a good return.

Mr. Temporary Deputy Speaker, Sir, if you go along that road, and I am saying so because I have personal experience, it is in my area and I am always there, you will find about three to five grounded aircrafts which have been there for the last 20 years. It is not a good picture. One of these aircrafts had an accident with a PC and some of them belonged to the defunct East African Airways. I do not know who owns the others. It is an eyesore at the Civil Aviation site. It keeps on reminding us about the accidents which they were involved in. So, let the Minister have them removed from Embakasi even tomorrow. We do not need them there, or they can give them to me. I will get the spares and sell them on Jua Kali basis. I do not know whether I will get buyers.

Mr. Temporary Deputy Speaker, Sir, if you look at page 678 of the Bill, Clause 6(e), this Authority is being allowed to borrow money like it has been happening to other parastatals, but these are public companies. If they are allowed to borrow money without reference to Parliament, they will be committing Kenyans without Kenyans themselves having given authority for them to borrow money. We need a clause which will state that they should borrow money with the authority of Parliament. We are the custodians of taxpayers in this country and if we are going to have parastatals owned by the Government borrowing money directly without reference to Parliament, this is dangerous. I feel they need to seek authority from Parliament before they undertake this kind of borrowing. We do not want to be committed by somebody and then at the end of the day, the Minister brings a Sessional Paper here asking us to bail them out, like we did with the Kenya Meat Commission the other day. They only revert to Parliament when they have financial problems but when they were borrowing, Parliament was never involved. Why should we get to that level? We must take care of this country. We are the elected representatives of the taxpayers, so we must authorise anybody borrowing on behalf of this Government. Eventually, we will not allow that money to be paid unless we were involved in the first place. So, let the Minister amend this clause to state that they need parliamentary approval for this.

Mr. Temporary Deputy Speaker, Sir, on page 689, there is a very serious affair here. Clause 37 (F) states:-
"That where any judgement or order has been obtained against the Authority, no execution or attachment or process in the nature thereof shall be issued against the immovable property of this company."

Mr. Temporary Deputy Speaker, Sir, that is a very dangerous situation to those who will be doing business with this Board. If you owe me money and I am not able to attach your property, this is over-protection. Who will even want to deal with such an organization whose property you can never attach? You can attach the immovable or movable property of everybody in this country apart from the President. It is allowed in the law. Why are we over-protecting this particular parastatal? The lawyers are here, like Mr. Kihoro, they should tell us. It only states that the Director will be required to pay. If he fails to pay, what happens? You cannot attach the property of this organization, that means you can never auction any of their property. How can anyone do business with somebody whose property you cannot attach because it is protected by law? The only person I know whose property cannot be attached under the law is the President. We will have that amended in the new Constitution because we do not want to hear this business of some people being above the law, as the common man puts it. We are simply being told here that this organisation will be above the law. If that is the case, I want the Minister to tell us how one will ever recover his debt if he supplies this company with goods or services and they do not pay him. The only solution this Bill offers is that the director will be required to pay. But suppose he does not pay, then what happens? What happens is that they will take your property. This company will take people's property illegally because they are protected by the law. We cannot have such a company at all.

I do not know how this issue escaped the notice of the Committee. They should have known that we cannot allow that kind of situation to happen. I hope the Minister will amend that particular section because we cannot allow the establishment of a company that will take away people's property and they cannot recover it. I do agree that most companies should have the provision on 6(d) where they are supposed to have a five-year plan. If all companies were like that, we would know what would happen. They should have a five-year plan so that we know precisely what will happen.

The other issue is that you will find that sometimes the Directorate of Civil Aviation (DCA) and the Kenya Airports Authority (KAA) deal with the Minister for Transport and Communications and sometimes with the Minister in charge of internal security. This anomaly needs to be addressed. We need to know under which Ministry they fall. You will find that sometimes you are referred to the Minister in charge of internal security, but he ends up referring

you to the Minister for Transport and Communications and vice-versa. The law should clearly state which Ministry is responsible for which State corporation. Today when you go to the KAA you will find that you are dealing with the Minister in charge of internal security, but when it comes to other issues you are then referred to the Minister for Transport and Communications. We need to have this issue clarified. We should do away with this anomaly so that we can know exactly which Minister we will deal with. This same anomaly has been repeated again in this Bill and the two Ministers need to clarify this issue so that we are not pushed from one to the other.

I believe we should not be hurried when debating on this Bill. We need to say all that we have to say. If we run out of time we can extend the debate up to Tuesday, Wednesday--

The Temporary Deputy Speaker (Mr. Imanyara): Who has hurried you?

Mr. Mwenje: It is Mr. Nyenze, using his power of intervention. You know he has the power of intervention!

The Minister for Heritage and Sports (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir. I wonder whether Mr. Mwenje, who normally likes to steal my name, is in order to say that I have intervened to cut his speech short.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I am aware that Nyenze and Mwenje are names that sometimes collide here and there. Since he is my friend, let me not dwell on that very much.

I was saying that it is not good to hurry Bills through this House because they will become law and affect other people and by the time we realise what is happening, we will find ourselves in a very precarious situation. There are the Presidential and Vice-Presidential pavilions reserved at the Airport. I wonder why this is the case because all hon. Members are VIPs since we were elected by the people. Why then do we not have a pavilion reserved for the Leader of the Official Opposition? The Leader of the Official Opposition passes through the normal passage together with Ministers and other ordinary VIPs. If we have a pavilion reserved for the President, then we should also have another reserved for the Leader of the Official Opposition. If not so, then the Leader of the Official Opposition should be allowed to pass through the Presidential Pavilion, if not the Vice-Presidential Pavilion. Let protocol be observed and people get the honour they deserve. A man who can garner over two million votes in this country should be respected. He may not inspect the guard of honour, but he should be allowed to pass through the Presidential Pavilion. If that is not possible, then he should pass through the Vice-President's Pavilion.

The other day I had to welcome my Chairman, who is the Leader of the Official Opposition and he passed through the ordinary passage where every other Tom, Dick and Harry passes.

Mr. Kamolleh: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to perhaps kindly request the hon. Member who is on the Floor not to dwell so much on these irrelevancies, but instead come to the point so that we do not harass him while contributing to the debate?

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I do appreciate that there is no airfield in Matuga. So, Mr. Kamolleh may not understand what I am talking about. Fortunately, he is also a Member of the Departmental Committee on Defence and Foreign Relations just as I am, so he should be able to understand a little at least.

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

Mr. Mwenje: In order not to have my time wasted by Mr. Kamolleh here, what I was saying here, which is quite relevant, is that we need a pavilion for the Leader of the Official Opposition at the Airport. We are, talking about the DCA and all the other departments. I would like to ask the Government to consider that situation. We do not feel very happy when we go to welcome the Leader of the Official Opposition and then he has to pass through the normal passage like everybody else. The law should be amended to state that the Leader of the Official Opposition should also pass through the Presidential or Vice-President's pavilions. I hope this will be implemented in future because when the current Government comes to this side of the House, they will require that facility. Since this will happen in a very short time, they should consider that before they are moved away from that place.

Mr. Waithaka: On a point of information, Mr. Temporary Deputy Speaker, Sir. May I take this opportunity to inform my friend Mr. Mwenje that it is not just at the airport that we have a Presidential pavilion and none for the Leader of the Official Opposition who is in the government-in-waiting, but also in other sectors. This Government has been spending colossal amounts of money to protect one individual at the expense of all other Kenyans. That is why that pavilion is reserved for him without even considering the importance of the Leader of the Official Opposition in a country like this one. We have missed it all and that is the problem with this country. This is not just the case at the airport only but also in all other sectors where a lot of money is spent for this purpose. Sometimes you will find even 20 Ministers following one person to a function that may not be very important.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I am sure hon. Members have heard that. Therefore, I do not have to overemphasise that point.

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

Mr. Mwenje: I do not need that information. We are, therefore, saying that the DCA is a very important

aspect of this country which needs to be strengthened and given authority. I support this Bill because it seeks to do exactly what should have been done a long time ago. According to the Bill, the qualifications of the members of the Board are as follows: The chairman must be someone who is conversant with aviation affairs and rules. It also says that the Minister can set the qualifications. So, which is which? The Minister must be clear here. Is this House setting the qualifications of the chairman and directors or are we leaving it to the Minister? We have been taken round and round such that every time we make laws, we give leeway to the Minister to circumvent the same laws. If the rules say that the Chairman should be conversant with aviation rules and regulations, then, why do we come back again and say: "Or the one that the Minister finds to be fit." Which is which? We have gone through the pain of describing the qualifications, but we remove the qualifications and give the powers to the Minister; to decide what qualifications there should be. I think we should remove the section which says that the Minister can set the qualifications; that is, "or otherwise where the Minister thinks that so-and-so can be fit." The Minister could take anybody who does not even know anything about this work because he or she is a friend.

Mr. Temporary Deputy Speaker, Sir, I am not talking of the current Minister. I agree that we have a good Minister for now, having worked with him many years in the former Ministry of Supplies and Marketing. But a bad Minister could come and decide that he now wants to take his or her friend who is not qualified. Such a Minister can succeed to do that, because he has been authorised and given the standards, and he is allowed by this Bill to set his own standards of the person who can become chairman. Then, he can appoint a chairman who is not qualified. We need to remove that section where the Minister is allowed to set the standards of a chairman or even a director of that Board because that is where we can go wrong. We either standardize it or we leave it to the Minister. But we cannot have it both ways; providing the standards and saying that the Minister can remove them and put his. Who is more senior; Parliament or the Minister? We need to be clear because sometimes that is the problem of the law; where you find the law contradicting itself. We either get it clear and say that these are the standards or we do it the other way.

I do not wish to say much more than possibly what I have said. But I hope the Minister will consider what we have said. I am aware that some hon. Members have been talking about the second runway, but as at now, I do not even find the need for a second runway. The current runway we have is not even utilised to capacity. I am aware that there was a plan to borrow money to have a second runway, but I find it unnecessary as at the moment - maybe it should come after ten years. It is not necessary because even the current one that we have is not properly utilised; we do not have enough traffic to use it. So, I do not think that should give the Minister any headache because the current runway that we have is enough, and we do not need to bother very much about it.

With those few remarks, I beg to support the Bill.

Mr. Obwocha: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to make a few comments about this Bill. It is unfortunate that the Government thought it fit to bring this Bill after we have had a problem with the air traffic controllers. However, like my colleagues have said, better late than never.

This Bill says specifically that its objectives is to plan, develop, manage, regulate and operate a safe, economical and efficient civil aviation system. But where are we right now?

Right now the safety of our airports is questionable. If I take the two major airports in this country, namely, the Jomo Kenyatta International Airport (JKIA) and Moi International Airport, in Mombasa, there are a number of complaints from those people who use their runways, which are supposed to be repaired or re-surfaced. We were told that the JKIA had awarded a very big contract, and yet the people who use this airport make numerous complaints. I would like to ask the Minister about the state of Lokichoggio Airstrip, where there are a number of United Nations (UN) and other NGO aircraft. What about Kisumu Airport, which we are told by the people who use it that it is not safe? I believe that once this Authority is established it will take up these issues immediately.

Mr. Temporary Deputy Speaker, Sir, I would like to urge the Minister to look at the composition of the Board. The Board I have in mind is provided for on page 658. The Bill states:-

"In appointing this Board there will be two members not being public officers with aviation knowledge and experience to be appointed by the Minister."

You must appreciate that, in this country, people who are knowledgeable in aviation are very few, and this is a very sophisticated industry. I would like to propose that these members be proposed by the industry and their names surrendered to the Minister for appointment. Preferably, the International Air Transport Association (IATA), or other airline associations, should provide the names of the people to be appointed to the Board. This will enable us to have people who have knowledge in civil aviation on the Board. This Board will consist of too many people with general knowledge, for example, Permanent Secretaries. As you can see, there is the Permanent Secretary from the parent Ministry, the Permanent Secretary, Treasury and the Permanent Secretary, Office of the President in charge of Internal Security and Provincial Administration. We would like more people who are knowledgeable in the aviation industry to be appointed to this Board. That is the only way this Board can work properly.

I would like to ask the Minister this question, and fortunately, he is a former Finance Minister. In the Finance

Bill, hire services or leasing of aircraft are subject to Value Added Tax (VAT). But what has been happening is that the authorities have been imposing this tax on the leasing of small aircraft in this country, but do not surrender money from big airlines.

(Dr. Anangwe consulted with Mr. Mudavadi)

Mr. Temporary Deputy Speaker, Sir, could you protect me from Dr. Anangwe, who is distracting the Minister's attention when I am raising a very important issue?

An hon. Member: They are discussing the issue in vernacular!

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I am saying that the Value Added Tax (VAT) imposed on leasing aircraft, the money to the Exchequer that will benefit this country, should be imposed on big airlines and not on the small ones. From the small airlines, you will collect very little money. But you are not enforcing the VAT on leasing of aircraft from the big airlines. We would like the Minister to check on this. We would like the Exchequer to get its share of the revenue that will be collected.

Mr. Temporary Deputy Speaker, Sir, let me come to my line of specialisation, which is accounting. On page 680, Clause 6(g)(ii) states:-

"Within a period of three months up to the end of each financial year, the Board shall submit to the Auditor-General (Corporations) or to an auditor appointed under subsection 3, the accounts of the Authority together with the statement of income and expenditure during that year, and a statement of assets and liabilities of the Authority as at the end of that financial year".

I thought that in the Miscellaneous (Amendments) Act, the position of the Auditor-General (Corporations) has reverted to the Controller and Auditor-General. So, would it not be wise for the Minister to check on this particular issue, and confirm whether the Auditor-General (Corporations) still exists? He should find out whether the office of the Auditor-General (Corporations) still exists or not. If not, we should insert the statement "the office of the Controller and Auditor-General who shall audit these accounts or his appointed auditor".

Mr. Temporary Deputy Speaker, Sir, secondly, I am happy with the provision of Section 6(g)(ii)(a), which requires the Board to submit a statement of income and expenditure to the Auditor-General (Corporations). But Section 6(g)(ii)(b) requires the Board to submit a statement of assets and liabilities, which is not enough. You need a balance sheet because it incorporates other facets of what we would like to see from an organisation. There are many other issues that are raised in a balance sheet. So, I would be quite comfortable if a balance sheet is included.

With regard to records and accounts of the Authority, the Minister has omitted a very important thing that should be in those accounts. When you require the income and expenditure account and a balance sheet of the Authority, you require a cash-flow statement. This shows you the cash position of an organisation or an authority every year. You can have all these assets and liabilities, but you may be bankrupt. You may not have the actual cash to operate the authority. So, in addition to those two requirements, the Minister should consider seriously bringing an amendment to include the requirement of a cash-flow statement of the Authority.

In conclusion, I am supporting my colleagues who have talked about borrowing. You will remember that this House converted the loans of the Kenya Airways into equity. The Government took over the outstanding loans on aircraft. You cannot give the proposed Authority the power to acquire loans without reference to Parliament. I believe the Exchequer and the Audit Act provides that all loans borrowed by State Corporations must be referred to this House for ratification or notification.

Mr. Temporary Deputy Speaker, Sir, I would like to associate myself with the sentiments raised by hon. Mwenje on the issue of attachment. Probably, lawyers like Mr. Kihoro and the others could tell us whether it is proper to put another law stating that:- "In the event of being given an order by a court of law, you cannot enforce it on the assets of the Corporation or Authority and that you can only enforce it on certain specific assets." The lawyers should tell us whether this is legal or not.

Finally, I would like to join my colleagues by appealing to the Minister for Transport and Communications to consider reinstating those Air-Traffic Controllers who were retrenched. They are young men and women whom this country has trained. They are experienced people whom we depend on. Our safety depends on them controlling those aircraft. Those who were either suspended or sacked should be reinstated by the Minister. It is not good for this country that every time there is a crisis, the course of action taken by the Government is either to suspend or get rid of those people and employ in their places, retired and old people. That policy should be changed. So, the Minister should address this issue by taking back those experienced young men and women whom this country has trained.

Mr. Temporary Deputy Speaker, Sir, I do not know whether the insurance claims for those people who perished in the Abidjan accident have been settled. I would like to hear what the Minister has to say about this.

With those remarks, I beg to support.

ADJOURNMENT

Mr. Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, we have got no application for Zero-Hour, and it is now 6.30 p.m. The House, therefore, stands adjourned until Tuesday, 9th July, at 2.30 p.m.

The House rose at 6.30 p.m.