

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 9th December, 1999

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.754

LBDA PROJECTS IN BOMET/BURET

Mr. Speaker: I will go to Mr. Sang's Question because the Minister had indicated to me that he has somewhere to go.

An hon. Member: It is not the first Question on the Order Paper!

Mr. Speaker: Order, hon. Members! I know that it is not the first Question on the Order Paper. I have said that I am calling it out first because the Minister has some engagement by 3.00 o'clock. I would like to remind the House of the Standing Order that says: "Business of the House shall be taken in such a manner as Mr. Speaker shall decide". So, Mr. Sang' is not here? I will now come back to the usual order.

Question No.755

COMPENSATION TO VICTIMS OF LEOPARD ATTACK

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

- (a) when the Minister will compensate the family of Mr. Robert Cheruiyot Langat who was killed by a leopard in June, 1995;
- (b) when the following people who were injured by the same leopard will be compensated:-

Alex Maritim - Stephen Kipkorir Bii
Joseph Soi - Chepkwony Melile
Joseph Langat - Geoffrey Langat
Philip Kipkoech Yegon -Collin Ngetich
Joel Matage - Philip Kipyegon Koech; and,

- (c) what has caused the delay in compensating the victims?

Mr. Speaker: Is anyone here from the Office of the President? We will leave the Question until the end. Next Question!

Question No.103

PAYMENT OF RETIREMENT BENEFITS TO MR. MAKHANU

Mr. Munyasia, on behalf of **Mr. Sifuna**, asked the Minister for Finance:-

- (a) whether the Minister is aware that Mr. Raphael Makhanu, Pension No.90/6/1998, file No.23307, retired in January, 1998 and has not been paid his pension; and,
- (b) when Mr. Makhanu is going to be paid his pension?

Mr. Speaker: Anybody from the Ministry of Finance? Next Question!

*Question No.743*PAYMENT OF RETIREMENT BENEFITS
TO RETIRED TEACHERS

Mr. Speaker: Mr. Oloo Aringo! He is not here. Next Question!

Question No.748

ELECTRIFICATION OF COFFEE FACTORIES

Mr. Ndilinge asked the Minister for Energy:-

(a) if the Minister is aware that the Kwa Longo, Kithangathini, Upete and Kithumani Coffee factories have not been supplied with electricity; and,

(b) what plans are under way to supply these factories with electricity?

Mr. Speaker: The Minister for Energy is not yet in! Mr. Sang's Question again!

Question No.754

LBDA PROJECTS IN BUMET/BURET

Mr. Speaker: Mr. Sang's is still not here! The Question is dropped.

(Question dropped)

*Question No.756*CONTRACTING OF MANGAT/PATEL
BY NAKURU MUNICIPALITY

Mr. Manyara asked the Minister for Local Government if he could inform the House why the Municipal Council of Nakuru has contracted M/s Mangat I.B. Patel and Partners to collect water charges on behalf of the Council?

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

(a) I am not aware that Messrs. Mangat Patel and Partners have been contracted by the Nakuru Municipal Council to collect water charges on its behalf. However, I am aware that a consultancy contract, which in my view is suspicious and which I am currently investigating, has been entered into between the council and the firm. Therefore, given my reply, the question as to why the firm has been contracted to collect water charges on behalf of the council does not arise.

Mr. Manyara: Mr. Speaker, Sir, is the Assistant Minister aware that, already, a firm has been contracted and given offices at the Municipal Council of Nakuru, and was paid Kshs1.2 million to start with?

Mr. Affey: Mr. Speaker, Sir, Mangat Patel and Partners have not been contracted to collect water revenue on behalf of the council. All the water revenue is collected by the staff of the council at the moment. However, the Nakuru Municipal Council, in its full Council Meeting held on 9th September, 1999, engaged Mangat J.B. Patel and Partners to provide consultancy services under a five-year contract. According to the Council Minutes, the terms and conditions of this contract were to be signed and agreed upon between the Clerk to the Council and the firm's representative, provided they were geared towards equitable distribution of water within Nakuru.

However, when this came to my notice, I launched investigations and the preliminary results of the contract agreement indicated that, the terms and conditions of the service contract were not conducive to the best interests of the council. We tried to be as open as possible. We found the following anomalies. No open tenders were invited to compete for the contract. I, as the Assistant Minister, had not given any approval for the contract, as provided for in the provisions of the Local Government Act. No budgetary allocation was approved by the Ministry.

The conditions of the contract are difficult to implement at the moment, because the Council is already facing very serious financial difficulties. It has not been able to pay any money to the firm for services rendered since September, 1999. The council appears not to have all the relevant information necessary for reaching a decision beneficial to it.

Mr. Kihara: Mr. Speaker, Sir, I would like to thank the Assistant Minister for the action that he took with

regard to the Nakuru Municipal Council, which was involved in a lot of irregularities. In the light of what he has told us, could he consider sending a team to investigate the municipality? A lot of things have gone wrong! Could he consider to do that, just as he did with the Nairobi City Council?

Mr. Affey: Mr. Speaker, Sir, at the moment, a team of legal experts from the Ministry has been instructed to establish the truth about the irregularities. They have initiated a detailed examination of the contract, with a view to advise the Minister. Therefore, if I find that it is necessary, I will do it.

Question No.744

REPAIR OF GIAGATIKA-KIGANJO ROAD

Mr. Speaker: Is Mr. Wamae not here? We will leave his Question until the end. Let us move on to the next Question.

Question No.750

REPAIR OF ILLASIT-NJUKINI ROAD

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

- (a) whether he is aware that, the Illasit-Njukini Road is impassable;
- (b) whether he is further aware that, as a result of "a" above, horticulture farmers are adversely affected; and,
- (c) what action he has taken to remedy the situation.

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

(a) I am aware that the Illasit-Njukini Road was in poor condition up to, and until three weeks ago, when grading works on this road were effected.

(b) I am aware that the poor state of the road adversely affected horticultural farmers.

(c) Grading on this road started three weeks ago, and is set to continue immediately the grader, which was being used, is ready after repairs.

Mr. Parpai: Thank you, "Mr. Chairman". I thank the Minister for the quick action that he has taken. But never-the-less, could he, knowing very well how productive that area is, consider not only grading the road, but murraming it for the benefit of the horticulture farmers in that area?

Eng. Rotich: Mr. Speaker, Sir, we are going to murram certain sections of the road between now and the end of June next year. We hope to issue another Kshs3,179,152 by the end of this week for spot-gravelling.

Mr. Nyanja: On a point of order, Mr. Speaker, Sir. I am afraid I have to take you back. Did you hear hon. Parpai refer to you as "Mr. Chairman"? Although you are in the Chair, you are Mr. Speaker! These monos must be taught the rules of the House!

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Did you hear hon. Nyanja referring to another hon. Member as a mono? Do we have monos in the House?

Mr. Speaker: Mr. Nyanja, did you call an hon. Member a mono?

Mr. Nyanja: Mr. Speaker, Sir, I was coming to your aid! I meant a newcomer! I meant these new people who are serving their first term in Parliament! That is why they are calling you, "Mr. Chairman"!

Mr. Speaker: Order, Mr. Nyanja! There are no new people in this House! There are hon. Members! Proceed, hon. Mwakiringo!

Mr. Mwakiringo: Mr. Speaker, Sir, could the Assistant Minister consider spot-patching the Illasit-Njukini-Taveta Road, so that it can open up the horticultural produce grown in those area for easy marketing?

Eng. Rotich: Mr. Speaker, Sir, we have no problem doing that. But we need a formal request subject to availability of funds.

Question No.752

GRADING OF ROADS IN KITUTU CHACHE

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

(a) whether he is aware that the following essential roads in Kitutu Chache are completely impassable:-

(i) E208 - Nyakoe-Marani-Kegogi-Miruka (28 km).

(ii) E1070 - Metembe-Oaro-Rioma-Gesieka-Nyaore (20 km).

(iii) E218 - Marani-Eronge-Kegogi (12 km).

(iv) E1068 - Mosochi-Raganga-Matongo-Nyabuma (15 km).

(b) what urgent measures he will take to grade those essential roads in order to make them all-weather; and,

(c) when the pledge made by the Government in 1997 to tarmac Road E208 (Nyakoe-Marani-Kegogi-Miruka) will be implemented.

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

(a) I am aware that the mentioned roads are impassable during the rainy seasons.

(b) My Ministry has put in place plans to maintain the roads in question during this financial year.

(c) The Government has not yet found the necessary funds to tarmac Road E208, (Nyakoe-Marani-Kegogi-Miruka).

Mr. Angwenyi: Mr. Speaker, Sir, those roads are very essential for our constituents. We are small-scale farmers who grow tea, which rot in our buying centres because the roads to the factories are impassable. Could the Assistant Minister tell the House what measures he has taken to have those roads done? How much money has been committed for each of the roads in question?

Eng. Rotich: Mr. Speaker, Sir, I do not think I got the first part of the question right. May I request for a repeat of the first part of the question.

Mr. Angwenyi: I said those are essential roads---

Mr. Speaker: Who has given you the Floor? Anyway, since there is nobody else, you will have the last time. Proceed, hon. Angwenyi!

Mr. Angwenyi: Thank you, Mr. Speaker, Sir. I just said that those are essential roads for our poor farmers, who create foreign exchange for this country. Could the Assistant Minister tell us the specific plans that have been designed for those roads, and how much money has been set aside for each of the roads?

Eng. Rotich: Mr. Speaker, Sir, I do not have the specific amount for each road. However, I have the total amount for the project. The total amount is Kshs4,675,778 for the roads. It includes B220 - Rioma-Ngenyi, which is about 16 kilometres; B16 - Keroka-Gesusu; B207 - Keumbu-Igare---

Mr. Anyona: On a point of order, Mr. Speaker, Sir. The roads that the hon. Assistant Minister has read are not in Kitutu Chache! One is in Nyaribari Masaba and the other one is in Kitutu Masaba. What is he talking about?

Mr. Speaker: Which Masaba are those roads located?

(Laughter)

Eng. Rotich: Mr. Speaker, Sir, I am referring to the roads in Kisii District.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. I asked a Question on specific roads. They are on the Order Paper. Could the Assistant Minister respond in respect of those roads?

Mr. Speaker: Mr. Assistant Minister, those are under parts (i) to (iv)!

Eng. Rotich: Mr. Speaker, Sir, we have an amount for the district and not for specific roads. I mentioned Kshs4.6 million. This is for general maintenance of the roads in question.

Mr. Anyona: Mr. Speaker, Sir, first of all, those roads are not in Kisii District! Keroka is in Kitutu Masaba, which is in Nyamira District. So, that information is wrong!

In any case, this is an area where there is a lot of production of tea and coffee. Unfortunately, for the people of Kitutu Chache, the only factory they can use is in Kitutu Masaba. They cannot get their tea there and yet, you have said that there is Kshs4.6 million! Could he tell us how much he will allocate each specific road, so that the farmers can get their tea to the factory?

Eng. Rotich: Mr. Speaker, Sir, I do not have those figures. But if I am given time, I will get them! But what I have is the total amount that will be used on those roads. However, if figures for specific roads are required, I will get

them!

Mr. Speaker: Order, Eng. Rotich! But surely, the hon. Member wanted to know about specific roads and not the district! Why did you not address yourself to the specific roads? Can I give you time to address yourself to the specific roads?

Eng. Rotich: I will be very glad for that gesture.

Mr. Speaker: Very well, I will defer the Question to next Tuesday.

(Question deferred)

Question No.753

REPAIR OF KAPKENDA-ITEN ROAD

Mrs. Seii asked the Minister for Roads and Public Works:-

(a) how much money was spent in repairing Road C53 from Kapkenda junction to Iten and which company was awarded this contract;

(b) whether he is aware that the thin layer of murrum on that road was completely washed away by the current rains, rendering it impassable; and,

(c) what action he is taking to ensure that the owners of the heavy trucks that use this road to ferry logs from Kaptagat Forest, thus damaging the road further, take responsibility to repair it.

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

(a) A total of Kshs110 million has to-date, been paid out for repairing and gravelling of Road C53 from Kapkenda junction to Iten. The contract of this road was awarded to Kimilili Hauliers.

(b) I am not aware that the road is being rendered impassable by the current rains. However, I am aware that few areas have developed some potholes due to the current rains.

(c) My Ministry has planned to take an Axle Load Unit to this road to ensure that there is no overloading due to logging trucks that use the road.

Mrs. Seii: Mr. Speaker, Sir, the road in question is only 40 kilometres long and it received a very thin layer of murrum. Could the Assistant Minister attest to the fact that Kshs110 million cannot be used to put a thin layer of murrum on a 40-kilometre road? Could he also deny or confirm that Kimilili Hauliers is a company owned by the area Member of Parliament and, therefore, there is conflict of interest in doing a good job at the expense of the people who use that road?

Eng. Rotich: Mr. Speaker, Sir, I will start by answering the second part of the question. I am not aware that the local Member of Parliament is the owner of Kimilili Hauliers, but if there are facts to that effect, then we are willing to see them. Secondly, when the hon. Member says that the layer of murrum is very thin, how thin is it? We need figures to back that claim.

Mr. Sambu: Mr. Speaker, Sir, one season of rain is enough to destroy that road. How can we spend Kshs110 million to murrum 40 kilometres of road and it does not last. Could he consider ordering Kimilili Hauliers to murrum the road once again because they did not do anything at all?

Eng. Rotich: Mr. Speaker, Sir, we are investigating to see whether this road was done properly and if we find that it was not, it will be repeated. But we are investigating it.

Dr. Ochuodho: Mr. Speaker, Sir, I want to make a passionate appeal to the hon. Members who are in business not to grab everything. These hon. Members are everywhere in the business world. When it comes to contracts on roads, Kenya Ports Authority or Telkom Kenya, they are there. Could the Assistant Minister tell us whether the Government is considering taxing those people who drive the heavy trucks that damage our roads?

Eng. Rotich: Mr. Speaker, Sir, I think taxing them will not help. Taxing them after they have destroyed the roads will not help us because the roads have been destroyed. The money which we will get from taxation will not even build half a kilometre of the road after it has been destroyed. So, the key issue is to consider the introduction of the Axle Load Unit.

Mr. Muihia: Mr. Speaker, Sir, irrespective of the thickness of that road, is the Assistant Minister satisfied that it would cost Kshs2.7 million to repair a kilometre of murrum road? What action is he taking to recover the excess amount of money that was paid to this contractor?

Eng. Rotich: Mr. Speaker, Sir, I did say that this is one of the projects which we are trying to look at. The question of spending Kshs2.7 million on a kilometre of murrum road depends on a number of factors. We want to analyze this project to see whether Kshs110 was adequate or not. But we are investigating this project at the moment.

Mr. M. Galgalo: On a point of order, Mr. Speaker, Sir. Hon. Mrs. Seii mentioned that the Member of Parliament for that particular area is the owner of Kimilili Hauliers. Could she table documents in this House to prove

that the company belongs to the Member of Parliament for the area; and that the contract was not properly given?

Mrs. Seii: Mr. Speaker, Sir, I am willing to substantiate. The Assistant Minister has said that they are going to investigate the matter. What are they going to investigate when he has already admitted that he is aware that a few areas have developed some potholes? I would like to know when these potholes and the repair of the road are going to be done. I would also like the Assistant Minister to say when he is planning to take the Axle Load Unit to this road. I would like to know the specific time so that I can be there.

Eng. Rotich: Mr. Speaker, Sir, we are going to repair the potholes that have developed. I know that there are some potholes which are causing problems on that road and we are taking action. I am not able to give a specific date as to when the Axle Load Unit will be sent there, but that will be within the next one week, I am not very sure of the dates.

Mr. Speaker: Mr. Kimetto's Question for the second time!

Question No.755

COMPENSATION TO VICTIMS OF LEOPARD ATTACK

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

(a) when he will compensate the family of Mr. Robert Cheruiyot Langat who was killed by a leopard in June, 1995;

(b) when the following people who were injured by the same leopard will be compensated:-

- i. Alex Maritim - Stephen Kipkorir
- ii. Joseph Soi - Chepkwony Melile
- iii. Joseph Langat - Geoffrey Langat
- iv. Philip Kipkoech Yegon - Collin Ng'etich
- v. Joel Kibii Matage- Philip Kipyegon Koech

(c) what has caused the delay in compensating the victims.

Mr. Speaker: Anybody from the Office of the President?

An hon. Member: Maj. Madoka is there! Let him answer!

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, this Question is supposed to be answered by my colleague, hon. Sunkuli, but I think he is held up in an urgent meeting.

Mr. Speaker: So, the Question will be deferred.

(Question deferred)

Question No.103

PAYMENT OF RETIREMENT BENEFITS
TO MR. MAKHANU

Mr. Munyasia, on behalf of **Mr. Sifuna** asked the Minister for Finance:-

(a) whether he is aware that Mr. Raphael Makhanu, Pension No.90/6/1998, file No.23307, retired in January, 1998, and has not been paid his pension; and,

(b) when Mr. Makhanu is going to be paid his pension.

The Assistant Minister for Finance (Mr. Arap-Kirui): Mr. Speaker, Sir, I wish to apologise for not being here the first time this Question was asked. However, I beg to reply.

(a) I am aware that Mr. Raphael Makhanu Pension file No.ABC/DC/92402 retired in January, 1998.

(b) Mr. Makhanu was paid his retirement benefits vide cheque No.106493, dated 8th April, 1999. The cheque was sent under registered mail registration No.0481644, dated 1st of May, 1999, and the cheque was payable to his account at Barclays Bank, Bungoma Branch.

Mr. Munyasia: Mr. Speaker, Sir, I wish to thank the Assistant Minister for that prompt action.

Mr. Speaker: Very well. Next Question! Mr. Oloo-Aringo, for the Second Time.

Dr. Ochuodho: Mr. Speaker, Sir, on behalf of Mr. Oloo-Aringo, I apologise for coming late.

*Question No.743*PAYMENT OF RETIREMENT BENEFITS
TO RETIRED TEACHERS

Dr. Ochuodho, on behalf of **hon. Oloo-Aringo**, asked the Minister for Finance:-

- (a) If he is aware that newly retired teachers have to wait for months before they get their pensions;
- (b) whether he is further aware that the delay is occurring even when they have satisfactorily complied with the laid down procedure for claiming their pensions; and,
- (c) what action he has taken to correct the situation and also ensure that both monthly and commuted pensions are paid promptly.

The Assistant Minister for Finance and Planning (Dr. Arap-Kirui): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that newly retired teachers sometimes take months before their pensions can be processed.

(b) I am not aware the delay also occurs for cases which have satisfactorily complied with the laid down procedure for claiming pensions since these cases have their pensions processed within a month after the papers are submitted to Treasury.

(c) The issue of delay in submission of pension claims to Treasury have already been taken up by the Head of the Public Service who has instructed all Accounting Officers of Ministries and Departments to ensure all claim papers are submitted to the Treasury before an officer leaves service.

Dr. Ochuodho: Mr. Speaker, Sir, I am tempted to think that the reason for the delay in paying pensions is because the actual pension accounts are empty - they have already been depleted. Can the Assistant Minister tell us currently how much money to cover the pensions for the teachers is maintained? Secondly, why can the Government not allow TSC to manage that Fund?

Mr. Arap-Kirui: Mr. Speaker, Sir, if I can start with the last question, the Public Service has one centrally-run pension unit which is the Pensions Management Unit. That is the reason why the TSC does not run its own pension system. Secondly, I would like to deny that the delay is because of any depletion of the Pensions Fund. As I explained, as long as the documentation has been properly completed and sent to Treasury, pensions are paid within one month of the receipt of the document. What normally happens is that the delay occurs at the TSC because the pension forms and the necessary requirements are not sufficiently complied with. Therefore, the TSC cannot forward the claim forms until all is in order. That is the reason for the delay.

Col. Kiluta: Mr. Speaker, Sir, I think the Assistant Minister is not very serious because I am a pensioner and the earliest you can get your pension every month, is after the 20th. Can he tell this House why it takes his Ministry that long to pay the pensioners? Even those who retired 10 years ago are having difficulties.

Mr. Arap-Kirui: Mr. Speaker, Sir, the delay that I was referring to was in processing exercise. If the Member's pension is delayed once already it has been processed, I think that is another matter. If the Member can take this up with the relevant officers, I am sure that can be resolved without much of a problem.

Dr. Ochuodho: Mr. Speaker, Sir, my very first question was not answered. Can the Assistant Minister tell us how much money is currently available in this pension account so that we are assured that when a Kenyan hands in all the required forms, he can get his or her pension? Secondly, why can the Government not consider separating the pension account of teachers from the rest of the Civil Service since the PSC is separate from the TSC, considering the large numbers of teachers involved?

Mr. Michuki: On a point of order, Mr. Speaker, Sir. Is it in order for hon. Dr. Ochuodho to try to persuade the Assistant Minister for Finance to act contrary to Section 112 of the Constitution that guarantees pensions which are from the Consolidated Fund and nowhere else?

Mr. Speaker: You see, Dr. Ochuodho, now you do know all that! What do you say now?

(Laughter)

Dr. Ochuodho: Mr. Speaker, Sir, I do oblige. I am delighted to be educated. However, nonetheless, the Constitution is not something that speaks. It is changeable and the only person who can initiate the process is the hon. Assistant Minister. Can he now answer my question---

Mr. Speaker: No, you are wrong. You can also initiate a Constitutional amendment.

Dr. Ochuodho: Mr. Speaker, Sir, I now want the Assistant Minister to tell us that he is not able to initiate Constitutional amendments so that we can initiate the process. Secondly, can he also tell us how much money is held in

the pensions account?

Mr. Speaker: Forget about all those. Those are hypothetical. Do you have any other valid question?

Dr. Ochuodho: Mr. Speaker, Sir, my last question is: Can the Assistant Minister tell us since the financial year 1998/99, how much money has been paid to teachers as pensions?

Mr. Speaker: Order! Dr. Ochuodho, by the way, you are well advised not to have a side war with the Chair. You are well advised to respect the Chair. No brickbats from the sides! Do you understand?

Dr. Ochuodho: Mr. Speaker, Sir, if I gave the wrong impression of having a war with the Chair, I apologise.

Mr. Speaker: Very good!

Dr. Ochuodho: However, I have the feeling that the Chair is also being unfair to those who walked out yesterday.

(Laughter)

Mr. Speaker: Order! Exactly, that is the kind of conduct you have constantly shown as a person now. Dr. Ochuodho, as a person, you are most of the time very frivolous. May I now warn you in no uncertain terms that you will not be allowed by me to play around with the Chair. I have the authority of this House to keep order and to keep people like you disciplined. So, will you now be disciplined?

Dr. Ochuodho: Mr. Speaker, Sir, I apologise.

Mr. Speaker: Very well!

(Applause)

So, who was answering the question? Mr. Assistant Minister, where are you?

Mr. Arap-Kirui: Mr. Speaker, Sir, I think I had gone by your implied ruling that the hon. Member might be getting frivolous on this matter. However, if I recall, I think the hon. Member was asking how much money there is in the pensions account and how much has been paid. I think I would suggest that the amount in the pensions account as at any one time is not fixed. This is because additions and deductions occur all the time, almost day-by-day and hour-by-hour. I think to be able to establish how much there is in that account at any one time, is merely impossible. However, may I only say that there is enough money to pay the pensioners.

Mr. Speaker: Very well, Question No.744, for the second time!

Question No.744

REPAIR OF GIAGATIKA-KIGANJO ROAD

Mr. Speaker: Question No. 748.

Question No.748

ELECTRIFICATION OF COFFEE FACTORIES

Mr. Ndilinge asked the Minister for Petroleum Energy:-

(a) whether he is aware that the Kwa Longo, Kithangathini, Upete and Kithumani Coffee factories have not been supplied with electricity; and,

(b) what plans are under way to supply the factories with electricity.

The Assistant Minister for Energy (Mr. Chanzu): Mr Speaker, Sir, first of all, I want to apologise for not having been able to answer this Question for the first time, because of some delay.

Having said that, Sir I beg to reply.

(a) Yes, I am aware.

(b) Upete, Kwa Longo and Kathangathini Coffee factories are included in the list of the 886 coffee factories to be supplied with electricity under the Government of Kenya and the European Union Coffee Factories Rural Electrification Programme. The programme is being implemented in stages and stage one has already been implemented.

Thank you.

Mr. Ndilinge: Mr. Speaker, Sir, now that the Assistant Minister is aware that there is need for these factories to be supplied with electricity, could he tell the House, which stage these four factories fall under? This is because he saying that the implementation will be done in stages.

Mr. Chanzu: Mr. Speaker, Sir, the factories are in the immediate stage that will follow. They are in phase

one.

Mr. Ndicho: Mr. Speaker, Sir, could the Assistant Minister tell this House why it has taken so long to implement this Coffee Electrification programme from the GOK/EU, when this money was given more than two years ago? What has caused that delay?

Mr. Chanzu: Mr. Speaker, Sir, it was because of lack of background information. But now this is being worked on and the programme will be speeded up.

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

Mr. Speaker: Sorry, sorry!

Mr. Ndicho: Mr. Speaker, Sir, there is a point that you did not hear!

Mr. Speaker: What did I not hear?

Mr. Ndicho: Mr. Speaker, Sir, the Assistant Minister said that, this programme was not implemented due to lack of background information. Could he tell this House what type of background information was lacking?

Mr. Speaker: That is not a point of order! Mr. Maundu!

Mr. Maundu: Mr. Speaker, Sir, the Assistant Minister said that, these factories fall under phase one of the electrification programme. Yet, in his answer he says that the first stage is completed. Could he tell us the actual status of these particular factories and which other factories have been undertaken within the first stage and within that geographical area?

Mr. Chanzu: Mr. Speaker, Sir, I said that they are in the immediate stage after Phase One, which is being implemented.

The other programmes which have been implemented in this area under the Rural Electrification Programme are Salama Market, Mukaa Primary School, Kilome Divisional Headquarters and their environs; Nunguni Market, School and their environs and Precious Blood Secondary School. That is within the same division.

Mr. Muihia: On a point of order, Mr. Speaker, Sir. I think I need the Chair's guidance because the Assistant Minister is talking out of a lot of ignorance about electrification of coffee factories in this country.

The Assistant Minister is talking about 886 factories and he has been asked several questions there. How many factories have been supplied with electricity?

Mr. Speaker: What is your point of order?

Mr. Muihia: My question is that, is he in order---

Mr. Speaker: It is not your question!

Mr. Muihia: Is the Assistant Minister in order to mislead this House by giving false information?

Mr. Speaker: Order! That is not a point of order! That is your own opinion!

Mr. Muihia: Mr. Speaker, Sir, I have a genuine point of order---

Mr. Speaker: Order! Order, Mr. Muihia! I may be constrained from henceforth--- Order! Order! In order to induce you to read the Standing Orders, I may be very soon be forced to require Members standing on a point of order to quote under Standing Order they are standing, to state what Standing Order is violated. This is because a lot of hon. Members are misusing the term "point of order". That is one way I am considering of inducing you hon. Members; politely to read the Standing Orders.

The other one is about what I did say in the last Parliament. If you rise on a false point of order, it is a disorderly conduct and you will be ordered to move out. So, please be careful now!

Mr. Maundu: Mr. Speaker, Sir, we are talking about factories. I asked about the other factories within that geographical area and the Assistant Minister is giving me markets which have been supplied with electricity. We want to know the coffee factories which have been supplied with electricity within the geographical area.

Mr. Chanzu: Mr. Speaker, Sir, I thought the hon. Member was asking generally about the division. But what I know is that, these factories which have been asked in my answer, are the ones which are planned, among the 886 factories in the country, to benefit in phase one of the electrification programme.

Mr. Speaker: Mr. Matu Wamae's Question.

Question No.744

REPAIR OF GIAGATIKA-KIGANJO ROAD

Mr. Speaker: Mr. Matu Wamae still not here? Question dropped!

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

SHOOTING OF MR. DAVID GAKERE KAMAU

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

(a) Is the Minister aware that a 19-year old boy, Mr. David Gakere Kamau, was shot dead by a flying squad officer, on the night of 20th November, 1999, at Kamonde Estate in Tigoni Location, Limuru?

(b) Why did the police shoot Mr. Kamau?

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that, a 19-year old boy, Mr. David Gakere Kamau was shot dead by a lone police constable attached to the Flying Squad on the night of the 20th November, 1999, along the Nairobi-Tigoni Road.

(b) We have tried to establish the motive, but it is still unknown.

Mr. Nyanja: Mr. Speaker, Sir, I am afraid the Minister is misleading this House. I am the man on the ground! This constable was not alone; so he was not "a lone constable". They were in a vehicle and he has been identified in a police parade, and right now, he is in Kamiti Maximum Prison, waiting for murder charges.

Mr. Speaker, Sir, I have got the spent cartridge here with me. It is not a life cartridge!

(Mr. Nyanja displayed the spent cartridge)

Mr. Speaker: Order, Mr. Nyanja!

Mr. Nyanja: It is a spent cartridge, Mr. Speaker, Sir!

Mr. Speaker: Order! Order! Hon. Members should dissuade themselves from carrying such things.

Mr. Nyanja: It is not offensive! It has been spent!

Mr. Speaker: Order! By the way, Mr. Nyanja, do you think it is an honourable thing for you to carry trash in your pocket?

(Laughter)

So, will you keep that thing out of this House?

Mr. Nyanja: Mr. Speaker, Sir, because the matter is already in court, it appears the Minister is not informed or he is not aware of what is happening on the ground. Since the suspect is already there, and the matter is in court, what specific and concrete plans the Government has to compensate the family of the late Mr. Kamau, because a police officer on duty killed the boy?

Mr. Speaker: Very well, Mr. Nyanja, you can see that we do not have a lot of time and have other Questions. So, do not be too lengthy in asking your questions.

Maj. Madoka: Mr. Speaker, I was not misleading the House nor am I misinformed. I did admit that this gentleman was shot by a policeman and, indeed, the officer was alone, he was not even on duty. His personal number is PNo.57244, Police Constable Raymond Rotich Kiptum; and it is true, he was caught and charged and he is waiting to appear in court.

Mr. Nyanja: Mr. Speaker, Sir, what charge is the police officer facing? I am not for the law because it will take its course, but compensation is my concern for my constituent; the father of this boy who was coming from a circumcision ceremony!

(Laughter)

Maj. Madoka: Mr. Speaker, Sir, the constable is being charged for murder and any question of compensation will come after the conviction.

Mr. Speaker: Very well. Next Question, Mr. Katuku.

INJURING OF MRS. WAMBUA NGUTA

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

(a) Is the Minister aware that on 7th October, 1999, during a rally at Kitui Town, B.A.T. grounds, Mrs. Wambua Nguta was trampled over by people running away from a fracas and was seriously injured?

(b) Is he further aware that the lady urgently needs specialised medical attention?

(c) What action has the Minister taken on the matter?

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I beg to reply.

- (a) I am not aware.
- (b) No, I am not aware.
- (c) If there is a reported incident, we will certainly investigate it.

Mr. Katuku: Mr. Speaker, Sir, this Minister has formed a habit of protecting his colleague. This incident took place in Kitui Town at a KANU rally attended by about four Ministers. One of them was properly boxed by the Mayor of Kitui Town and in the process, the people started running away and trampled over this lady---

Mr. Speaker: Order! Order! Mr. Katuku, pursue your question.

Mr. Katuku: Thank you, Mr. Speaker, Sir. During that fracas, a woman was trampled over by people running away from the fight between the Mayor of Kitui Town and the Minister for Education. This lady reported to the police station, but no action has been taken. Can you now take action?

Mr. Speaker: By the way, against who?

Mr. Katuku: Against whoever did this, Mr. Speaker, Sir.

Mr. Speaker: Actually, Mr. Katuku, as the Speaker, I do not know how even this Question got approved because a Question to a Minister must be on something regarding his portfolio. Is the Minister in charge of trampling?

Mr. Katuku: He is in charge of Internal Security, Mr. Speaker, Sir. It was reported to the police station, but the police have not taken any action. What action is he intending to take now?

Maj. Madoka: Mr. Speaker, Sir, it is true that during this particular rally, there was a scuffle at the dais. There was a bit of stampede, but nobody reported about the trampling of this woman. If the hon. Member has evidence to show that the matter was reported, we will certainly investigate it. The OCS was present during that rally and certainly, if he can prove that it was reported to the police, I will find out why it has not been investigated.

Mr. Angwenyi: Thank you, Mr. Speaker, Sir. Will the Minister assure this House that his Ministry is going to curb this culture of people fighting in public meetings, including Members of Parliament and Ministers?

Maj. Madoka: Mr. Speaker, Sir, that is a difficult one. The whole attitude of the people has to change.

Mr. Katuku: Mr. Speaker, Sir, the Minister has admitted that there was a fracas and I am insisting that this woman reported to the police station, but she was not taken seriously. They have refused to record her statement due to the influence of the Minister. Can the Minister, therefore, charge his colleague and the Mayor for trampling on the woman?

Maj. Madoka: Mr. Speaker, Sir, I do not think that deserves an answer from me. How can I charge the two Ministers when there is no evidence to show that they are the ones who trampled on this lady?

Mr. Speaker: Next Question, Mr. Badawy.

LEGAL ACTION AGAINST MR. KARL HEINZ WAIDELICH

Mr. Badawy: Mr. Speaker, Sir, I beg to ask the Minister for Home Affairs, Heritage and Sports the following Question by Private Notice.

(a) Is the Minister aware that one German national living in Malindi, Mr. Karl Heinz Waidelich, who has previous records of sexually assaulting young teenage local girls, is currently living with a 15 year old girl, as his mistress?

(b) Is he further aware that Mr. Waidelich and the girl's mother, forced the girl to abandon school?

(c) What legal action has the Minister taken against the foreigner and Mrs. Ngasura, the mother of the girl?

The Minister for Home Affairs, Heritage and Sports (Mr. Ngala): Mr. Speaker, Sir, I would like to ask the House to give me until Thursday to give an answer to this Question.

Mr. Badawy: I accept, Mr. Speaker, Sir.

Mr. Speaker: Very well. The Question is deferred.

(Question deferred)

Mr. Speaker: Next Question, Mr. Munyasia.

PUBLICATION OF PRIMARY EDUCATION BOOKLIST FOR YEAR 2000

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

(a) Why has the Ministry not published a booklist for Primary Education for the year 2000?

(b) What urgent steps is the Minister taking to satisfy parents about book requirements for next year?

The Assistant Minister for Education, Science and Technology (Dr. Wamukoya): Mr. Speaker, Sir, I beg

to reply.

(a) My Ministry has not published a booklist for primary schools for the year 2000 because the current approved list of primary school textbooks released in November, 1998, is still in force and schools are well aware of this. This list is still authentic since the primary school syllabus has not changed. However, when new textbooks presented by publishers to the Ministry have been vetted and approved, a supplementary list will be dispatched to schools through the DEOs.

(b) The parents of pupils in primary schools are already well informed about book requirements through the National Textbook Policy Document which the Ministry has distributed to all the schools. In this policy, parents fully participate in the selection of textbooks deemed necessary and fit for their respective primary schools through their representatives who sit in the School Textbook Selection Committees.

Mr. Munyasia: Mr. Speaker, Sir, this "sleeping Ministry" was informed in June this year that a number of books appearing in the orange book that was issued in November last year were out of date, their publishers had already wound up, so they could not produce more copies of those books. They were further informed that books on page 35, for instance, were not useful to the syllabus. Why has the Ministry, which has had time from June when we pointed out this anomaly to them, not found it necessary to update this particular orange book?

Dr. Wamukoya: Mr. Speaker, Sir, I did not hear his second word, whether it is this "sleeping Ministry" so that I can answer as a sleeping Ministry or not. May I get what he said?

Mr. Speaker: He said "this sleeping Ministry".

Dr. Wamukoya: Mr. Speaker, Sir, since this Ministry is not sleeping, I do not know whether I can make the answer.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir. I have asked a legitimate question that pointed out to this Ministry areas where that booklist should have been revised.

Mr. Speaker: Order! Mr. Munyasia, you did not ask any question because you did not ask a question to an existing Ministry. You asked a sleeping Ministry which does not exist!

Mr. Munyasia: Mr. Speaker, Sir, the question was legitimate that this Ministry has had adequate time to revise that particular list. Since the National Textbook Policy Document itself promises that each year there will be a new list published, why have they not published one for the year 2000?

Dr. Wamukoya: Mr. Speaker, Sir, I said in my answer that when the Ministry has vetted and approved a supplementary list which it is doing, it will dispatch them through the DEOs. Secondly, I want to say that each subject has got many titles from which the schools can choose. So, even for those that are out of date because the publishers have wound up, there are still alternatives. But the most important thing is that there are books already being vetted and approved, and a supplementary list will be released.

Mr. Speaker: Order! Order! Hon. Members, you realise that Question Time is up. Hon. Munyao's Question is asking about a matter that has been very topical. I order that it appears as Question No.1 by Private Notice on Tuesday's Order Paper, so that I can also handle it better with good time. I hope that you will be happier that way, Mr. Munyao.

DISCIPLINARY ACTION AGAINST NAIROBI HOSPITAL

(**Mr. Munyao**) to ask the Minister for Medical Services:-

- (a) Is the Minister aware that a child of a member of the subordinate staff of Nairobi Hospital was put off oxygen support and died on transfer to Kenyatta National Hospital?
- (b) Is he satisfied that Nairobi Hospital took the right action especially to a member of staff?
- (c) What disciplinary action will he take against the hospital administration as a warning to other health institutions?

(Question deferred)

MINISTERIAL STATEMENTS

STATUS AND OPERATIONS OF DAGORETTI CHILDREN'S HOME

The Minister for Home Affairs, Heritage and Sports (Mr. Ngala): Mr. Speaker, Sir, I would like to make a Ministerial Statement on Dagoretti Children's Centre.

Dagoretti Children's Centre was established in 1953 to cater for children with multiple disabilities. The Centre occupies a piece of land which was allocated to it by the Kiambu/Kikuyu Local Council through a leasehold and

registered in the name of the Kenya Red Cross Society in 1963 as Trustees and sponsors. Records indicate that the Kenya Red Cross Society relinquished its trusteeship and handed over the sponsorship of the Centre to Cheshire Homes (Kenya).

In 1975, the said land parcel was transferred and registered in the name of Cheshire Home (Kenya), through an agreement. In 1979, Feed the Children International took over the sponsorship of the Centre, and it has been the main sponsor to date. Plans are now at an advanced stage to transfer land ownership from the trusteeship of Cheshire Homes (Kenya) to Feed the Children (Kenya). In 1990, Cheshire Homes (Kenya) concluded a licence of agreement with Feed the Children (Kenya), passing over to the latter, the responsibility of funding and the management of Dagoretti Children's Centre.

Mr. Speaker, Sir, the day-to-day administration of the Centre is run by a manager appointed by the Board of Management in accordance with the rules and regulations contained in Cap 141 of the Laws of Kenya. The Centre is registered as a voluntary institution and gazetted since 1993 under Legal Notice No.1217 of the Children and Young Persons Act, Cap. 141, Section 63(1). Children are committed to the Centre by courts of law, and are required to stay there until they attain the age of 18 years.

The new management has not sent away disabled children from the centre. However, four persons have lived in the Centre from childhood until they reached adulthood. Since they were trained and acquired trade test certificates, they had been employed in the Centre. The two were disabled; one was serving as a tailor, while the other one was serving as a shoemaker. The third and fourth were not disabled, and were employed as carpenter and shoemaker, respectively. When the new management embarked on a retrenchment programme, the four were among 23 members of staff who were retrenched. Having grown up in the Centre, the four were given extra consideration, and each one of them was given Kshs15,000 as seed money, to enable them to start some income-generating activities to support themselves.

The recipients were overly grateful to the management not only for the spruce, but also because of the humane support they had received from the Centre from infancy to adulthood. They were over 30 years old when their services were terminated. However, they were later on prevailed upon by 19 other retrenched staff to join them in appealing to the District Labour Officer, Nairobi, for redundancy benefits. A meeting was held between the management, the retrenched workers and the labour officer on 8th October, 1999. At the end of the meeting, an agreement was signed between the parties. A photocopy of the agreement, Reference No.LD/64/LAO/6/9/99, dated 8th October, 1999, is attached to my statement for ease of reference. All the concerned workers will receive their benefits on, or before, 15th December, 1999, as per the signed agreement.

Mr. Speaker, Sir, although my Ministry wishes to be spared of the use of the term "unceremoniously" because of the hiring of Mrs. Gert, 74 years old, seemingly, was on month-to-month basis. I have intervened in the matter touching on her retirement. In spite of her inability to furnish the Ministry with letters on terms and conditions of her various employments with the Kenya Red Cross Society, Cheshire Homes, Kenya, and Feed the Children Kenya International, I have given instructions that the current management board be advised here as under.

That, she should be treated fairly and accorded normal retirement in accordance with the country's labour laws; she receives gratuity and retirement benefits; and, she be issued with an official release letter unless investigations suggest that criminal charges should be preferred against her. The management has since deposited her benefits with her lawyers, M/S Caplan and Straton, with instructions to hand them over to her any time she goes to collect them. She has not collected her benefits to date. The terminal benefits included one month's salary in lieu of notice and a retirement package, all amounting to Kshs216,000.

The Centre is not run by a director, but a manager who is appointed by the Management Board as required by the rules and regulations as stipulated in Cap. 14, Laws of Kenya. The current Acting Manager, Mr. Charles Kariuki Mundia, started working there on 15 October, 1998. Before then, he had served in the Children Department for 31 years, from 1st December, 1964, to 30th September, 1995 when he retired on attainment of the mandatory retirement age of 55 years. Therefore, he was not sacked by the Ministry. While in the Civil Service, he acquired skills and knowledge as he served in various capacities as a teacher, housemaster, manager as well as a field children's officer in charge of Dagoretti Division.

As a children officer, Mr. Mundia was also a member of the Management Committee that was running the Centre. It was against this background that he was hired on contract terms of service in an effort to streamline the activities of the Centre. The two were among the 23 members of staff who were retrenched, and this matter has been addressed. Now that they are no longer employees of the Centre, it is automatic that they vacate the staff quarters. The Centre has a staff strength of 51 members. Before retrenchment, there were 66 staff members, a staff establishment which the charitable home could not cope with in terms of payment of salaries and related remunerations. The Centre does not depend on steady income from endowments, but on donations from Kenyans and overseas friends and organisations.

Thank you, Mr. Speaker, Sir.

STATUS OF SANGALO INSTITUTE OF
SCIENCE AND TECHNOLOGY

The Minister for Science and Technology (Mr. Kones): Mr. Speaker, Sir, I wish to make a Ministerial Statement concerning Sangalo Institute of Science and Technology.

Following the murder of the former Principal of Sangalo Institute of Science and Technology, Mr. Polycarp Wanjala, on 9th November, 1999, I would like to present a formal statement on the status of the Institute.

The Government is concerned over this unfortunate incident, where students took the law into their own hands and engaged in such criminal activities that led to the brutal death of the principal. It was observed the students were heavily drugged with bhang and illicit brew. Following the murder of the former Principal, the former Deputy Principal and some students have already been charged in court with murder. The police are looking for more suspects, who are still at large, and who have been heavily implicated in the murder. The Government will make every effort to ensure that the culprits are brought to book; justice will not only be done, but will be seen to be done. I would like to appeal to all leaders and the public to be calm as the Government re-organises the institution.

Mr. Speaker, Sir, arising from the above, the Institute will remain closed indefinitely until full investigations are carried out and finalised. There is no doubt that, that incident has left the teachers and students traumatised, and learning is difficult at this stage. As a measure to re-organising the Institute and rehabilitate both the students and staff, the students will be re-distributed to other institutes of science and technology in the country, whereas the teachers will be re-deployed to other institutes. The current Board of Governors has been dissolved to facilitate full investigations into those disturbances. Meanwhile, I have appointed an administrator to run Sangalo Institute of Science and Technology for a period of 12 months. It is my hope and prayer that all leaders in Bungoma District, including the hon. Member of the area, will endeavour to assist my Ministry to re-establish Sangalo Institute of Science and Technology as a credible and worth institute of learning in future.

Thank you, Mr. Speaker, Sir.

POINTS OF ORDER

NON-PAYMENT OF FARMERS BY COFFEE BOARD

Mr. Karume: Hoja ya nidhamu, Bw. Spika. Ningependa Waziri wa Kilimo atoe taarifa ya Serikali kuhusu Halmashauri ya Kahawa Nchini; Kenya Planters Co-operative Union (KPCU), na wakulima wa kahawa. Ningependa kupata taarifa hiyo kwa sababu wakulima wa kahawa wana taabu nyingi. Hii ni kwa sababu huu ndio wakati wa kuvuna kahawa na hawajalipwa pesa zao na halmashauri hiyo. Hata yule mkulima aliyekuwa amepeleka kahawa yake kwa halmashauri hiyo mapema halipwi pesa zake. Wakulima hao walipoenda kudai malipo yao kutoka kwa halmashauri hiyo juzi na jana, waliambiwa kwamba Wakurugenzi ambao walichaguliwa hivi majuzi hawajakubaliwa kutoa pesa kutoka kwa benki. Kwa hivyo, kahawa inaharibikia mashambani na ni vizuri kama Wizara itakopesha Halmashauri ya Kahawa Nchini pesa ili wakulima waweze kulipwa pesa zao. Hili ni jambo ambalo Serikali ingelifikiria kabla ya kuwafukuza Wakurugenzi wa zamani, kwa sababu wakulima wengine wa kahawa wana hekta tano za kahawa na wengine mbili, na sasa hawana mahali pengine pa kutoa pesa. Ni heri Waziri aeleze Bunge hili mahali ambapo wakulima watatoa pesa kwa sababu kahawa yao inaharibikia mashambani.

MISREPORTING BY THE *KENYA TIMES*

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. My attention has been drawn to today's issue of the *Kenya Times*, which purports to quote me, while contributing to the Motion by hon. Raila yesterday morning, to have urged hon. Members of Parliament to proceed and ignore minority hon. Members who did not agree with the Motion at hand.

Mr. Speaker, Sir, you will bear me witness as you were in the Chair, and my views were the direct opposite of those views. I cannot accept to be associated with a line that I consider repugnant and obnoxious to the interest of the integrity of this House, and at no time did I suggest that such a Motion should continue and ignore some hon. Members of this House.

STRIKE BY THE NAIROBI CITY COUNCIL EMPLOYEES

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. I would like to request the Minister for Local Government to give us a Ministerial Statement in view of the on-going strike of Nairobi City Council (NCC) workers,

who are demonstrating in the streets of Nairobi and who have been clobbered by the police this afternoon. I would like to inform this House that the workers assembled at the gate of Parliament and they are suffering. Could the Minister tell this house what is happening and what he will do?

Mr. Speaker: While the Minister will reply to the other aspect, may I also ask you to tell rioters to keep out of Parliament Buildings?

Mr. Ndicho: Mr. Speaker, Sir, the Minister should do something about this.

Mr. Raila: On a point of order, Mr. Speaker, Sir. On the NCC employees---

Mr. Speaker: No, it is not debate!

Mr. Raila: Mr. Speaker, Sir, it is not debate, but---

Mr. Speaker: Order! Order, Mr. Raila! Mr. Ndicho has risen on a point of order on that issue. I do not know whether the Minister wants to say something, but we will not have points of order as part of our business. Is the Minister there?

The Assistant Minister for Local Government (Mr. Affey): Mr. Speaker, Sir, I do appreciate the concern raised by the hon. Member. I am also very sympathetic to the workers of the NCC. We have sent a team of inspectors to the NCC to determine, among other things, why the workers have not been paid for the last two or so months. So, we are taking this issue very seriously, and the hon. Member can rest assured that the Ministry is taking that concern quite seriously.

Thank you.

MOTION

ADOPTION OF THE EIGHTH PIC REPORT

THAT, this House adopts the Eighth Report of the Public Investments Committee on the accounts of State Corporations laid on the Table of the House on 17th June, 1999.

(Mr. Githiomi on 7.12.99)

(Resumption of Debate interrupted on 8.12.99)

Mr. Speaker: Mr. Munyasia, you were on the Floor.

Mr. Munyao: Mr. Speaker, Sir, it is hard to demand an apology from the Chair, but my name is [Mr. Munyao]

Mr. J.K. Munyao, Secretary General, DP.

Mr. Speaker: Mr. Munyao, you are out of order. As far as I am concerned, you are hon. Munyao. I do not know the other title.

(Laughter)

Mr. Munyao: Mr. Speaker, Sir, I will inform the Chair in due course of my other title. Thank you very much, Sir. The humour which we get from you keeps this House alive.

Yesterday, before the House adjourned, I was contributing on this Motion, which I said is very important. I congratulated the Chairman and the Committee for the effort they had put to scrutinise the expenditure of corporations and other bodies.

(Loud consultations)

Mr. Speaker, Sir, I want hon. Members to consult in low tones because there is a lot of noise.

Mr. Speaker: Order! Order, now! Those who are withdrawing from the Chamber, please, do so quietly.

Mr. Munyao: Mr. Speaker, Sir, as I said yesterday, I come from an area where the Kenya Meat Commission (KMC) is situated, and I am a livestock farmer. Along with other livestock farmers, we raised the concern of the KMC, which has now a debt of Kshs1.2 billion.

Before I embark on the other details, we have on record institutions which have been bailed out by the Government of Kenya. The National Bank of Kenya (NBK) was advanced Kshs2 billion, and another Kshs2 billion, which totalled to Kshs4 billion. We have the Muhoroni Sugar Company which was also bailed out the other day by the same Government over a debt of about Kshs1 billion. What is troubling the KMC is not an issue of its own making. This organisation had money which was mismanaged. We cannot see the reason why the Kenya Government cannot bail out the KMC in order to assist the livestock farmers of this country. The amount of money that this Commission

needs to be on track is very little. We would like to urge the Government, particularly the Minister for Agriculture, to direct, over the Christmas Holiday, that the KMC be opened. This is because this Commission assists many people who cannot help themselves. We now call upon the Government to eradicate poverty. One of the simplest and easiest methods of eradicating poverty is to ensure that the KMC is opened, so that the livestock farmers in the countryside, who do not have any other source of income, can sell their animals to it.

The KMC had many pieces of land in Athi River, Kisumu and Mombasa, but they have been grabbed. I am using the word "grabbed" because the Committee has got the details of those people who facilitated the sale of these parcels of land. One bitter example is that the Commissioner of Lands withdrew the title deed of a piece of land the KMC had deposited with the NBK as a security and sub-divided the piece of land for sale. The Commissioner of Lands did this and, yet, the KMC is still in debt.

About four or five years ago, through the Government's effort, the Mitsubishi Company of Japan invested Kshs400 million in the form of machinery. The Kenya Government also invested Kshs200 million in the KMC. I would like to say, and the Departmental Committee on Agriculture has also raised alarm, that all the machines which were installed at the KMC have been removed and sold or vandalised. These machines are being sold with the authority of the Receiver Manager, Mr. Gregory.

Mr. Speaker, Sir, it is high time this Government showed some seriousness. We are asking the Minister for Agriculture to immediately direct that all the properties which have been held by KMC be made public. The Government is going to sell that shell known as KMC. What is it going to sell? What is in the KMC inventory because its properties have all gone? The other day we made noise to the Minister for Agriculture and told him that machines have been removed from KMC and transported elsewhere. We were told to keep quiet at that time although we knew the kind of people who were removing these machineries. What is the use of locking the stable when the horse is gone? That is exactly what the Government did.

We want direct action. We want the Minister for Agriculture, who has deliberately refused to accompany the Committee on Agriculture to the area to take stock, to immediately resolve this matter. Before we break for recess, we would like the Minister to invite the Committee to KMC. We want to also see this receiver manager who, we are recommending, must be sacked immediately. He is the cause of a lot of problems which have stalled the KMC. Above all, the communities which are within the area of KMC; that is, the Maasai, Kambas, Turkanas and those in North Eastern Province, want KMC to be opened.

It is not a major issue to run KMC. Even now, without that holding ground which has been grabbed, we should not have an excuse that we cannot open KMC before we have another holding ground, because you are a farmer as much as I am. Most of us who used to take cattle to the KMC know very well that what you need is a timetable whereby you are told that animals from Nanyuki will be slaughtered on Monday; those from Isiolo on Tuesday, or those from Wajir on Wednesday. Farmers from those areas will move their animals on those particular days, directly to the KMC. This will ensure that they are slaughtered straightaway and then sold.

Due to the fact that KMC is not operational, the cost of meat has even gone high. At that time, when KMC was operating and supplementing the economy, it was a major source of meat in Kenya. At that time, meat was not more than Kshs40 per kilogramme, but now the price of meat is in excess of Kshs100, and fillet is about Kshs300 or Kshs400. Those of us who are used to separating meat from the bone, because we know the nearer the bone, the sweeter the meat, buy it at about Kshs70. I touched on the senior persons and professionals who are employed by the corporations and parastatals as the main guzzlers of money from those areas.

The National Cereals and Produce Board (NCPB) is a board for all farmers. There has been a crafty way of stealing money from these areas. For example, in the accounts of 1986/87, a contract was signed by the management of NCPB to supply it with empty gunny bags. The contract was valued at Kshs124 million. This money was paid in advance and to date, these empty gunny bags have never been delivered. As we call upon the Government to make sure that this money is refunded, we must also take such issues as loans advance. If these people had taken a loan of Kshs124 million from a bank in 1986 and 1987, it would be earning interest.

Mr. Speaker, Sir, I beg to support this Motion, and we should pass it without any amendment.

The Minister for Water Development (Mr. Arap Ng'eny): Thank you, Mr. Speaker, Sir, for allowing me to speak on this very important Motion of the PIC Report. First of all, I must congratulate the Chairman of PIC for doing a thorough job. I must say he did a good job, particularly considering the depth and width which he covered. The PIC is a very important Committee in our country, society, Government and Parliament. When one goes through the Report and what is in the Press, one cannot help but wonder why sometimes people get extremely excited and moved. The figures which are being mentioned in the Report are astronomical. In astronomy, the numbers are so large that they are called astronomical figures. You cannot count them because they are too many.

Therefore, to the mwananchi, those figures mentioned in the Report are really large by any standards. That is why I believe that people really wonder whether those figures are true or not. The figures may be true, or they may not be true, depending on which context they are being quoted. Let me say a few words about the Kenyan society as such.

I cannot claim to know the Kenyan society, but one thing on which I can express my opinion is that we are a heterogenous society. We are composed of many cultures and beliefs. In the past, each society knew exactly where the limits end. When a society used to say "no", it meant "no". With the dawn of civilization, those norms and cultures have been eroded. I think it might be a good idea to revisit our culture. In my community, it was absolutely wrong for any grow-up person to say something which was not true, or something which would hurt somebody else, or talk ill of somebody else. Those were cultures which were the foundation of our society. But with the dawn of civilization, those cultures have been eroded. As of now, our young people have no norms to guide them. I know this might be taught in primary and secondary schools, that it is to be a good citizen to pay taxes. But how many of us, including myself, think that they are doing anything wrong if they do not pay taxes? I do not feel guilty. This is because I do not see this as part and parcel of my culture to pay taxes. Similarly, in our daily lives, especially in modern times, including the report of the PIC, we do not consider certain very basic facts; that if you do something, how will it reflect on somebody else?

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I know that the PIC is doing a marvellous job, and I think it is high time PIC was considered and given a new mandate; a new mandate not only to look into the accounts, but actually to educate and enlighten our society and, particularly, the various chief executives of our parastatals. I can speak with a bit of authority, for those who have been chief executives in various public institutions, because I was a chief executive for 20 years. I know what it means to be a chief executive of a parastatal in this country. In fact, the term "parastatal" is very interesting; it means neither here, nor there. This is because a parastatal is not a fully Government or private institution. So, it actually sits in-between because it is not fully owned by anybody. The chief executive is really at the mercy of so many forces. I do not want to go into this because, I am sure, we all appreciate this. But what I want to say is that, some of the chief executives--- And I was not an exception; I do not want to say that I did not make any mistakes because, for 20 years, one must be absolutely super-human never to make a mistake. But some of the mistakes are never intentional whatsoever. For example, you will start a project with good intention, but if the economy and the policy change, then you will abandon that project. You have to abandon it because if you continue with it, you will incur a lot of additional expenses before you complete it.

Mr. Temporary Deputy Speaker, Sir, I do not want to continue boring this House, but in the PIC Report of 1999, my name was mentioned adversely.

The Temporary Deputy Speaker (Mr. Musila): Mr. Ng'eny, that was not a report of 1999. I wish to refresh your memory; the report we are debating now is not for 1999.

The Minister for Water Development (Mr. arap Ng'eny): Mr. Temporary Deputy Speaker, Sir, thank you for correcting me. The report before the Floor of the House--

The Temporary Deputy Speaker (Mr. Musila): There is a point of information. Do you want some information?

The Minister for Water Development (Mr. arap Ng'eny): Yes, Mr. Temporary Deputy Speaker, Sir.

Mr. Githiomi: On a point of Information, Mr. Temporary Deputy Speaker, Sir. The report is for 1999, but the accounts may be for earlier years.

The Minister for Water Development (Mr. arap Ng'eny): Thank you, Mr. Temporary Deputy Speaker, Sir. In that report, my name was mentioned adversely. My contention is that in the report, it says unequivocally that the plot for which my name was mentioned adversely and which the corporation bought in Karen, was not approved by the board. Secondly, the board of directors of the defunct KPTC never discussed it and hence, never passed a resolution allowing the corporation to purchase that plot. Those two points are both wrong. Thirdly, the Report claims that the Committee interviewed the then Managing Director of the defunct Kenya Posts and Telecommunications Corporation (KPTC). I want to absolutely state that there was no such thing.

Mr. Githiomi: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member on the Floor is misleading this House; the Report does not say that he was interviewed. We did not have any reason of interviewing him because we had overwhelming evidence against him. One of the evidence we had against him is the agreement signed on 7th November, 1991, and he is the one who signed it, and also the payment vouchers, which I have with me here.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Githiomi! When you will be replying, you will reserve the right to put across those points. At the moment, let Mr. arap Ng'eny continue with his contribution.

The Minister for Water Development (Mr. arap Ng'eny): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to inform this House that once the board passes a resolution, then nobody else signs and possesses the

document except the Managing Director. I would advise the Chairman of PIC to read the Act of the defunct KPTC.

So, my contention is that PIC is wrong to say that there was no approval from the board, and that the Managing Director did that. First of all, it was wrong not to give me the opportunity to defend myself, with all due respect to the Chairman and his Committee Members--- I would like to quote a reading in a certain book of the Bible, Chapter 25, Verse 16, dating back to about 2,000 years ago, that you never accuse or hang anybody without summoning him to defend himself. So, I would like to request this House that before accusations against me are adopted, I should be given the opportunity to defend myself and explain what happened.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Parpai: Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to this Motion on the PIC Report. All has been said by the Chairman of the PIC. He has told us that the Committee held more than 100 sittings and visited most of those projects that are purported to be on-going in some parts of this country. He also said that most of the evidence had been obtained from the witnesses themselves. So, everything has been said, and that is why I am standing here to support the Motion.

Nevertheless, now that we have been told the truth, the Government is required to implement the recommendations of the Report after debating and approving this Motion in this House. It is important that we implement the Motion; there is no need of sending PIC out in the field now and then, when the Government knows very well that it is not going to implement the Committee's findings. Because they are being documented, somebody will be answerable for them one day. When will that day be? Time will tell.

Mr. Temporary Deputy Speaker, Sir, I would go a step further and request this House to form a Parliamentary Implementation Committee. It is important that we have that Committee to ensure that whatever we resolve in this House, whether through Motions or other resolutions, is implemented for the purpose of making this country a better place to live in. Otherwise, there is no need of wasting time and money, and bringing in very beautiful and good ideas, which would otherwise have assisted this country, but somebody just sits on them. It is wrong. It is interesting that those who are adversely mentioned in the PIC and PAC Reports in most cases go scot-free. Well, it is even becoming more lucrative, because when you are mentioned and maybe, you are a managing director of a corporation, tomorrow you may be taken to the National Cereals and Produce Board. Again, if you are mentioned there, you may be taken to the National Housing Corporation; you may be taken where much money is found. So, I think that these chief executives of parastatals are enjoying getting mentioned, because they get promoted. Somebody is mentioned and if he or she is a DC, tomorrow he or she is promoted to a PC. It is becoming a sort of business. I am saying it is shameful that somebody is mentioned adversely, and appears before the PAC and PIC; evidence is adduced against him or her, and he or she gets promoted instead of getting punished for whatever wrong was done to this country. Therefore, if one is mentioned adversely in the reports, he or she should either be sacked or investigated, and proper action taken, because people are making it business out of being mentioned adversely in these reports.

Ministers are also lax because almost all Government parastatals submit their final accounts to the Auditor-General (Corporations) and the Controller and Auditor-General far much later after the stipulated time by the Exchequer Act. It is upon the Ministers, for parastatals that fall under their Ministries, to make sure that the accounts are submitted in good time. Looking at the Exchequer Act, at times I wonder, because it does not give the Ministers powers even to punish those parastatals submitting the accounts late. So, it is up to the Attorney-General at this stage to bring some amendments to this House so that if a parastatal fails in submitting the accounts, it gets some sort of punishment, because at present, the Act is very silent. Because of that, therefore, Ministers have also decided to be lax; they do not draw the attention of the parastatals to it, and the parastatals have taken advantage of it. That is why we are discussing the accounts of 1994/1995 and 1996/1997. The 1996/1997 accounts are the latest. We want to be current; we do not want to be talking of history. It is time we discussed current accounts for us to be able to remedy the situation. Otherwise, surely, these outdated accounts assist this country very little, other than the Kenyan populace being told what those heads of parastatals have done in the years before.

Mr. Temporary Deputy Speaker, Sir, I am in the present PIC; I was not in the former PIC. It is true that the chief executives have violated the Treasury circulars, and that is appearing in the Report. There is a circular where the Government has directed that all surplus funds be deposited, either in Kenya Commercial Bank or National Bank of Kenya. But what happens is that, many of these parastatals have gone ahead and deposited money in Trade Bank and other banks that have gone under. Therefore, more money belonging to Kenyans has been lost through reckless deposits. No action has been taken by the Government, despite the fact that these circulars have been issued. This happens because the managers of these commercial banks approach the chief executives of these parastatals. They promise them some kickbacks. As a result of that, they violate Treasury circulars. I am not surprised that this is happening. There was a confidential letter from the then Head of Civil Service, directing the Inspectorate of State Corporations not to attend board meetings of parastatals. If the Government is not represented in a parastatal, what do we expect? We have hungry people in these parastatals whose objective is to make money. We have lost so much money in these shoddy deals.

Mr. Temporary Deputy Speaker, Sir, I am requesting the Government to withdraw that circular that instructed the Inspectorate of State Corporations not to attend those board meetings. In fact, that letter was ill-intentioned. It was written for purposes of allowing the chief executives and whoever is interested in looting them to have a hand in it. I would like to request the Government to withdraw that letter immediately, and let the Government be represented in those boards, not only by the Inspectorate of State Corporations, but also the parent Ministry officials.

Mr. Temporary Deputy Speaker, Sir, now and again, we hear of certain parastatals being exempted from the State Corporations Act. Why should a parastatal be exempted from the State Corporations Act when it is a public body whose shareholders are Kenyans? This means they have been exempted from Parliament and the Auditor-General (Corporations) scrutiny. They end up appearing like personal property. It is high time we were told what this exemption means. The other day, when an extra-ordinary audit was done on the Coffee Board of Kenya accounts, it was discovered that a lot of money had been misappropriated by its directors. I am urging this Government to waive those exemptions. These parastatals must be answerable to this House and audited by the Auditor-General (Corporations). Their performance must be known by the shareholders who are Kenyans. The only way they would do that is through the Auditor-General (Corporations) and Parliament. Parliament should tell the taxpayers how they have performed. If they are exempted, how would the public know how their money is being spent and invested? I am reiterating that the Government should withdraw that exemption because it is not taking this country anywhere, other than allowing unscrupulous people to siphon money out of those parastatals.

Mr. Temporary Deputy Speaker, Sir, much has been said for many years about these parastatals. I would like this Government to carry out interviews in the appointment of chief executives. Misuse of funds has come about because the chief executives are either politicians or relatives of the appointees of the heads of the parastatals. They have their godfathers somewhere. Since these parastatals are the property of Kenyans, it is advisable to have their appointments scrutinised. If that is not done, then we are wasting our time because we are appointing failures. In most cases, people who have no relevant professional education to lead a parastatal are appointed, and we expect results out of them. What a shame! A non graduate cannot manage a scientific station. It is demanding too much from that individual. Now that we have gone this far, it is time we subjected the appointment of these executives to some interview.

Mr. Temporary Deputy Speaker, Sir, when it comes to rewarding Kenyans, they should be rewarded on the basis of their output, and not on how close one is to the powers that be. Now that the Motion is before us, with beautiful recommendations, I would like to urge the House to pass it without amendments because, I am sure there was a lot of effort and justice put in that Report.

With those few remarks, I beg to support.

Mr. Twaha: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to thank the Public Investments Committee for a job well done. I would also like to say that, with continued privatization of parastatals, the public investments might soon become irrelevant and a need will arise for private investments' scrutiny, which should be the engine for growth and job creation in this country.

Mr. Temporary Deputy Speaker, Sir, for economic recovery, if we are to go by the goals of this Government that we should be industrialised by the year 2020, it should be through industrialization. Historically, all industrialised countries started with the textile trade. Unfortunately for Kenya, before we excelled in the textile industry, we have been flooded with imports of *mitumba*. As I speak now, cotton farmers in Lamu do not know how they will celebrate Christmas this year, or how they are going to pay for their school fees in January. As a result of *mitumba* imports into the country, on which the Government is earning a lot of revenue, farmers are fetching very low prices for their produce. This is because buyers of cotton cannot sell their finished products at a good price as compared to the second-hand clothes.

Mr. Temporary Deputy Speaker, Sir, since the Government earns a lot of money from imported clothes, I would like to take this opportunity to urge the Government to spend some of that money to subsidise the cotton farmers in Lamu and other cotton-growing areas in Kenya. If they cannot subsidise the farmers, they should ensure that farmers' goods fetch better prices in the market. The Government could also, perhaps, consider banning the importation of *mitumba*, so that we can protect cotton farmers and the cotton industry. The textile industry is very big. It touches on the production of cotton, ginning, spinning and weaving of threads, cutting, designing, tailoring and dyeing of clothes. Many jobs can be created if *mitumba* imports are banned and the textile industry protected and allowed to grow. Just as the Government made the importation of sugar very difficult in order to protect farmers in Western and Nyanza Provinces, it is fair that it does the same with *mitumba* to protect the farmers in the Coast Province.

With those few remarks, I beg to support.

Mr. Khamasi: Thank you, very much, Mr. Temporary Deputy Speaker, Sir. I would like to make a few comments in support of this Motion.

When I came here first in 1998 and I had to read a very big volume of the Public Investments Committee Report, I thought it was containing a tale itself. One paragraph after another was talking about how people authorised

to manage our parastatals had stolen money, and money has been stolen in almost all the parastatals that we have in this country. One of the saddest stories that you can read in this Report relates to the National Social Security Fund (NSSF). Year in, year out, we hear stories about how money has been stolen from the workers of this country. People who compile a small report; lawyers who write an opinion on any legal matters for the NSSF get away with millions of shillings as payments. All my life, I have worked in the private sector and never have I heard of millions of shillings being paid for giving a legal opinion. This has happened in the NSSF time and again. When we were listening to the Chairman of this Committee presenting his Report, it was a sad story. It was a sad story whereby two or three firms giving legal opinions to the NSSF's Board were being paid in terms of millions of shillings to an extent one could not believe.

This happens even at the National Hospital Insurance Fund (NHIF). As soon as the funds in the NSSF started diminishing, these same lawyers, if you could look at the records, went on to the NHIF and started looting. I believe they are still looting as we are talking. When you read this story, it goes on at the Kenya Agricultural Research Institute (KARI), which does research for our agricultural sector. The land which belonged to KARI has been dished out to politically-correct people. The land has been dished out at almost no cost whatsoever. This has gone on, and you can name all the parastatals that are there.

Mr. Temporary Deputy Speaker, Sir, one big problem that we have in this country is that this craftiness has crept into the banking sector. Our banking sector has been invaded by these crafty people and it is in trouble. One wonders: Where is the Central Bank of Kenya? Why does it leave the situation at the banks to deteriorate greatly before it comes to us and tells us that a particular banking institution is collapsing? The ordinary saver of this country is in trouble. I happen to be a victim of one of these banks, where it was only at the end of the day when we were told that the bank had collapsed. Should the Central Bank of Kenya wait until these banks have collapsed, to tell the depositors of the banks' collapse? How often does it inspect these banks? Why do they not send early warnings to the depositors of these banking institutions, so that they can know that there is a problem? It is of no use having a Central Bank which is only there to tell the depositors: "Now you are in trouble; your bank has collapsed". We need something to be done about that.

With regard to what is going on in our parastatals, what is our Attorney-General doing about this? Has he slept? Every time we raise these issues here, we are told that there are not sufficient grounds on which he can prosecute; yet, the Reports are telling us exactly how these things have been done, or how theft has been occasioned. Our Attorney-General must wake up. Unless he comes up and prosecutes the perpetrators of these heinous crimes, we will have nothing else to say other than saying that he is part and parcel of these goings on. It is time to say that, indeed, the Attorney-General has betrayed the citizens of this country. He has stood by and done nothing, yet, this theft has taken place every year.

With this Report, I want to believe that the Kenya Anti-Corruption (KACA) will rise to the occasion. We believe that now that there is a change of hands in the Civil Service, KACA will wake up and begin doing its job. We need to see people being prosecuted. I was very happy when I heard that a former Permanent Secretary in the Ministry of Roads and Public Works, who had about Kshs700 million in a personal account, is being prosecuted. We need to see more of this. Those people who have "eaten" people's money and got away with it need to be brought to book. We need to see more of these people being prosecuted. I want to congratulate the Minister in that particular Ministry. He has demonstrated that he is keen to make sure that, at least, we can see people who have looted this system being taken to court. The Government should take action. We cannot have a Government that says that it is looking after the interests of its people when it is just sitting there. We need to see people who have looted the parastatals of this country being brought to book. The earlier it is done, the better, because Kenyans out there are getting fed up. They need to see action being taken. They will not just sit there and hear stories. We say in this House: "From this or that parastatal, so many millions or billions of shillings have been stolen", and then a year goes without any action being taken.

The Government must wake up and make sure that something is done. I would like to support my friends that this House needs to create an implementation committee, which will make sure that what is decided in this House is followed up and action taken. There is no point wasting money every year on the committees. There is so much money spent in maintaining the Committees. The committees go round collecting data, evidence and calling witnesses. At the end of the day, all that happens is to put all the Reports in the shelves. We want the question of shelving the Reports ended. We want to see the Reports being acted upon. I call upon the Government, through the necessary instruments, to make sure that, what is recommended in this Report is implemented.

With those few remarks, I beg to support.

Mr. Badawy: Bw. Naibu Spika wa Muda, nachukua nafasi hii, pamoja na kukushukuru, kwa kuniwezesha nchangie mazungumzo haya, ambayo mimi ni mwanakamati wa Public Investments Committee (PIC). Bunge hili litashangaa kwamba, mbali na ile Ripoti ya maandishi ambayo Mwenyekiti wetu ameiweka hapa, yale ambayo tumekuwa tukiyasikia kutokana na ushahidi wa wale ambao tulikuwa tukiwauliza maswali - kuna wale waliokubali kuja - wako wawili watatu ambao walikuwa ni wakubwa sana kuweza kuitikia mwito wa Kamati yetu. Hilo ni jambo

ambalo Bunge hili lingefikiria hatua kali itakayochukuliwa watu kama hao, ambao wanaona si muhimu sana kuhudhuria Kamati hiyo.

Kwa Wabunge kufahamu maovu yaliotendwa na mashirika ya Serikali, ni vizuri mbali na hii Riport, ambayo ni muhtasari wa yale ambayo tumeyapitia na mapendekezo ambayo tumeyaweka mbele ya Bunge hili, kupitia kwa Mwenyekiti wetu, kwenda kwa Maktaba na kusoma HANSARD. Watajua hasa maswali yalioulizwa na majibu yake. Wale walioulizwa wenyewe, na vile wanavyojibu, ni njia ya kuthibitisha kwamba hakika, wao ni wakosaji, wana hatia, wamepora na wamefanya mambo ambayo si ya sawa kulingana na zile sheria zinazosimamia mashirika ya Serikali. Sheria hizo ni State Corporations Act na The Exchequere and Audit Act.

Bw. Naibu Spika wa Muda, kuna mambo ambayo yamedhihirisha wazi kabisa kwamba kuna mtindo; ndio yanayoongoza katika uporaji; ndio mifereji inayotumiwa na wasimamizi wa mashirika tofauti, na wale wanaoshirikiana nao, kuiba na kupora. Miradi mipya katika mashirika ya Serikali imetajwa na Bw. Mwenyekiti. Hiyo, kwa hakika, ni sehemu moja utashangaa, kwa vile katika makisio ya mashirika hayo, hakuna mipangilio ya kuanzishwa miradi yoyote. Badala yake, utaona kwamba shirika hili, au mwenyekiti wake akishauriwa, kama alivyoeleza Waziri Ng'eny--- Namshukuru kusema kwamba kazi ya wakubwa hao ni ngumu sana kwa sababu ina taswishi nyingi. Nimemsikia akisema hivyo. Ina nguvu nyingi ambazo zinatumika nje kushawishi. Kwa hivyo, miradi kama hiyo, ambayo haijatengewa pesa katika makadirio ya mwaka, kupangwa. Mfereji wa kwanza wa kupora pesa ni kuletwa kwa wale wanaoitwa wataalamu. Kumetolewa mfano wa Inland Container Terminal Depot huko Kilindini, ambao haukuwemo katika makadirio, wala miradi ya maendeleo ya Kilindini. Benki Kuu ya Dunia na Shirika la Kifedha Duniani walitoa ushauri kwamba, kungekuwa na mpango kama huo. Lakini Halmashauri ya Bandari na Wizara inayohusika hazikuwa zimetenga pesa, au kufanya utafiti wa kuanzisha mradi kama huo, kabla ya kupotea kwa Kshs673 milioni, ambazo ziliingia katika mfereji wa upotevu. Wataalamu peke yao walipewa Kshs149,597,000! Walikuja kuchunguza ule mradi na kusimamia kazi ambayo, hakika, haikufanywa kabisa! Tulikwenda kutembelea katika sehemu hiyo, ambayo ilidaiwa ardhi ilitengenezwa na kusawazishwa. Unajua, ukiwa na hamu sana ya kupora au kufanya kitendo kibaya, husahau hekima na maarifa. Tuliambiwa eti ardhi imesawazishwa, na kutandazwa lakini ukienda pale, utaona miti midogo midogo, nyasi na hata mbuyu mmoja mkubwa sana. Ni ushahidi wazi kwamba vile ule mbuyu ulivyozungukwa na ardhi pale, ni dhihirisho la wazi kwamba hakuna kazi yoyote ilikuwa imefanywa hapo, na Kshs673 milioni ziliporwa! Baadhi ya pesa hizo zilipewa contractor ambaye hakufanya kazi yoyote! Sehemu nyingine ilienda kwa wataalamu ambao, kama alivyosema Mwenyekiti, wanastahili kutiwa adhabu! Walipewa Kshs149,597,000! Adhabu wangepewa ni kufutwa kutoka kwa orodha ya wataalamu, hata walipishwe hizo pesa. Mradi mwingine ni ule wa AFRALTI, wa KPT&C, ambao haukuwa umefanyiwa matayarisho yoyote. Lakini wataalamu peke yao walilipwa Kshs118 milioni. Mfano wa malipo kama hayo ya wataalamu - na narudia tena - kwa miradi ambayo haikuwa imepangiliwa au kufanyiwa utafiti kuona kama italeti faida yoyote, ni mingi sana. Juu ya hayo, hakukuwa na mpango wowote wa kutenga pesa za kuanzisha mradi kama ule!

Bw. Naibu Spika wa Muda, katika kuchunguza kwetu, na kuwa na mazungumzo na mashirika tofauti tofauti, taasisi za utafiti ni kiungo kikubwa sana cha maendeleo ya nchi hii, haswa kwa upande wa ukulima, na kazi za jadi kama uvuvi, misitu na kadhalika. Lakini tuligundua kwamba utafiti haufanyiki sawasawa kwa sababu Wizara hazitoi pesa za kutosha. Inakuwa ni marudio hayo hayo kila siku. Imekuwa ni mtindo kwa vile ni pesa za malipo ya mishahara na gharama za kuendesha ofisi tu huingizwa. Lakini pesa za kuendeleza utafiti ni haba kabisa. Pahali ambapo utafiti umekuwa ukifanywa, kitu cha kusikitisha ni kwamba hakuna chombo cha mawasiliano baina ya taasisi za utafiti na Wizara, ili matokeo yawafikie wale wanaokusudiwa kunufaika kwa huo utafiti, kama wakulima. Nasikitika kusema kwamba, tuligundua hakuna mipango ya kutosha kuhakikisha kwamba matokeo ya utafiti kwa maslahi ya wakulima yamewafikia. Ni vipi yatamfikia mkulima ikiwa kuna uhaba wa watumishi wa nyandani, ambao wanafanya kazi na stakeholders na wakulima? Kama nilivyosema siku nyingine, wale extension officers wa Wizara ya Kilimo wamekuwa endangered species. Hawaonekani kabisa! Mbali na hivyo, hakuna taratibu zinazozingatiwa na shirika kama la KARI au lile la Kenya Marine Research Institute. Nenda ukatazame mvuvi yoyote, awe baharini huko mwambao wa Pwani, au Ziwa Victoria; utaona hajapata utaalamu wowote kutokana na jinsi anavyovua. Hakujafanywa utafiti wa sampuli yoyote kufanya uvuvi kwa wingi au ukubwa wa samaki kuwezekana. Tukirejerea KEFRI, kule Pwani tuko na matatizo na kilio kikubwa sana juu ya mikoko. Serikali imefunga misitu ya mikoko, hasa kwa sababu ya export market. Maelezo tuliyopewa yanaingia akilini kwamba, ukuaji wa miti ya mikoko ni kidogo sana. Lakini ni nini kazi ya KEFRI, iwapo mpaka leo, hawajaweza kuja na utaalamu na ujuzi wa aina yoyote, kufanya mazao ya mikoko yawe ya haraka, ili yaweze kuongeza ule msitu, ili wale wanaokata misitu waweze kujiendeleza kimaisha?

Bw. Naibu Spika wa Muda, tumegundua kwamba mashamba mengi ya ADC yemetolewa na Serikali kwa watu kama makao. Pia, ni kweli kwamba shabaha ya Serikali yetu ni kuwapatia watu wetu makao. Ni kweli kwamba badala ya ardhi ikae bila kutumiwa, ipatiwe wanaostahili kupatiwa, bora tuwe na utaratibu na nidhamu ya kuona kwamba wale watu wanapatiwa kwa shughuli za kilimo na wala si za speculation. Lakini katika ugawaji, lazima kuwe na haki. Jana, Mwenyekiti wa Kamati hii alisoma ordha ya watu wanaomiliki ardhi ya KARI. Kama mtu yeyote atateta

kwamba ugawanyaji wa ardhi ya KARI ulikuwa sawa, ayaangalie yale majina. Ataona kwamba majina ya watu wengine yamerudiwarudiwa mara mbili au zaidi. Kuna watu wengine ambao wamepewa ekari nyingi ambazo hawawezi kulima. Mipangilio yake inaonekana kwamba ardhi hiyo imekatwa vile, ili siku moja iwe ardhi ya mjini ambayo itauzwa. Ikiwa lengo la mashamba ya ADC ni kuwapatia watu makao, basi ni lengo zuri. Lakini ugawaji uwe wa sawa. Ugawaji kama ule uliofanywa katika ADC Farm, Malindi, haukuwa wa sawa kwa sababu mbali na Waheshimiwa Wabunge wa sehemu hiyo kupata, nikiwa mmoja wao - ninadhani ilikuwa ili tunyamaze - hakuna mwenyeji hata mmoja ambaye alipata shamba. Kuna watu waliopata ekari 30, 60, 100 na kadhalika, na wote wanangojea kuziua. Hata eneo la Sabaki linajulikana sana kama sehemu moja ambayo ina matatizo mengi ya maskwota.

Bw. Naibu Spika wa Muda, tulipokuwa tukizungumza na "Big Five", nakumbuka aliyekuwa Mkuu wa Utumishi wa Umma alieleza Kamati yetu nia ya kugawanya na kupeana Galana na Kulalu Ranches ambazo pia ziko katika sehemu ninayowakilisha hapa Bungeni ya Malindi. Ninasema mbele ya Bunge hili kwamba, ikiwa ni kweli kuna nia ya kugawanya Galana na Kulalu Ranches kwa sababu ya uongozi mbaya, basi sehemu ya KETRI ihifadhiwe kwa minajili ya utafiti, na sehemu ndogo igawanywe na kiasi fulani cha ardhi kibakishwe ambacho kinaweza kuhifadhiwa na Serikali kwa matumizi muhimu kama vile holding grounds na utafiti. Inapofikiwa kugawanya mashamba hayo mawili, basi Serikali inawajibika kuwazingatia wenyeji wa sehemu hiyo ambao hawana ardhi. Hapo mwanzoni, ardhi hiyo ilikuwa ni Trustland lakini baadaye ikawa mali ya ADC. Leo ikiwa Serikali, kupitia kwa Wizara ya Ardhi na Makao, ina nia ya kufanya haki na kuanzisha mradi wa kuwapatia watu makao, basi wanaostahili kufikiwa kulingana na sheria ya Umilikaji wa Ardhi ni wenyeji wa sehemu hiyo. Wakitosheka, basi wale majirani walio katika wilaya nao wafikiwe. Baadaye, wafikiwe watu wengine katika mkoa. Lakini ningependa kuliambia Bunge hili kwamba, iwapo sehemu hiyo ya Galana na Kulalu itagawanywa, basi watu wa Malindi ambao hawana ardhi wafikiwe. Nadhani hili litakuwa onyo na ushauri ambao utatiwa maanani.

Bw. Naibu Spika wa Muda, mtindo mpya ambao ulianzishwa na Kamati yetu, kulingana na uwezo tuliopatiwa na Kanuni za Bunge, ni kwamba tulikataa Kamati ambayo itakuwa "ikipasuwa maiti" na kuangalia kilichosababisha kifo hicho. Tuliambia kwamba, chini ya uwezo ambao tumepatiwa na Kanuni za Bunge, State Corporations Act na Exchequer and Audit Act, tuna uwezo wa kuangalia matatizo yanayoikabili nchi hii. Tulichukuwa uwezo wetu huo na Bunge hili labda litafurahi likijua kwamba tumegundua kashfa nyingi. Uzuri ni kwamba baada ya kupata onyo, wakuu wa mashirika wameanza kujirekebisha. Nitotoa mfano wa Inland Container Terminal ya Eldoret, ambayo tulipata fununu kwamba tayari kulikuwa na mpango wa kuibinafsisha na tayari watu fulani walikuwa wamejiandikisha kuinunua. Wakati tulipokuwa tukizungumza kwamba Halmashauri ya Bandari itabinafsishwa na hata Serikali haikuwa imeamua kama itauzwa kwa njia ya masikizano au kibiashara, tayari watu fulani walikuwa tayari kuinunua. Ni aibu kuona ya kwamba Eldoret Inland Container Terminal tayari ilikuwa imepatiwa watu fulani.

Bw. Naibu Spika, National Housing Corporation (NHC) ilianzisha mradi Malindi wa ujenzi wa nyumba ambao unaendelea sasa. Mimi kama Mbunge wa Malindi nililijua jambo hili awali. Nilipomwuliza DC kama alifahamu jambo hili, alisema halijui kwa sababu halikuwa mbele ya DDC. Hata Malindi Municipal Council haikuidhinisha michoro ya nyumba hizo. Sasa tulipochunguza jambo hili, tulishangaa kuona kwamba NHC ilikuwa imeanza kutumia pesa, na huko limeanzisha ushirika na mtu binafsi ambaye alikuwa ametoa ardhi na NHC ingetoea pesa za ujenzi. Hapakuwa na mapatano kwa maneno wala kwa maandishi. Hata thamani ya ardhi hiyo haikuzingatiwa. Wakati huo, walitumia Kshs12 milioni, pesa za umma. Walitumia pesa hizo bila mapatano ya aina yeyote baina ya mwenye ardhi na shirika hilo la Serikali, ambalo linatumia mali ya umma. Mradi huu unaendelea hivi sasa ingawa hawakufuata mtindo kama ulivyopendekezwa na shirika hilo. Kama hatungeligundua jambo hili, lingeletwa hapa mbele ya Kamati ya Bunge ya kuchunguza Mashirika ya Umma kama audit query baada ya miaka sita au saba, na pengine mkuu wa shirika hilo atakuwa amekufa au amezeeka sana kiasi kwamba hatuwezi kumtia adabu kabisa.

Pia, kuna ploti ya National Hospital Insurance Fund (NHIF) ambayo imetajwa katika Bunge hili. Hiyo ploti iliuzwa kwa njia ambayo Bunge hili liligundua ilikuwa na hitilafu. Katika Ripoti hii, inasemekana kwamba Chief Executive aliyekataa kupitisha jambo hilo alistaafishwa na mahali pake kuchukuliwa na mwingine ambaye angekubali jambo hilo litekelezwe. Hivi tunavyozungumza, kuna urekebishaji unaoendelea katika Jomo Kenyatta International Airport, na inasemekana kwamba kazi hiyo itagharimu Kshs2.9 billion. Jambo la kushangaza ni kwamba hakuna utaratibu uliofuata. Sitaki kuyarudia yaliyosemwa na wenzangu kuhusu mkuu wa shirika hilo. Tunasikitika kusikia kwamba aliyekuwa akiunga mkono Hoja hii, mhe. Raila, alisema kwamba alimsikia mwenyekiti wa Kenya Anti-Corruption Authority akisema kwamba hana wafanyakazi na vifaa vya kumwezesha kufanya uchunguzi wa kutosha. Kuzungumza jambo kama hilo hadharani ni kama kuwaambia wezi wako huru kuendelea na wizi. Kwa nini wale wakuu wa mashirika ambao wanafahamika sana kwa uporaji wasichukuliwe hatua? Ni kwa nini wakipora shirika moja, wanahamishwa kwa mashirika mengine? Katika nchi hii hakuna watu wengine ambao wanaweza kufanya kazi hiyo isipokuwa wao tu? Je, hawa ndio wataalamu na wenye ujuzi wa kusimamia mashirika hayo?

Ilizungumzwa na mhe. Parpai, na tulisikitishwa sana kuona kwamba aliyekuwa Mkuu wa Utumishi wa

Serikali wakati fulani, alitoa circular ya kusema kwamba, Inspector of State Corporations hana ruhusa ya kukaa katika mikutano ya bodi za mashirika kama haya. Yeye ni mtu muhimu sana kwa vile yeye ndiye macho ya Wizara na Serikali katika mashirika ya Serikali. Kisheria, anastahili kukaa katika mikutano ya Board ya halmashauri za mashirika ya Serikali. Alipigwa marufuku kukaa katika kamati hizo. Lengo lake lilikuwa gani? Kamati yetu imeamua kwamba Inspector of State Corporations aje hapa akae na sisi. Kabla ya circular hiyo, ambayo msimamo wake tunaushuku, Kamati yetu iliamua ahudhurie mikutano ya bodi za mashirika ya Serikali. Ndio njia ya pekee ya kuweza kuyachunguza mashirika hayo na kuona makosa yanaotendeka kwa wakati huu. Ikiwa Auditor-General (Corporations) ataachiwa kazi peke yake, kuchunguza hesabu ambazo ni maafikiano--- Ingawa sheria inasema kwamba, kufikia mwezi wa tisa, lazima mashirika yote yapeleke hesabu zao kwa Auditor-General (Corporations), kuna mashirika mengi sana ambayo hayatekelezi sheria hiyo. Yanakiuka sheria hiyo. Sisi Wabunge tukiangalia zile ripoti zinazoletwa na Mawaziri za mashirika ya Serikali, ni ripoti za miaka iliyopita kabisa. Sasa, ikiwa tutamngojea Auditor-General (Corporations) pekee yake kuchunguza mashirika hayo, na Inspector of State Corporations haruhusiwi kukaa katika mashirika hayo, ule uporaji, usimamizi mbaya na uharibifu unaoendelea huko utaonekana na nani? Hivyo ni kutengeneza au ni kuharibu?

Bw. Naibu Spika wa Muda, sisi kama watu wa Pwani, ambao ni wakuzaji wa korosho, twasikitishwa sana na tulivyofukarishwa na kufanywa maskini kwa kufungwa kwa mtambo wa korosho mwaka wa 1993. Jambo hili limeelezwa na Mwenyekiti wetu, na likaungwa mkono na mhe. Raila. Lakini kwa nini na mimi Mpwani nisieleze kwa sababu tunaumia sana? Mtambo wa Korosho ulifungwa, na wakulima wa Pwani, hasa wa Kilifi na Malindi, walikuwa tayari kuununua. Kwa nini Serikali haikuwa na huruma? Kwa nini Serikali haikukubali kulibadilisha deni la Kshs10 milioni kuwa msaada, kuwahurumia wakulima na wananchi wake watukufu? Kwa nini shirika la Industrial and Commercial Development Corporation (ICDC) lilikataa kugeuza Kshs10 milioni kuwa debenture ya miaka kumi, wakati ambapo ukiangalia wadeni na pesa wanazodaiwa na ICDC, kutoka mwaka wa 1993 mpaka leo, ni pesa ambazo hazina uwezekano wa kupatikana? Pesa hizo zinadaiwa watu binafsi. Kama Serikali ingelazimisha ICDC kukubali kuwapa mkopo wakulima wa Kilifi, Malindi na Pwani kwa jumla, kama vile waliomba wapewe kwa miaka kumi, na tena dhamana iwe ni debenture ya kile kiwanda chenyewe, ingekuwa imewafanyia hisani watu wengi sana, badala ya kuwa na madeni ya zaidi ya Kshs1 bilioni, ambayo inawadai watu binafsi! Wengine wamekufa na wengine hawana cha kulipa. Zamani, wengine waliweka dhamana ambazo hazina faida au maana yoyote, na haziwezi kuuzwa. Hili ndilo tatizo la ICDC sasa. Imechukua dhamana ya mashamba ambayo hayana thamani na hayauziki, wakati ambapo wakulima wa Kilifi wamenyimwa kuchukua mkopo kwa debenture ya miaka kumi.

Bw. Naibu Spika wa Muda, Executive Secretariat and Technical Unit (ESTU) ilidhulumu sana wakulima wa Kilifi na Malindi kwa kufanya mipango hiyo, na hali wanajua kwamba si wakulima wa Kilifi na Malindi walionunua hisa zile! Ingekuwa wapewe nafasi ya kwanza! Ingawa niliwaambia Wanakamati wenzangu kwamba mapendekezo tuliofanya ni sawa, lakini sitaona haya au kusita kusema kwamba, hata watu wetu wenyewe, hasa wale watu watatu waliokuwa katika Kamati hiyo, ambao walihusishwa katika mabadiliko yote yalioendelea, walituuza sana! Waliuza Kilifi, Malindi na Pwani yote! Walikuwa wanajua ni kitu gani kinachoendelea. Wakulima wa Kilifi na Malindi hawakuwa wamekataa kuchangisha pesa Kshs78 milioni kununua kiwanda hicho. Kshs78 milioni hazikuwa ni pesa nyingi! Lakini tulidhulumuwa na kunyimwa nafasi hiyo. Watu wetu wenyewe ndio waliotukosea zaidi kuliko mtu mwingine yeyote. La kushangaza zaidi ni kwamba, wao walitukosea kwa kupeana hisa za asilimia 65! Jambo la kusikitisha zaidi na la kushangaza ni kwamba - na jambo ambalo nataka Wanakamati wenzangu na Bunge hili lifikirie - sisi wenyewe ndio adui wetu huko Pwani. Ninasema wazi kwa sababu wale wakurugenzi walioko sasa, waliojifanya tayari kufufua kiwanda hicho, nao waliwatambua walionunua. Ilikuwa ni ajabu sana kuona kwamba hisa za asilimia 35 zilizobaki ziliwekwa rehani kwa Kshs2 milioni tu! Hii ni kuonyesha kwamba walishindwa kulipa Kshs2 milioni na hata hatujui hali ya hisa za asilimia 35 zilizobaki!

Tunalosema ni kwamba, maovu yametendeka, lakini mbali na mambo mengine yaliyotajwa kwenye Ripoti hii, jambo hili linamhusu mkulima ambaye hivi sasa anachezewa. Korosho zake zinanunuliwa kwa ile bei mnunuzi anataka! Kitu tunachosema ni kwamba, Serikali ijitokeze kuwasamehe wakulima lile deni. Wale wengine wanaodai madeni kama Barclays waangalie ni namna gani watawasaidia wakulima wa Pwani. Kitu kizuri ni kwamba, wale matajiri walionunua kiwanda hicho wako tayari kukaa na stakeholders. Lakini stakeholders watakaa na matajiri wazungumze nini na hawana uwezo? Ikiwa hawatasaidiwa na Serikali yao wenyewe, watasaidiwa na mtu gani? Tusikaeni kupoteza wakati kuzungumzia yale maovu yaliopita. Kama yanabambanyika, yabambanywe. Kama kuna mtu wa kuwafanya walipe, basi walipe. Lakini kitu muhimu ni lazima tuangalie njia za kwenda mbele na kuona vile kiwanda cha korosho cha Kilifi kitafunguliwa.

Ningependa kulihakikishia Bunge hili kwamba, wakulima wa Kilifi, Malindi na Pwani yote wako tayari, lakini hawana uwezo wa kifedha. Lakini hilo si tatizo kubwa sana. Tunaweza kujisaidia wenyewe. Tunaweza kutafuta pesa. Lakini je, haya madeni tutayafanya vipi? Kuna madeni ya Serikali, na madeni ya mashirika ya kibinafsi kama Barclays na benki nyingine. Lakini lazima tutafute njia, la si hivyo, kutakuwa na hasara kubwa. Juzi, Kamati yetu ilitembelea kiwanda cha Kilifi. Ile hasara ambayo inazidi kwa zile nyumba na mashine kuharibika, gharama ya

kuzitengeneza upya itakuwa kubwa sana kuliko hata madeni. Huu ni wakati wa Serikali kujitokeza kuangalia itasaidia wakulima wa korosho wa Pwani namna gani. Lazima tatizo hili likabiliwe na Serikali. Tumepata hasara nyingi sana. Kumeibwa pesa nyingi sana na watu binafsi. Kwa nini Serikali haiwaonei huruma wakulima wote wa Pwani, ambao maisha yao yanatokana na ukulima wa korosho? Madhambi kama yalifanyika, yalifanywa na walionunua, na wale watu wetu wenyewe waliouza kiwanda hicho. Lakini mkulima hana hatia. Hatuwezi kuimba kwamba watu wa Pwani wenyewe walifanya makosa. Wakulima wa Pwani hata hawajui ni nani aliyenunua kiwanda hicho. Hawajui ESTU ni nini! Hawajui Kilifi Farmers Co-operative Union ni nini! Wanajua kuvuna na kuuza korosho, ili wapate unga wa kulisha watoto wao. Lazima Serikali ijitokeze kuangalia itatusaidia namna gani.

Kwa hayo machache, naunga mkono Hoja hii.

Mr. Ochilo-Ayacko: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion.

Mr. Temporary Deputy Speaker, Sir, before I embark on my substantial contribution, I would like to pay tribute to the Chairman of this Committee. I would like equally to pay tribute to the Committee Members for the long hours that they sat and for the thorough Report they have brought before this House. One thing that is very perturbing about the Reports which are brought before this House is the issue of implementation on the part of the Government.

Mr. Temporary Deputy Speaker, Sir, the Reports that have preceded this particular Report we are debating today have not been implemented by the Government, yet we, as Parliamentarians, are doing our duty to help this Government protect property that belongs to the public. We are doing our duty as a Parliament to ensure that poverty does not overtake the wealth that is being made by every Kenyan.

Mr. Temporary Deputy Speaker, Sir, we wonder why the Government, and particularly the office of the Attorney-General, is unable to implement what Parliament has adopted. In the Reports that precede this Report, there are people who have been named and who have authoritatively been found to have stolen public funds. Some of those people have found their way into Parliament and some are still leading the very, very parastatals that the Committee of this House has found to have embezzled funds from. What example are we showing to Kenyans? If we are determined to root out theft and corruption, then, we as a country and particularly the Executive--- This is because we as hon. Members do not have authority to hire or fire. The Executive, particularly the Front Bench--- It is very unfortunate that there are only two Ministers in this House when we are debating a Motion of this magnitude. We must take decisive action and we must ascertain that any person who is found to have taken public property, cannot find his way into this House and that after finding his way into this House, cannot be elevated to any position of responsibility. Such people have shown irresponsibility in posts they have held. So, we are trying to show as a country that, we are the only country in the world which is rewarding corruption. How then do we discourage people from looting public funds, when we reward them by electing and appointing them and not prosecuting them?

Mr. Temporary Deputy Speaker, Sir, if you look at the current Report we are debating, the office of the Attorney-General is guilty of a lot omissions. In fact, the Attorney-General is deemed to be a person who smiles when things are very serious. He has written letters to the Public Investments Committee (PIC) saying that he is investigating. He is ever investigating, year in, year out! I think, if the Attorney-General is tired of doing his duty, the best thing that he can do to Parliament is to resign.

(Applause)

Mr. Temporary Deputy Speaker, Sir, there are many competent people who can prosecute Kenyans and there are many competent people who can make sure that corruption is stopped by getting the corrupt people and having them jailed. It is very sad!

The Head of the Government has pointed out correctly that he wants to leave behind a united country. But if these Reports are not implemented, unfortunately, he will leave behind a very poor and corrupt country. So, Members of the Front Bench should tell the Head of the Government that, it is not enough just to leave a united country behind; it is important to leave behind a working country; a corruption-free country and a country where Kenyans get back the value of the money they pay for taxes.

Mr. Temporary Deputy Speaker, Sir, Kenyans will revolt and stone us when we purport to represent them, but we cannot prevent corruption. In fact, one Member of the Back Bench on the Government side pointed out about two weeks ago that, this House is becoming a talking shop. We are just talking and we keep on talking and the Attorney-General smiles at our beautiful Report and does nothing about it. This is very unfortunate, and as we debate this Report, I do not even think that, it is so important to talk about the Constitutional review process, when we know very well that we cannot implement basic things like this one.

Mr. Temporary Deputy Speaker, Sir, for example, if you look at the Exchequer and Audit Act, (Cap.412) and (Cap.446), that authorizes Parliament to investigate the performance of State Corporations, you will find that, all of a sudden, some public corporations have been exempted from scrutiny by Parliament. When they are exempted from

scrutiny by Parliament by the appointing authority, then how do we investigate corruption in those public corporations? This is a very sad thing! You find the Executive doing something that undermines the work of Parliament! The Constitution places this responsibility on us; to make sure that public funds are used or applied in a manner that serves the public. You find an office somewhere in this land, decides to exempt those public corporations from our scrutiny; how then can we help that office to scrutinize the work of the officers it has appointed?

Mr. Temporary Deputy Speaker, Sir, I believe that, in future, the "sleeping" Attorney-General should wake up and come up with an Act which should never allow the Head of State to exempt unilaterally, public Corporations from public scrutiny. Exemptions should be brought to the Committee like PIC, to look at the needs of that particular public corporation that is seeking exemption and recommend to the House for approval, that, such exemption be allowed. Otherwise, if it is done in the manner it is being done, I am afraid, we are getting the whole thing wrong.

There are Chief Executives and Corporations which are notorious for not delivering their accounts in time to the Auditor-General (Corporations), yet if you look at the Audit and Exchequer Act, there is no sanction against them. In fact, I am a Member of PIC and the heads of parastatals come before the Committee and they are not apologetic for submitting their Reports late and we have no sanction against such people. These are some of the anomalies that should be acted upon. The Executive of this country must never look at Parliament as a hostile institution. We are part of the Government; in fact, we are the third arm of the Government. If the Government does not take our recommendations seriously, then I wonder where it gets the advice for ruling.

In fact, another thing that should be looked at into detail, and on a very serious note, is the appointment of people to the Boards and the appointment of Chief Executives. If you look at the list of the persons appointed, you will find that, either they are corrupt or they are the same people who peddle some things that amount to political influence, or some persons with very dubious records. If the appointing authority is unable to see objectivity in the persons being appointed, I think, we should also examine this and decide that, all appointments of such magnitude, should be subject to Parliamentary approval, so that, we do not have a situation where we will be referring to the Chief Executives as the "eating chiefs". They are just "eating" the public money and they are doing nothing. In fact, I am yet to know a public corporation that is posting profits to the Exchequer which are commensurate to the amount of money that the public has invested in that public corporation.

Mr. Temporary Deputy Speaker, Sir, there is an aspect that needs to be looked at very well. There was a Question in this House yesterday, and an Assistant Minister, by the name hon. Ruto, was saying that, he is satisfied with the performance of Booker Tate. Look at page 206 of the PIC Report. It states that; "the Committee has recommended that Booker Tate should refund Kshs87 million that was lost." How then did that Assistant Minister become satisfied with the performance of Booker Tate?

You wonder where they get that kind of information. I think the Front Bench is a big let-down to Kenyans and we are increasingly getting very sad with the kind of answers they give us when we are here to help them with information. We are not here to take over this Government! We are here to help the Government to legislate. You had better take our advice seriously. We do not come here just to talk and talk and tell untruths to this House. So, when an Assistant Minister who is ambitious and who is serious and wants to lead this country comes here and says that he is satisfied with the performance of Booker Tate, and yet there is a PIC Report that is condemning Booker Tate---

Look at what they did in Mumias Sugar Company; on Page 204 of the PIC Report, they gave themselves, unilaterally, a contract to rehabilitate Mumias Sugar Company and almost Kshs1 billion was lost in that contract. Now, these are the kind of people that, that particular Assistant Minister is claiming to be satisfied with their performance.

Mr. Temporary Deputy Speaker, Sir, if we are not serious with the Report that we are debating here today--- If we do not implement it and we think that is the intention of the Chairman or the Opposition to take over this country, then we are lost. Let us take this Report seriously, and let us never reward the persons who are named in this Report.

Mr. Temporary Deputy Speaker, Sir, another person was rewarded the other week by being appointed a director of TARDA, after being named in this Report and in the previous Reports as having taken imprest amounting to Kshs7 million and having not surrendered the imprest. I am referring to Mr. Lawi Kiplagat, the MD, National Housing Corporation. The other day, he was appointed to be the Director of TARDA. How can we be sure that our funds there are safe? How can we be sure that he will apply the best of the skills that he has, when he has shown imprudence and a character that cannot be associated with performance, when he was serving as the Chief Executive of National Housing Corporation?

Mr. Temporary Deputy Speaker, Sir, I do not want to speak a lot. I just want to say that, it is the duty of this Government to implement the resolutions of this House. Unless this Government wants to sabotage this House, and if that persists, then this House should enact a law that authorises the House to implement its own resolutions. We cannot be kept at the mercy of this Government, the way we have been kept! We are not planning a take-over bid, we are just trying to help this Government rule.

With those few remarks, I beg to support.

Mr. Angwenyi: Thank you very much, Mr. Temporary Deputy Speaker, Sir. As my colleague said sometimes back, this House is becoming a talk-shop. To-date, this House talks on very important issues but nothing tangible comes out of these discussions. I congratulate the Chairman and his Committee for having compiled a very good Report. If you go through this Report, you will find that our State Corporations have squandered in excess of Kshs50 billion. Early in the afternoon, we were told by a Minister that they have allocated Kshs4.7 million to do roads in the entire Gusiiland on the grounds that they do not have funds. But in this Report, people have pocketed Kshs50 billion and turned them for private use. If you look at the Kenya Posts and Telecommunications Corporations (KPTC), they purchased two plots worth Kshs5 million for Kshs62 million. They pocketed Kshs57 million, fifteen times what has been allocated to Gusiiland for roads. As if that was not enough, they went ahead and paid Kshs118 million consultancy fees for that purchase. This is broad daylight robbery of public resources.

Mr. Temporary Deputy Speaker, Sir, these reports do recommend that the Attorney-General takes action against these people who have plundered our resources. But I cannot remember of a single case that the Attorney-General has been able to take to court and prosecute. It looks as if the Attorney-General is part and parcel of these plunders and yet, again, every year we ask him to prosecute these people knowing very well that he has never prosecuted a single case. Recently, we were told that the Kenya Ports Authority had incurred a debt of Kshs12 billion much more than what we have allocated to the roads department in this fiscal year. Somebody incurs public expenditure of that magnitude without the approval of the House. I will not be surprised if one day, we will be taken to court for being conspirators with those who have defrauded this country. If you go through this Report, there are many cases of outright theft and mismanagement of public resources. Again, the KPA has failed to remit Kshs71 million to the Treasury. They have also failed to collect mortgage of Kshs14 million. There are many cases of such mismanagement of our resources.

If you go to the NSSF, it looks like a cow without an owner. But even if it was a cow without an owner, whoever is milking it should feed it but here, it looks like they do not want to feed this cow. They just want to destroy it. The investments of that body attract only 6.3 per cent when interest rates in leading commercial banks, including Barclays Bank, was in excess of 30 per cent. Why do you invest where you will get 6.3 per cent when you can get 30 per cent in a commercial and secure investment?

Mr. Temporary Deputy Speaker, Sir, I do not want to belabour the point where prices have been inflated by more than 200 per cent and yet, we have recently established the Kenya Anti-Corruption Authority (KACA). That KACA has not even found the need to prosecute the individuals involved in this direct and clear theft of public funds; I would have thought that they would have pursued these people who squandered and plundered our resources at the NSSF, but they have not done anything. I do not think that any of these bodies that we are creating is going to be effective in controlling the theft of our funds. I think we should recommend that this House should rise up and enact a law that empowers the House to prosecute some of these transgressors. The House must enact regulations and laws that have got clear deterrent functions. If you transgress on something, you know what the penalty is. This is what has been done in the USA. In the USA, if somebody who has been given the responsibility to manage resources of the nation transgress in any act, he knows the consequences. The Attorney-General does not have to prosecute, automatically that person is arrested and he has got to pay back what he has taken in addition to being imprisoned.

Mr. Temporary Deputy Speaker, Sir, it is unfortunate that our professionals have been abetting these economic crimes. If you see how much money was paid to lawyers by the NSSF, it is far in excess of the budget allocated to the National Assembly in a year. The budget of the National Assembly is less than what these lawyers were paid and yet, I see people complaining that we are increasing our pension and yet, they do not complain about these people who have plundered the resources of the nation for doing nothing. I think they are complaining because we have not stood up and said we are the supreme body in this country and we must manage the resources of this country properly. We are taxing Kenyans at the rate of 29 per cent, the highest in Africa. The average tax rate in Africa is 15 per cent but today, Kenya taxes a Kenyan at 29 per cent. For every Kshs100 you earn, Kshs29 is paid to the Government as tax and yet, we have got all these resources being plundered which, in fact, if managed well, then we would not have to tax our people highly. Mr. Temporary Deputy Speaker, Sir, the Kenya Airports Authority (KAA) has undertaken a rehabilitation project costing almost Kshs3 billion. That proposal should have been brought into this House so that we know whether we want to spend the money on the KAA, or on rehabilitating our infrastructure. Where is the foreign exchange to pay these debts that we are incurring? The indebtedness of this country is now 58 per cent of its Gross Domestic Product (GDP), and the bulk of our expenditure every year is on servicing those debts. If we had used these resources properly, we would not have had to incur those debts.

Mr. Temporary Deputy Speaker, Sir, my colleagues have told this House that research land, which would help to sustain our agricultural development, has been dished out to politically-correct individuals; the beneficiaries were not ashamed of being allocated research land. Even clergymen received that land, knowing very well that it was public utility land. It seems as if the Government has given up managing the resources of this country. Therefore, Parliament must go ahead and take over the mantle of managing this country's resources.

We have, recently, gone into what we call "liberalisation" and "privatisation". If the Vice-President listens to me, maybe, he will impress upon his colleagues in the Cabinet that, the privatisation process we have embraced must have clear standards, stating whatever we intend to privatise and the gains expected from that undertaking. I do not think that privatisation means handing over our resources to foreigners and other people for free. We have now privatised the KPTC, but we do not know what facility is worth how much money, so that we can know how much to expect from the sale of that Corporation.

I understand that we are now undertaking the privatisation of the Kenya Re-Insurance Corporation, which is one of the corporations that make good profit. However, we want to privatise it before we even know its worth. I recommend that the privatisation of all corporations be approved and sanctioned by this House. The House must, thoroughly, discuss each case and establish the consequences of privatising it. When the African Tours and Hotels was privatised, one of its hotels, which was worth more than Kshs200 million, was sold at Kshs15 million only. In fact, it was not necessary to privatise that hotel. The Government should, instead, have given the person who bought the hotel Kshs185 million, so that the hotel could remain in the hands of the Government; that is what it amounted to.

Mr. Temporary Deputy Speaker, Sir, before I came to Parliament, I used to be a member of the university community. All public universities in this country have buildings whose construction started in the 1980s. Those buildings were done half way; their construction has stalled for the last 10 or so years simply because the Government says: "We do not have funds with which to complete those projects". However, as shown by this Committee's Report, we have got plenty of funds. No wonder we have not been able to complete more than three per cent of the projects we undertake - the least the world over - when other countries complete 50 per cent, 30 per cent, or more, of the projects they undertake.

Therefore, Parliament must rise and take its rightful place in this country; we must deal with those who are plundering this country's resources. If some of them are in this House, this House must stand up and say to them: "We cannot be with you in the same House". If we have proof that a certain individual has plundered the resources of this country, this House must not sit with him. It is unfortunate that we do not take the recommendations of this Committee seriously whenever they are presented to us, only for the Committee to go over similar audits.

Mr. Temporary Deputy Speaker, Sir, I propose that, in addition to enacting laws that will ensure strict management of our resources, we should enact a law to empower the Auditor-General (Corporations) to be doing continuous audit of State corporations accounts and submitting quarterly reports to the PIC. The postmortem of our financial management is not of much use to this country. Therefore, if continuous audits are undertaken and quarterly reports sent to the PIC, maybe, the Committee will be in a position to intervene and stop any plunder from happening before it is too late.

From time to time, our Government goes out picking small handouts from other countries - the type of monies some parastatal heads have pocketed. Our President goes to Germany or France, to seek assistance of Kshs300 million, which a parastatal head at the Kenya Airports Authority may have pocketed. He goes to the USA to look for Kshs1 billion, which a parastatal head at the former KPTC may have pocketed. He goes to Korea to look for Kshs150 million, which has been pocketed by somebody at KARI. We can save ourselves this embarrassment; this is ridiculous! We are seen as beggars! In fact, this country has adequate resources. If this House can take up its rightful position in this country, this country's economy will turn around.

With those few remarks, I beg to support.

Mr. Kibicho: Mr. Temporary Deputy Speaker, Sir, State corporations were envisaged to play certain roles in the economy and, also to deliver services to the people of Kenya. However, the contents of the PIC Report leads one to the conclusion that most of the corporations mentioned therein have failed in their mandates. The Report shows that all, or most of them, have cases regarding monies which got lost mysteriously through mismanagement; others have had their assets given to individuals unjustifiably. Therefore, unless the Government re-examines the mandates of these particular State corporations, we will be coming here to debate similar reports every year.

I believe that the public has lost more money than that pointed out by this Report. The lifestyles of most chief executives shows that they do not live within the allowances and salaries they earn. It means that the accounting system of these parastatals is also not sound. Why has this come about? In this country, the corporations are either set up under State Corporations Act, or a specific Act of Parliament. When they are set up under the State Corporations Act, the President just declares that there shall be a certain parastatal for a certain mission and when they are set under a specific Act of Parliament--- If you look at a certain Act of Parliament, you will notice that it merely says; "There shall be a corporation called Kenya Posts and Telecommunications Corporation". After that, the Act goes on to give the mandate of that corporation. It also goes on to say how the directors will be appointed. If you look at those appointments, you will find that the Permanent Secretaries and some Government officials must be on those boards. At the end, you will realise that, that particular law has given that corporation power to contract perpetual succession. Now, when that particular corporation is set up, you do not leave it to the good management of this particular Board to set out its accounting system and this is where the weakness lies.

I would like to suggest that if this country wants to control the losses it incurs through misappropriation of public funds, this Government must come up with a standard accounting system for all parastatals, where all the management procedures must be prescribed. This is because all the parastatals have failed.

Look at the standard salary and allowances given to a Chief Executive. Even if it is Kshs50,000 or Kshs100,000, most of them are millionaires! Look at the allowances given to the directors, they might be Kshs20,000, but why is this job so coveted? Is it the policy of this Government to award people by giving them jobs so that they go there and steal, or why is it so important to become a director of a parastatal? Why is it also important to become a chairman of a parastatal? When you look at the allowances and the salary he gets they do not justify the work he does. So, it was not necessary for him to campaign the way he did. Unless there is something hidden, as I am saying, then these jobs would not have been very important.

So, if at all we will save this country from these losses of public finances, we must start from the politicians who appoint these people to these positions. This is because it is very apparent that once you are appointed to this position, then you have graduated to a level where you can give Kshs100,000 in a Harambee every weekend, drive a good car and your lifestyle changes. This is not comparable with what one is entitled to. So, this is part of the root cause of corruption in this country. So, unless corruption is addressed in this country, we will always have these losses in these parastatals.

If you look at the money which has been misused by these parastatals, you will conclude that, in the first place, they were not justified to be there. This is because will we have a country where people misuse public funds with impunity? Unless those political considerations when it comes to appointment are taken into account, we will always have this story of land being grabbed, public money being stolen or misappropriated by heads of parastatals.

I have heard some hon. Members blaming the office of the Attorney-General (AG) that it does not prosecute the people who have stolen public funds. Is it the policy of the Government to have these people prosecuted, or is it an act of omission on the part of the AG? This is because we all know that before one is prosecuted there must be a complaint. Why do the parent Ministries which supervise these parastatals not make a complaint so that we can be told that a complaint was made but no action was taken? It means that the culture of corruption is part of having parastatals in this country. If it is not so, then why is no action being taken against people who have misappropriated this money? Indeed, it is very sad to find that the same people who have misappropriated public money are the same people who are appointed to head another stable parastatal. Why is it so?

Mr. Temporary Deputy Speaker, Sir, compare the National Housing Corporation (NHC) in the early 1980s and now. Why could it deliver in early 1970s and 1980s, but not now? Why could it provide our people with good houses at that time? Is it not because of good management at that time? So, if at all we will save this country, we must address ourselves to the people who run these institutions.

There is another phenomenon which has crept into this country and apparently, we are being told that it is being implemented so that the corporations can compete in the market. That is the exemption of corporations from State Corporations Act. When these corporations are exempted from this Act, it means that they are not answerable to anybody. If you exempt them and put them at par with similar institutions in public sector--- Institutions in public sector have got shareholders to whom they are answerable. Who are these people in these parastatals which have been exempted from this Act answerable to? You have made them not to be answerable to Parliament and, yet it is Parliament which represents the interests of the Kenyan community. Who will know when the people heading these parastatals have misappropriated public money?

I would like to suggest that this Act should be applied carefully, and it can only be applied where a corporation is not commercial-oriented. This is because if a corporation is commercial-oriented, it is bound to be abused.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I wish to support the Motion.

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika wa Muda, ninakushukuru kwa kunipatia nafasi ili nizungumze machache. Sitazungumza yale mambo ambayo Wabunge wenzangu wamezungumza. Yale nitakayoyazungumza hapa yatakuwa tofauti.

Nimekuwa katika Bunge hili kwa miaka 26, na kila mwaka ripoti ya Kamati hii inatolewa. Ripoti hii imekuwa ikichapishwa tangu hapo waheshimiwa Wabunge wengine walipokuwa Makatibu na leo ni Wabunge. Pia, ripoti hii imekuwa ikitolewa tangu tulipokuwa vijana na sasa tumekuwa wazee. Kitu kinachonistaabisha ni kwamba, ni kwa nini Kamati hii haiwezi kuniita ili nitoe maoni yangu kama inadaiwa kwamba nimeiba pesa za umma ili ukweli ujulikane? Hii ni kwa sababu kama mtu ni mfanyakazi wa Serikali, kwa mfano Katibu, si vizuri niende nitafute faili yake ya zamani ili niseme kwamba alisema hivi na aliiba Kshs200 milioni au Kshs300 milioni bila kumuita na kumhoji.

Mr. Muithia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to mislead the House that those people whose names have been mentioned in the Public Investments Committee Report had not been summoned by the Committee to answer and clear themselves?

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika wa Muda, mwenzangu Mbunge amekuwa katika Bunge kwa miaka michache; mimi nimekuwa Bunge miaka mingi. Wakati huo kulikuwa na ndugu yetu Mhe. Shikuku aliyekuwa akizungumza masaa matatu kuhusu ya watu waliofanya makosa kutoka mwanzo mpaka mwisho. Hakuna aliyekuwa msafi ila yeye mwenyewe tu. Katika ripoti ya Shikuku watu wote walikuwa na dhambi. Mliwataja kwa siku mbili lakini hatukusikia mkisema kama mliwaita kujitetea. Kwa sababu hapa tuna ule uwezo wa kusema tunayotaka na hakuna mtu anayeweza kutufanya lolote, kwa hivyo tuna uwezo mkubwa. Kuna njia nyingi za kufuatwa. Njia kubwa ni Katiba pekee yake; si Kamati hii wala kamati yoyote.

Inafaa iandikwe katika Katiba uwezo huu uko vipi na ule uko vipi. Huko Mombasa tunafanyiwa bajeti ya barabara, kumbe pesa ziko hapa Nairobi. Wanaume wa huku Nairobi ni hodari kwa pesa; lazima zichotwe tu. Tusiogope mambo ya Katiba kwa sababu ndiyo itakayotusaidia. Itamsaidia mtu katika mambo ya hati ya nyumba na ya shamba na kuepuka kudharauliana na kutokuwa Mkenya nambari moja au mbili. Hakutakuwa tena mambo ya kusema: "Nassir ni Mwarabu, nenda kwenyu" kwa sababu nitalindwa na Katiba yetu ya Kenya wala si na Waziri au Rais.

Kwa hivyo, mambo haya yote yatatokea zaidi ikiwa hatuna Katiba ambayo inamtisha mwananchi asifanye dhambi, asichukue cha mtu na aseme ukweli. Hata kama mtu ana makosa, inafaa ukweli ujulikane. Tunaenda na Kenya na tutakwenda nayo. Ujanja umekwisha. Kwa watu kama sisi, umri wetu haupo tena katika kufikiri: "Nitakuwa bendera gani; nitakuwa vipi." Tunafikiri juu ya wakati ujao wa watoto wetu. Lakini kila wakati tukifikiria namna ya kuundiana heshima na kutoleana aibu, ninafikiri siku moja utasema hapa ndani kuwa chupi yangu pia inanuka lakini koti ndio inaniziba.

Umefika wakati Wakenya wapendane ili tuweze kuzuia mambo haya kwa njia ya Katiba, iwe imeandikwa: "Hakuna uwezo; uwezo uliokuwa na hayati Rais Kenyatta na Rais Moi ndio wa mwisho." Tufanye njia mara nyingine ikiwa tuko katika Bunge kwa sababu mimi ni mgonjwa, ninaweza kufa. Lakini kama niko hai tutafuteni njia ya kuzuia wizi, ukabila, fikira za kutawala wengine ili Kenya yetu iwe sawa. Kwa hivyo, mimi sina mengi ya kusema. Nimewaambia niliyotaka kusema.

Mr. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to comment on the PIC Report. I would like to commend the PIC Members for a job well done. They have exposed to us the malpractices being done by this Government. It is a Government that has failed to deliver, is gifted in looting and is not good at serving the people that elected it. Now this is a chronicle of the misdeeds that this Government has done, including some of the Government Ministers like hon. Ng'eny who is looking at me here. He is one of the looters and he has looted---

The Minister for Water Development (Mr. Ng'eny): On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to inform the hon. Member that I am one of those people mentioned adversely in the Report without being given the opportunity to defend myself, which is against fundamental human rights and the rule of natural justice.

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Ng'eny to impute improper motives on this Committee of which I am a member, implying that he was adversely mentioned and not given a chance to defend himself when we as a Committee asked the Clerk of the National Assembly to call him, and he was called? Instead of coming to the Committee, he went to the Press to threaten the Committee. Is he in order?

(Applause)

The Minister for Water Development (Mr. Ng'eny): I never received the summons!

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Ng'eny! There was a point of order by hon. Sambu and I was going to respond to it. Hon. Ng'eny did give information to hon. Kariuki and he accepted to be given the information. Now, hon. Kariuki, you got the information from hon. Ng'eny, therefore, would you proceed?

The Vice-President (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir, I think it is important that in our debate we do observe the Standing Orders in this House. I have a lot of respect for the hon. Member there, but he did refer to this hon. Member here as "a looter". The Standing Orders do not permit an hon. Member to refer adversely or cast aspersions on a fellow hon. Member save under a Substantive Motion for that purpose. I think he needs to withdraw that remark.

The Temporary Deputy Speaker (Mr. Musila): That is correct. Mr. Kariuki, I am sure in that Report Mr. Ng'eny is not referred to as a "looter". So, if you are referring to that Report, you are wrong and you should withdraw in as far as the looting aspect is concerned.

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, I am quoting page three of the Report where the Committee is recommending that action be taken by the Attorney-General to institute criminal charges against hon. Ng'eny. I am not sure that this Committee---

Mr. Wanjala: Mr. Temporary Deputy Speaker, sir, he is a criminal! We have a criminal here!

Mr. Sankori: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Wanjala to call hon. Ng'eny a criminal?

Mr. Wanjala: Mr. Temporary Deputy Speaker, Sir, we read in the Report that hon. Ng'eny is a criminal and he should be prosecuted in court!

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, I think we have got to put order to this House. Indeed, I did hear the word "criminal" being said in that corner. If it was you hon. Wanjala who said it, you are completely out of order.

Mr. Munyao: On a point order, Mr. Temporary Deputy Speaker, Sir. The Chair is supposed to listen only to the hon. Member on the Floor. Therefore, there is no way the Chair would pretend to have heard any other hon. Member, other than the one on the Floor of the House.

The Vice-President (Mr. Saitoti): On a point of Order, Mr. Temporary Deputy Speaker, Sir. I think there is a misunderstanding here. The recommendation of a House Committee is not final, until it is adopted by the House. So, at this particular stage, anybody adversely mentioned in this Report, that is still an allegation. Therefore, it is out of order to refer to any hon. Member who is adversely mentioned in this Report as a criminal because that is only a recommendations of the Committee. I think this is very clear. Also, we do not believe that we want to work with the recommendation of the Committee for the purpose of destroying each other. This is not the purpose of the House Committees. The House Committees are not set for the purpose of destroying the credibility and the reputation of other people.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. Our Standing Orders are very clear; that, on a Substantive Motion like the one we are debating now on PIC Report, you can refer to somebody in his rightful name. This is a Substantive Motion; we are discussing the PIC Report which refers to hon. arap Ng'eny as somebody who is supposed to be prosecuted, criminalised or somebody who has stolen. So, in that **[Mr. Mwenje]** context, you cannot avoid mentioning his name. It is very clear.

The Temporary Deputy Speaker (Mr. Musila): Order, hon. Members! This matter was raised yesterday, and I remember very well that hon. Poghisio was on the Chair and he made the ruling that, as far as the Report is concerned, hon. Members only refer to the Report as it is. If you wish to go beyond that and make an allegation against an hon. Member adversely mentioned in this Report, you can only do so through a Substantive Motion. In this connection, the Chair now rules that: No more points of order on this matter. Proceed, Mr. Kariuki.

(Applause)

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, I only hope that the Attorney-General will institute action against hon. arap Ng'eny for the allegations made against him, because they are very adverse and criminal in nature. They are tantamount to looting of Government property and assets. In fact, it is sad to see His Excellency the Vice-President sympathising with looters and criminals. But on realising the fact that he has not been implicated in this Report, I would have expected him to keep quiet, rather than sympathise with criminals.

The Minister for Water Development (Mr. arap Ng'eny): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think, the hon. Member is not serious. He is just playing with words. Hon. Members, believe it or not, I am not going to listen to rubbish.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. arap Ng'eny. Mr. Kariuki, you will continue and restrain from referring to any person as a looter or a criminal. Otherwise, I will stop you from continuing.

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, thank you very much---

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

The Temporary Deputy Speaker (Mr. Musila): Order! I ruled that, there should be no more points of order on this matter.

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

The Temporary Deputy Speaker (Mr. Musila): Alright, let us hear Mr. Maundu.

Mr. Maundu: Mr. Temporary Deputy Speaker, Sir, hon. arap Ng'eny raised a matter of great importance that, in the deliberations of this Committee, he was not given a chance to say his bit and defend himself. It is not right for a man to be condemned unheard. Do we have evidence from the Chairman of this Committee that, there was summons or even directions served to hon. arap Ng'eny to appear before the Committee and defend himself?

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, I was the Chairman of the Committee and to the best of my recollection, I made a ruling that hon. arap Ng'eny should appear before the Committee with the lawyer, Mr. Chege Kirundi and his wife who is also adversely mentioned in this Report. Indeed, Mr. Chege Kirundi appeared before the Committee and hon. arap Ng'eny ignored the summons of the Committee. So, in as far as the Committee is concerned, hon. arap Ng'eny was given a chance to appear before the Committee, but he ignored. So, he is not being condemned unheard. He was only arrogant!

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

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, I have not even spoken; can I be protected by the Chair?

The Temporary Deputy Speaker (Mr. Musila): Order! Mr. Githiomi, you did mention that as the Chairman of the Committee, you did direct that Mr. arap Ng'eny be summoned. Do you have evidence that those summons were actually served to Mr. arap Ng'eny?

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, hon. arap Ng'eny was to be summoned along with Mr. Chege Kirundi. Mr. Chege Kirundi appeared before the Committee. So, there is no reason for me to believe that summons were not served to Mr. arap Ng'eny.

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

The Temporary Deputy Speaker (Mr. Musila): Order! Hon. Members, I think that is a matter which can be easily checked. Therefore, we will check with the office of the Clerk whether, in fact, Mr. arap Ng'eny was summoned and the Chair will make a ruling accordingly. But for the moment, we have to leave that matter there, and continue with debate on the Motion.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sorry to say, but I think the Chairman of the Committee is seriously misleading the House. Not too long ago, in fact, not more than an hour when hon. arap Ng'eny was speaking, he admitted that there was no point of summoning hon. arap Ng'eny, because he had documents. Now, he is turning round to say, he believes it was done. If this is not seriously misleading and misguiding the House, what is it?

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, it is on record and, indeed, in the HANSARD, that hon. arap Ng'eny was supposed to appear before the Committee because I made a ruling to that effect. He ignored the Committee. He did not appear before the Committee, so there is no way, Mr. arap Ng'eny can say he was condemned unheard.

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

The Temporary Deputy Speaker (Mr. Musila): Order, hon. Members. I think, the Chair has already ruled on that matter. It is very easy for us to ascertain whether that service was done through the office of the Clerk. This is going to be done. So, let us leave the matter of service of summons there. We will check with the Clerk what is the position. Proceed, Mr. Kariuki.

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, could you protect me against my neighbour here, hon. Murathe?

An hon. Member: Can he tell us: Did he steal or not?

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): Mr. Temporary Deputy Speaker, Sir, my point of order is that we need your guidance as far as this matter is concerned. Why am I saying so? Hon. Members are just standing up and speaking without your permission. Is it in order for hon. Members to discuss an hon. Member without moving a Substantive Motion.

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

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Sambu! Hon. Members, I think we have had enough of points of order. I have already ruled on the question of service of summons. The Clerk of the National Assembly will confirm whether the summons were actually served or not. Mr. Kariuki, please proceed.

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, I do not know why the hon. Minister became jittery about the whole issue. Why does he not keep quiet, like hon. F.P.L. Lotodo, who has been adversely mentioned in the Report?

The Vice-President (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think, there is a fundamental issue which you have raised.

Mr. Kirwa: Mr. Temporary Deputy Speaker, Sir, is Prof. Saitoti above the Chair? You have already made a ruling.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Kirwa! I have given him the chance to raise his point of order.

The Vice-President (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I think hon. Kirwa should also---

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

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Kirwa! I would like you to respect the Chair; otherwise if you do not, you would have to leave the Chamber.

The Vice-President (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I have sympathies for hon. Kirwa. Maybe, if he wants to say something, I am willing to sit down so that he can have the chance.

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, I am on the Floor! Could you protect me?

The Temporary Deputy Speaker (Mr. Musila): Order! Yes, Mr. Sambu!

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, with all due respect to the Chair, you have made a ruling that Mr. Kariuki should continue with his contribution and we should not refer to that matter. But you are continuing

allowing one side to refute the facts in the Report.

The Temporary Deputy Speaker (Mr. Musila): Order! You did not even listen to the point of order that Prof. Saitoti had and, therefore, your point of order is not valid.

The Vice-President (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, wishing not to perpetuate unnecessary recriminations, let me defer my point of order.

The Temporary Deputy Speaker (Mr. Musila): Then, let Mr. Kariuki proceed.

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, as I was saying, I was commending hon. F.P.L. Lotodo who has been mentioned on page 161 of the Report, for having acquired some land at the Kenya Agricultural Research Institute (KARI) in Kitale; he is not shouting like my friend, hon. arap-Ng'eny. Therefore, I was saying that if only he kept his cool, maybe, he would tell us the truth as to whether he looted from the defunct Kenya Posts and Telecommunications Corporation (KPTC) or not. If I may continue---

The Minister for Renewable Energy Development (Mr. F.P.L. Lotodo): On a point of order, Mr. Temporary Deputy Speaker, Sir. At what stage is a piece of land grabbed or not, if it has a title deed from the Government? The Kikuyus are the worst land grabbers in this country! They are the most privileged, murderers and bank robbers, and they are not supposed to try anybody!

(Several hon. Members stood in their places)

The Temporary Deputy Speaker (Mr. Musila): Order! Order, Mr. F.P.L. Lotodo! The tribal remarks you made are not allowed in this House. Could you withdraw them?

The Minister for Renewable Energy Development (Mr. F.P.L. Lotodo): Mr. Temporary Deputy Speaker, Sir, these are the people who killed Pinto.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. F.P.L. Lotodo! Could you withdraw the tribal remarks you made?

The Minister for Renewable Energy Development (Mr. F.P.L. Lotodo): Mr. Temporary Deputy Speaker, Sir, the Kikuyus are the ones who kill people. Let them leave Nairobi! And you are defending them!

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. F.P.L. Lotodo! Could you withdraw those remarks?

The Minister for Renewable Energy Development (Mr. F.P.L. Lotodo): Mr. Temporary Deputy Speaker, Sir, I withdraw the remarks I made.

The Temporary Deputy Speaker (Mr. Musila): Order! Mr. F.P.L. Lotodo has withdrawn the remarks and Mr. Kariuki should proceed.

Mr. Murathe: On a point of information, Mr. Temporary Deputy Speaker, Sir. It is a very serious matter, because these hon. Members are not being fair to my friend hon. arap-Ng'eny. The recommendation of the PIC Report is such that if it is adopted, those people who are adversely mentioned will not hold public offices. Now, a Ministerial position is a public office and it therefore means that this is not a light matter and that if the Report is adopted today, Mr. arap-Ng'eny will not be a Minister tomorrow. Therefore, they should not be unfair to him.

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, if I may continue, we have been wondering why Kenya is not getting any aid from IMF and the World Bank. The glaring examples given in this Report are indicative of the type of problems that are making this country not to get any aid, and they are being caused by the Government side. It is important for us to adopt---

The Minister for Environment (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Kariuki to allege that Kenya is not getting any foreign aid because of the PIC Report when we can see that it is tailored to witch-hunt some hon. Members? We know that it is the same people who have advocated against Kenya not to receive any foreign aid. It is the Opposition which has blocked foreign aid; it is not the Government side. This Report is not about PIC but one tailored to cause mess---

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Nyenze! You stood up on a point of order and you are now giving a speech. Could you now sit down?

The Minister for Environment (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, is it in order for the hon. Member to allege that foreign aid is not coming to Kenya because of corruption on the Government side, when we know that it is the Opposition which stopped it?

The Temporary Deputy Speaker (Mr. Musila): That is not a point of order!

Mr. Murathe: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to call upon the Mover to reply.

The Temporary Deputy Speaker (Mr. Musila): Order! Proceed, Mr. Kariuki.

Mr. Kariuki: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for your protection against my colleagues. I would like to react to the sentiments made by Mr. Nyenze. I did not particularly mention him, because he

is a new Member of the Front Bench. He may be a clean man. But I am sorry to say that the Front Bench is tainted by some of the characters who have been mentioned in this Report. I think the implications are very serious. If the same crooks are the ones who are managing the destiny of this country, we are at a loss.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am not certain that the hon. Member on the Floor has used parliamentary language. Is he in order to use the word "crooks?" I think that is unparliamentary.

The Temporary Deputy Speaker (Mr. Musila): Indeed, you are right. Mr. Kariuki, you cannot get away with that, because you did refer to the Front Bench as "crooks" and you have to withdraw and apologise.

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, I beg to withdraw the word "crooks" and replace it with "dishonest, unchristian and unholy people."

(Laughter)

Having said that, I am worried because if these are the people who are looking after the destiny of this country, then, we have given this country off to the dogs. It is important for them to note that whether the Report is adopted or not, the National Archives of this nation will have the names like Mr. F.P.L. Lotodo and Mr. arap-Ng'eny who have been adversely mentioned. It does not matter whether this House clears their names or not. The Report cannot be burnt tomorrow and, therefore, it is good for those who have good names.

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Report having been presented in a manner that is acceptable to this House, and many of the Members of the PIC having spoken, I would wish to suggest that you now call upon the Mover to reply.

(Applause)

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

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, I would like to thank those who have contributed to this Motion. Indeed, they had a lot to say. One of the issues that emanated from the debate was exemption from the State Corporations Act that is given to some parastatals. I would like to say that the exemptions from the State Corporations Act should be specific. Parastatals should only be exempted from specific sections of the State Corporations Act. When we exempt parastatals from the provisions of State Corporations Act, then they cease to be public organizations and it becomes difficult to audit them.

Mr. Temporary Deputy Speaker, Sir, I would like to urge the Government to ensure that the implementation of this Report is done. If it is not done, then we shall be perpetuating the culture of corruption in this country. The only way we can wipe out corruption is by calling upon KACA to start investigating those who have been named in this Report negatively. With those few remarks, I beg to move.

(Question put and agreed to)

MEMBERS' HALF HOUR STATEMENTS

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, I have two items on the Zero Hour, and I now call upon hon. Munyao to make his point.

CLAMP-DOWN OF VEHICLES IN THE CITY CENTRE

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I would like to request the Minister for Local Government to make a Ministerial Statement on the following issue: The Nairobi City Council has introduced some young men dressed in yellow aprons all over the City Centre, who walk around with metal chains on their backs and shoulders and clip people's vehicles. These young men are indisciplined, uncultured and most uncivilised. I would like the Minister for Local Government to abolish this kind of taxation and tell this House whether the money collected is well accounted for by those people.

Mr. Temporary Deputy Speaker, Sir, even the breakdowns tow vehicles in an uncouth manner and end up spoiling people's vehicles. I understand that this company that is clipping people's vehicles does not belong to the City Council; it belongs to individuals within the City Council. I am requesting the Minister for Local Government to make

a serious statement on this issue.

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Speaker, Sir, since the Minister for Local Government is not in, I undertake to put it to his attention so that he could make a statement on Wednesday next week.

STALLED WATER PROJECT

Mr. N.M. Nyagah: Mr. Temporary Deputy Speaker, Sir, I would like to seek a Ministerial Statement from the Minister for Local Government regarding the following: A water project which was initiated seven years ago as a procurement project using funds from the World Bank. In mid 1998, the World Bank recalled the credit line which was worth US\$5 million, and the City Council and Kenya as a whole is bound to lose. Considering that the old, dilapidated computers currently in use by the Nairobi City Council are not Y2K compliant, it is worrying to phantom the losses the Council will run into at the end of this year. We would like to know what the Government is going to do to arrest this scenario.

Mr. Temporary Deputy Speaker, Sir, I also understand that the entire bidding and evaluation procedures were finalised early this year, and technical recommendations made. Why has it taken that long to commence this project? It is now reliably understood that a foreign Government through their cronies is pushing to have the whole procurement process repeated, and has fronted a name of a British company called Northumbrian Lyonnaise that should be favoured for the project. Apart from the losses that the Council will incur next month, this is outright corruption. Could the Minister tell this House what steps his Ministry will undertake to expedite this project and arrest any perpetration by the foreign Government to the detriment of Kenyans?

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Speaker, Sir, as I said before, the Minister is not around, but I will undertake to inform him so that he can issue a statement next week on Wednesday.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, it is now time for the interruption of business. The House is therefore adjourned until Tuesday, 14th December, at 2.30 p.m.

Meanwhile, the Chair wishes all hon. Members a happy Jamhuri Day.

The House rose at 6.30 p.m.