

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 10th November, 1999

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Mr. Deputy Speaker: Mr. Wanjala's Question.

Mr. Wanjala: Mr. Deputy Speaker, Sir, although I am going to ask my Question, I would like to notify the Chair that I have not received the written answer to it.

Question No.596

RESTORATION OF TELEPHONE SERVICES TO PORT VICTORIA POLICE POST

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

(a) whether he is aware that the telephone line at Port Victoria Police Post at the Kenya/Uganda border was disconnected a month ago;

(b) whether he is further aware that people use this facility to notify the police in case of any security threat; and,

(c) what urgent measures he is taking to ensure that the telephone services are restored.

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I thought that the written answers to Questions for my Ministry had been brought to Parliament. I will find out what really happened; to my knowledge, they were brought yesterday.

Mr. Osundwa: On a point of order, Mr. Deputy Speaker, Sir. We cannot have Ministers coming here to answer Questions before providing the hon. Questioners with the written replies to their Questions.

Mr. Deputy Speaker: Order, Mr. Osundwa! You are raising a point of order when the Minister has not even started answering the Question.

Proceed, Mr. Minister!

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

(a) I am aware that the telephone line at Port Victoria Police Post at the Kenya/Uganda border was disconnected a month ago.

(b) I am also aware that people use this facility to notify the police in case of any security threat.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. You have made a ruling that Ministers must provide hon. Questioners with written answers to their Questions. Now, are you going against that ruling today? If that is so, will we not be justified to disregard any ruling you will make in future?

Mr. Deputy Speaker: Hon. Members, I have not gone against any ruling that has been made by this Chair. The Minister has stated that he has already supplied the written answers to the Questions under his Ministry. I am not in a position to say "yes" or "no", because I must go and find out when the answers were delivered to Parliament.

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

Mr. Deputy Speaker: Order! Order! There is not going to be any argument about this matter. The hon. Questioner has allowed the Minister to answer the Question.

He says that he has now received his written reply. So, it is now a question of whether the answer---

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. If you cannot allow me to raise my point of order, you had better order me to leave the Chamber.

Mr. Deputy Speaker: Order! Order! Hon. Angwenyi, I now do exactly that. You will now leave this

Chamber for the rest of this morning sitting.

(Mr. Angwenyi withdrew from the Chamber)

Proceed, Mr. Minister.

Maj. Madoka: Mr. Deputy Speaker, Sir, am glad that the hon. Questioner has said that he has finally received the written reply to his Question.

(c) We are doing everything possible to ensure that we restore the telephone service at that police post.

Mr. Wanjala: Mr. Deputy Speaker, Sir, you can understand the insecurity problems being experienced by people who stay along border areas throughout the country. In Budalangi Constituency, which is close to Uganda, the insecurity problem is very much pronounced. Because the police post does not have telephone service, residents in the area cannot report attacks. In West Pokot District, and in many other areas in this country, insecurity is too much. Police in those areas do not have telephone service throughout the year, and the Government is claiming that it does not have money to instal such services. It seems that the Government is not in control of this country.

Mr. Deputy Speaker: Put your question, Mr. Wanjala.

Mr. Wanjala: Mr. Deputy Speaker, Sir, could the Minister ensure that the telephone line at that police post is re-connected immediately?

Maj. Madoka: Mr. Deputy Speaker, Sir, as I have said, we are doing our best to ensure that we restore the telephone line as quickly as possible.

Mr. Wanjala: Mr. Deputy Speaker, Sir, could the Minister tell us how much the outstanding bill for that telephone line is so that we can know exactly how much money he needs to restore the line?

Maj. Madoka: Mr. Deputy Speaker, Sir, the telephone bill for that police post is close to Kshs1 million.

Mr. Shill: Mr. Deputy Speaker, Sir, that is a very serious situation. Could the Minister tell us why his Ministry allowed the telephone bill for that police post to accumulate to that amount, yet the place is known to have rampant cases of insecurity?

Maj. Madoka: Mr. Deputy Speaker, Sir, the bill accumulated to that amount because we were unable to pay it.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, one would expect the police to use their radio calls. Over what period of time did the telephone bill for that police post accumulate?

Maj. Madoka: Mr. Deputy Speaker, Sir, I am afraid, I am not sure of the period over which that bill accumulated. I will bring the answer to that question later. However, the amount has been outstanding over a period of time.

Question No.562

IMPOSITION OF FEES BY PTAS/BOGS

Mr. Kajwang' asked the Minister for Education:-

(a) why School Boards of Governors (BOGs) and Parents Teachers Associations (PTAs) are imposing exorbitant school fees and other levies on parents;

(b) if he could issue statutory fees guidelines that will enable children from poor families to be accorded education.

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

(a) The public secondary schools fees guidelines issued by my Ministry effective January, 1996, directed that boarding secondary schools and day-secondary schools charge Kshs13,500 and Kshs5,000 per annum respectively. Also, the Ministry advised public secondary schools managers to minimise levies to parents, but authorised each of them to undertake and complete one project approved by the respective District Education Boards, for which each student is to be charged a maximum of Kshs2,000.

(b) The complaints of various stakeholders have been brought to my Ministry's attention. We have heard that some schools contradict the Ministry's fees structure guidelines. However, my Ministry has found that due to changing economic circumstances, the fees guidelines that are currently in place are no longer sustainable by secondary schools.

In response to the complaints from members of the public, that some schools were issuing fees structures that contradict the Ministry's fees guidelines, Provincial Directors of Education have been instructed through a

Ministry Circular Ref. G9/1VOL.11132, dated 19th October, 1999, to inquire into the current fees levels being charged by various secondary schools and give the Ministry a feed-back by 15th November, 1999, to enable the Ministry to review the existing secondary school fees structure guidelines.

Mr. Kajwang': Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for the answer he has given this House, but can he deny or accept that national schools charge exorbitant fees? I have some examples here. Alliance High School is charging over Kshs44,000 per year, Mangu High School - Kshs35,000, Lenana High School - Kshs35,000 and Limuru Girls - Kshs42,000. Is this not a conspiracy by the Board of Governors (BOGs) and the Parents Teachers Association (PTAs) to deny parents who cannot afford the fees in those places so that they are taken by the rich people whose children have not scored the required marks to go to these schools?

Mr. Karauri: Mr. Deputy Speaker, Sir, I am not aware of the exact fees charged in these schools. This is because the guideline talks about Kshs13,500. That is what we expect schools to charge. The levies they charge are imposed by the BOGs and PTAs. What happens, because I am also a parent, is that somebody stands up---

(Mr. Obwocha approached the Dispatch Box)

(Laughter)

Mr. Deputy Speaker: Order! Order, Mr. Obwocha!

Mr. Obwocha: I am sorry, Mr. Deputy Speaker, Sir. No Parliamentary Service Commission Bill, no Appropriations Bill!

(Applause)

Mr. Deputy Speaker: Order, Mr. Obwocha! There was an Assistant Minister on the Floor who was answering a Question. You have no business approaching the Dispatch Box! One more interruption and I will send you out! Proceed, Mr. Karauri!

Mr. Karauri: Mr. Deputy Speaker, Sir, I was just saying that the levies that the Ministry has advised should not exceed Kshs2,000 per annum per student, some schools have exceeded them. I admit this, but when the PTA and BOG meet, the parents should be careful because they are the ones who allow these levies.

Mr. Sungu: Thank you, Mr. Deputy Speaker, Sir. It appears that this Government does not recognise that there are some poor people in this country. There are children from poor families and most of these PTAs and BOGs are managed by rich people. For example, in Nairobi School, there is no bursary for students from poor families. What will this Government do to take care of those children from poor families whose parents cannot afford the exorbitant school fees charged by these schools?

Mr. Karauri: Mr. Deputy Speaker, Sir, that happens when the Government is democratic. I would like to advise the parents that when proposals to raise levies are put forward during their meetings, they should resist.

Mr. Ochilo-Ayacko: Thank you, Mr. Deputy Speaker, Sir. I happened to have gone through Alliance High School. Almost all the parents and members of the BOG there are rich people. So, they cannot be trusted to deliberate and agree on fee structure that accommodates the poor people. What is the Ministry doing to ascertain that such boards, because of the opulence they have do not deliberate and decide on matters that are beyond the poor people?

Mr. Karauri: Mr. Deputy Speaker, Sir, BOGs are appointed by recommendations of a panel which also includes hon. Members of Parliament from those areas.

Mr. Muchiri: Thank you, Mr. Deputy Speaker, Sir. It is obvious that we have orphans and children from poor families who cannot afford to pay school fees. Could the Assistant Minister tell this House and the nation today, what these children are supposed to do so that they can continue with education without paying school fees?

Mr. Karauri: Mr. Deputy Speaker, Sir, I have already stated that the Ministry has controlled fees payable to schools at Kshs13,500 per boarding school and Kshs5,000 for day schools. I have also said that levies are supposed to remain at around Kshs2,000 per annum per student. I am saying that when the PTAs and the BOGs levy fees to the students they should be checked by the parents, who are supposed to be in those meetings when the levies are raised.

Ms. Karua: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House whether the Government has abandoned its responsibility of making sure that education is accessible to all Kenyans? Although the parents have a say in discussing levies, it should be the Ministry's responsibility to ensure that education is

accessible. Could he tell us whether the Government has abandoned its responsibility?

Mr. Karauri: Mr. Deputy Speaker, Sir, the Government has not abandoned its responsibility, because it continues to give bursaries to poor students.

Mr. Kajwang: Mr. Deputy Speaker, Sir, the Assistant Minister has said that the basic fees for boarding schools is Kshs13,500 per annum, and that the PTA cannot charge more than Kshs2,000 for one project per year. Could he confirm or deny that the fees at Alliance High School is now Kshs15,500 and not Kshs40,000, or that of Lenana High School is Kshs15,500 and not Kshs35,000? Can he confirm or deny that, or go and carry out some research and come back and tell us?

Mr. Karauri: Mr. Deputy Speaker, Sir, I do admit that many schools have contravened the circular by the Ministry of Education, Science and Technology through levies by PTAs and BOGs.

Question No.557

GOVERNMENT POLICY ON RURAL ELECTRIFICATION

Ms. Karua asked the Minister for Energy:-

(a) what the Government's position with regard to rural

[Ms. Karua]

electrification is and who qualifies to benefit from the programme, and;

(b) why the Kenya Power and Lighting Company has failed to supply electricity to members of Njuku Rural Electrification Project in spite of having received 10 per cent deposit from the group in 1990.

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

(a) The Government's position with regard to Rural Electrification Programme is to accelerate development in rural areas by assisting extend electricity supply where it is not commercially viable to do so. As to qualification, all Kenyans qualify to benefit, but priority is given to:-

(i) District Development Committee (DDC) recommended projects which serve the wider community.

(ii) Group projects

(iii) Individuals, subject to payment of the appropriate contribution towards the cost.

(b) The KPLC has not implemented the project since only Kshs200,000 was paid by 22nd January, 1992, against a cost of Kshs8.6 million.

Ms. Karua: Mr. Deputy Speaker, Sir, the hon. Assistant Minister is misleading this House, either deliberately or by being misled. To begin with, the deposit paid by members of Njuku Rural Electrification was not paid in 1992, as he claims, but it was paid on 26th January, 1990, and I have a copy of a receipt which I will table. That was against an estimate of Kshs1.9 million which was the then cost of rural electrification for that particular project. The amount payable was 10 per cent and the Kshs200,000 paid was well above the 10 per cent. If the Ministry's policy is implemented evenly, could the Assistant Minister tell this House why members of Njuku Rural Electrification were denied electricity having complied with all the conditions on 26th January, 1990, and not 1992?

Mr. Sasura: Mr. Deputy Speaker, Sir, the Njuku Rural Electrification Project has not been completed because the initial applicants were 90. However, the applicants increased by 140 and they are now 230. Consequently, this number of applicants also increased the cost from Kshs1.9 million to Kshs8.6 million. So, the Kshs200,000 deposit was less because they were required to pay 10 per cent of Kshs8.6 million.

Dr. Kulundu: Mr. Deputy Speaker, Sir, in view of the Government policy of industrialisation by the year 2020, what is this ridiculous requirement that communities contribute ten per cent of the original project, for the specifications to be carried out? How do you marry this policy of industrialisation by the year 2020 and the insistence on the communities to raise ten per cent before they get electricity?

Mr. Sasura: Mr. Deputy Speaker, Sir, the history of Rural Electrification Programme dates back to 1996. Our project falls under two categories; that is, the DDC projects and Self Help/ Maximisation Project. We only require the ten per cent of the payment under the DDC project.

Ms. Karua: Mr. Deputy Speaker, Sir, it is a well-known fact that the Managing Director of KPLC uses it as his personal property and electricity is still connected to individual homes, whom he favours and leaving out the majority in the community. It is a fact that in my area electricity is being connected to individuals who are well-connected, while the majority are being denied it. I have documents here which I will lay on the Table to show the deposit was paid ten years ago. Since that time, a deposit of Kshs200,000, today, at the normal rates in

bank, could be in excess of Kshs1 million. I want the Assistant Minister to tell this House, if the cost has increased from Kshs1.9 million, which is the estimates I have here, to Kshs8.6 million and whether the deposit of the residents of Njuku has not multiplied at the same bank rates to meet the 10 per cent deposit of Kshs8.6 million?

The Assistant Minister has discriminated against the residents of Njuku who are Kenyans just like others, for the last ten years. Could he now commit himself and say when the electricity will be connected, without requesting the residents to pay any further deposit?

(Ms. Karua laid the document on the Table)

Mr. Sasura: Mr. Deputy Speaker, Sir, I agree with the hon. Member that, the initial applicants had paid their deposit, but we have not discriminated against the residents of Njuku. In fact, we are taking care of the 140 applicants. I am saying that as soon as the 230 applicants pay their deposit, electricity will be connected. I would like to add that, the applicants wrote a demand letter to the Ministry to surrender Kshs200,000, which the Ministry did not object to.

Mr. Sambu: Mr. Deputy Speaker, Sir, the residents of Njuku are not the only ones. In my constituency, I have over 20 groups whose members have paid the ten per cent deposit. This deposit was paid to KPLC three years ago. Could the Assistant Minister tell us who prepares the Rural Electrification Programme and on what basis? We demand that the Assistant Minister lay on the Table, the 1998/99 and 1999/2000 Rural Electrification Programmes in this country?

Mr. Sasura: Mr. Deputy Speaker, Sir, the Rural Electrification Programmes are prepared by the Ministry of Energy with the assistance of the KPLC.

Mr. Osundwa: Mr. Deputy Speaker, Sir, arising from the reply by the Assistant Minister and if I heard him well, the Njuku residents paid the deposit in 1992, but the hon. Questioner insist that the deposit was paid in 1990. Can we be told who is saying the truth and who is not? If we establish that the Minister is not telling the truth, could we name him today?

Mr. Deputy Speaker: Order! The hon. Member has already indicated that she has the documents to show the deposit was paid in 1990. So, that is not a question. She has already laid that document on the Table. But the most important question is this: In fact, if the costs escalated from Kshs1.9 million to Kshs8.6 million, why has that deposit interest not also escalated at the same rate from 1990 to 1999? This is the question, hon. Members are asking you.

Mr. Sasura: Mr. Deputy Speaker, Sir, I think it is important to remind the hon. Member that, it is expected that the Kshs200,000 deposit would earn interest. But it should not also be forgotten that, the area of coverage in the Njuku Electricity Programme has also increased with the new 140 applicants. Secondly, there has also been escalation of cost since 1997.

Ms. Karua: Mr. Deputy Speaker, Sir, the Assistant Minister is not answering the question. It is true that, the number of applicants has increased from the original 90 to 140. Also, the deposit of the residents of Njuku has also been multiplying in the bank. The letter he refers to, demanding for the surrender of deposit, was superseded by another letter, demanding for a refund with interest at commercial rates. The Permanent Secretary and I have laid the letter on the Table, replied to us that they were not going to provide us with electricity. When will the residents of Njuku get electricity, since the interest of their deposit is enough to meet the ten per cent of Kshs8.6 million?

Mr. Sasura: Mr. Deputy Speaker, Sir, I have said that they will be connected as soon as they pay the ten per cent of Kshs8.6 million.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. Hon. Sambu asked a very valid question: Could the Assistant Minister lay on the Table a list to show how much money was spent for Rural Electrification Programme in every district during the last financial year? How much will be spent on this programme in the year 1999/2000?

Mr. Sasura: Mr. Deputy Speaker, Sir, I will lay that list on the Table.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is misleading the House. He says he will lay that list on the Table, but he is not specifying when he will do so. Could he say when he will lay the document on the Table?

Mr. Sasura: Next week, Sir.

Ms. Karua: Mr. Deputy Speaker, Sir, on the matter of Njuku Rural Electrification, I am not satisfied with the answer given by the Assistant Minister on the bank interest this money earned and why it is not equivalent to the deposit now required. May I now request that the House do refer this Question to the relevant

Departmental Committee, so that calculations can be done---

Mr. Deputy Speaker: Order! Ms. Karua, you can do the calculation yourself. This matter is not complicated, or you can get a bank to work out it for you. The important thing is that, Njuku residents, in my view, have discharged their responsibility because they have paid the ten per cent required of them before they could get electricity. So, Mr. Sasura, avail hon. Members with the details they want and when you are likely to provide the residents of Njuku with electricity. It is very simple because they have already discharged their responsibility, as required by your regulations.

Mr. Sasura: Mr. Deputy Speaker, Sir, I request that the Chair from now henceforth refers to me as "hon. Ex-Chief".

(Laughter)

Question No.551

TOURISM PROMOTION BY KENYA TOURISM BOARD

Mr. Leshore asked the Minister for Tourism, Trade and Industry:-

(a) whether he is aware that the creation of the Kenya Tourism Board has had positive effects on promotion of tourism in the country; and,

(b) what programmes the Board is contemplating to revamp the industry in order for it to achieve its past glory as a major foreign exchange earner.

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

(a) Yes.

(b) The Board, together with the Government, and with the support of the European Union and the private sector, has prepared a marketing strategy and an action plan for the period 1999/2002 to revamp the tourism industry. The objective of the strategy includes; recovering lost businesses by concentrating on existing market sources and supply and diversifying the product range, venturing into new sources of market, promoting Kenya as an up-market destination to attract quality tourism and addressing the adverse environmental and social impacts in international tourism. The Government and the Board will continue to work closely with the industry and other partners to ensure that the action plan is fully implemented.

Mr. Leshore: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for giving us that programme. But the Ministry is still not clearly coming out to promote tourism abroad. The Ministry is not doing any aggressive marketing outside the old countries where tourists come from and venture into other new markets. What is the Assistant Minister now doing to ensure that the Kenya Tourism Board (KTB) conducts aggressive marketing throughout the Eastern countries and other new markets?

Mr. Sankori: Mr. Deputy Speaker, Sir, immediately after the World Tourism Day, which will be marked some time this month, and the Chairman of the Kenya Tourism Board will leave the country today for that occasion, we intend to venture into the South East Asia to curve its tourism market and also into our usual market in the European countries.

Mr. Maore: Mr. Deputy Speaker, Sir, the Assistant Minister is aware that the main problem tourism has faced for the last nine years has been the recurrence of violence at tourism sites and attacks on tourists. Now, has the Ministry of tourism, Trade and Industry prepared a memorandum to the Cabinet to ask the Government to make sure that we will never have organised violence acts in tourism sites?

Mr. Sankori: Mr. Deputy Speaker, Sir, it is unfortunate that the Government cannot declare, "never will violent acts take place at tourism sites," because crooks never request the Government permission to unleash violence on tourists. But the Government has established the Kenya Tourism Police Unit and we intend to place it as a unit by itself so that they can be commanded by one commander to ensure that all the tourism areas that are normally affected by such problems are well taken care of.

Mr. Maore: Mr. Deputy Speaker, Sir, one of the problems that have beset the tourism industry is the fact that since the formation of the KTB, the Ministry has been unable to take a decision as to who is responsible for the Kenya tourism offices overseas and, therefore, there is confusion; we do not know whether the Kenya Tourist Officers who are under the Ministry in overseas offices are in charge of tourism promotion, or it is the KTB which is responsible. What is the Ministry doing to ensure that the KTB officials fully take over responsibilities of promoting Kenya in Kenya's tourism offices overseas?

Mr. Sankori: Mr. Deputy Speaker, Sir, there are discussions in the Ministry for all the tourism offices to be taken over by the KTB, including their staff. They will interview the staff and retain the ones who they think can work with, and the rest will remain in the Ministry.

Dr. Omamo: Mr. Deputy Speaker, Sir, to revamp the tourism industry, I take it that Kenya, as a tourist destination, must also be revamped quality-wise. In the first place, tourism attraction within Kenya was lopsided to the extent that the rich culture of Western Kenya was not sold to the tourists. They do not know that "Sukuti International" being danced at home has its own origins. Kisumu, Bondo, Busia and other places have just been forgotten. Could the Assistant Minister assure the House that in their efforts to revamp the tourism industry, Western Kenya will be put on the tourism map? At the moment it is not on the map.

Mr. Sankori: Mr. Deputy Speaker, Sir, it is the wish of the Ministry to open the tourism areas in the country as much as possible. If the hon. Member has a plan of a particular kind of action in that area, the Ministry and the Kenya Tourism Development Corporation are prepared to assist.

Mr. Leshore: Mr. Deputy Speaker, Sir, the tourism industry is a very delicate one, which requires the involvement of all stakeholders in the country. Could the Assistant Minister tell us how the Ministry will assist other private stakeholders, like the Kenya Tourism Federation, to improve tourism in Northern Kenya?

Mr. Sankori: Mr. Deputy Speaker, Sir, just like I answered another Question last week, the Ministry is trying to involve all the stakeholders in the tourism industry. We have started meeting with all stakeholders in the industry. We have also, through the World Tourism Organisation, invited Members of Parliament together with local authorities' leaders, for a meeting on 24th, 25th and 26th in Brazil, which we are unsure up-to-now whether Parliament has responded. It is our wish that we involve as many stakeholders as possible in the industry.

Question No.491

ELEVATION OF KOMBWEA RURAL
HEALTH DEMONSTRATION CENTRE

Mr. Ayoki asked the Minister for Medical Services:-

- (a) considering the strategic position of Kombewa Rural Health Demonstration Centre in providing health services to the people of Kombewa Division and the neighbouring divisions, whether he could consider elevating this health centre to a sub-district hospital; and,
- (b) what plans he has of posting a resident doctor and providing an ambulance to the health centre.

Mr. Deputy Speaker: Anyone from the Ministry of Health? We will come back to the Question. Next Question!

Mr. Kihoro: Mr. Deputy Speaker, Sir, unfortunately, I have not received any written reply to my Question, which is technical. But I will ask it.

Question No.602

CONVERSION OF KICC GROUNDS INTO CAR PARK

Mr. Kihoro asked the Minister for Local Government:-

- (a) whether he is aware that the only green open space in Central Nairobi Business District, which is opposite Parliament Buildings, was paved and converted into a car park after the COMESATEX exhibition;
- (b) whether he is further aware that this is the only remaining planned open space which could be used as a stop by visiting upcountry people, especially children for rest and rehearsals during festivals, and;
- (c) whether he could intervene and restore the space to its former use. **Mr. Deputy Speaker:** Anyone from the Ministry of Local Government? Well, we will come back to it.

Question No.559

CLOSURE OF ACCESS ROAD BY KAKUZI MANAGEMENT

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

(a) if he could inform the House why Kakuzi Limited has closed the only access road leading to the Gaicanjiru Self Help Group premises; and,

(b) if he could order the management of Kakuzi Limited to open the said road.

Mr. Deputy Speaker, Sir, unfortunately, I do not have a written answer.

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Deputy Speaker, Sir, I apologise that the hon. Member has not got a copy of the written reply, although, I suppose, it has been issued.

Mr. Deputy Speaker: Could you repeat what you have said?

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Deputy Speaker, Sir, the written reply should have reached him, but unfortunately, it has not. Maybe, it is due to the delay in delivery. I do not know whether he would not mind me proceeding to give the reply.

Mr. Deputy Speaker: Mr. Kamande, are you comfortable with the Question being answered before you receive the written reply?

Mr. Kamande: I am comfortable, Mr. Deputy Speaker, Sir.

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

(a) Kakuzi Limited have blocked vehicular access through their land across to Giacanjiru Self Help Group premises for security reasons. Pedestrian access is, however, allowed through diversionary stretch across a stream.

(b) The road in question is a private road on private property. Consequently, my Ministry cannot order the management of Kakuzi Limited to open the said road.

Mr. Kamande: Mr. Deputy Speaker, Sir, the reason why I brought this Question to this House, is because, the said land was given out by Kakuzi Limited. Unfortunately, the road does not lead directly to Makuyu Town. Those people have been using that road for the last 14 years. In the past seven months, Kakuzi Limited management closed that road citing insecurity, whereas no case of insecurity had been reported at Makuyu Police Station. Since those people are not getting their social rights, could the Government order - since we passed it as a resolution through the DDC - Kakuzi Limited to open up this road?

Eng. Kiptoon: Mr. Deputy Speaker, Sir, the hon. Member is right; the members of this self help group are suffering, because they do not have a motorable access road. In fact, the route that they are using at the moment, passes through some very marshy area that is infested by hippopotamus and other animals that threaten their lives. However, my Ministry is not the one that sets aside road reserves for access roads. What this self-help group needs to do, is to go with the management of Kakuzi Limited to the Ministry of Lands and Settlement, which will set aside a road reserve that could be developed by my Ministry.

Mr. Ngure: Mr. Deputy Speaker, Sir, the Minister being an engineer knows very well that the creation of a highway or a road is effected when some place or even private land has been used as an access road for a given number of years. When there is no sign to the contrary, that is adopted as a road. If those people have been using that land through Kakuzi Farm, then for 10 years it has been adopted under the laws of creation of a highway as a road. Could the Minister, therefore, protect these people?

Eng. Kiptoon: Mr. Deputy Speaker, Sir, as I had earlier said, it is up to the members of this self help group, together with the Kakuzi Plantations Limited, who is the landowner, to go to the Ministry of Lands and Settlement and agree on where the actual access road should be, before we can move in and assist them to develop the access road that would be reserved. At the moment, they do not have any legal access through the land, until they set aside a road reserve.

Mr. Mwenje: Mr. Deputy Speaker, Sir, if we were to close all the roads on security grounds, we would even close all the roads in Nairobi. That is not a good reason to close any road. That access road was started there with the understanding that, although it was private land, finally, it would be designated as a public access road. That is why those people put their premises there. As a matter of urgency, could the Minister order that road to be opened and liaise with the Minister in charge of security to provide security on this access road?

Eng. Kiptoon: Mr. Deputy Speaker, Sir, the hon. Member is alluding to an understanding. This is the understanding that is missing. I would like them to reach an understanding as to which route to use so that we can help them develop the route. As of now, there is no understanding.

Mr. Kamande: Mr. Deputy Speaker, Sir, Dr. Folks, who is in charge of Kakuzi Limited is a Briton,

who has very low regard for Africans. That is the reason why he recently closed that road. Could the Minister order Kakuzi Limited to open this road and allow the people of Makuyu who are suffering acquire this portion of land? They are only demanding a two-kilometre stretch.

Eng. Kiptoon: Mr. Deputy Speaker, Sir, we are not aware of that bias against Africans. If the hon. Member has some knowledge of that bias, he could report to the police, that, this particular fellow is not desirable amongst them. As of now, until there is an understanding between the self help group and the landowner, it is unfortunate we cannot move in.

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

Question No.491

UPGRADING OF KOMBWEA RURAL

HEALTH DEMONSTRATION CENTRE

Mr. Ayoki asked the Minister for Medical Services:-

- (a) considering the strategic position of Kombewa Rural Health Demonstration Centre in providing health services to the people of Kombewa Division and the neighbouring divisions, if he could consider elevating the Health centre to a sub-district hospital; and,
- (b) what plans he has of posting a resident doctor and providing an ambulance to the health centre.

Mr. Deputy Speaker: The Minister for Medical Services is still not present? The Question is deferred!

(Question deferred)

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. When an hon. Member is not hear to ask a Question, the Question is dropped. What could be done to Minister who fails to turn up to give replies? They should be named.

Mr. Deputy Speaker: Mr. Mwenje, when a Question is deferred, it is you who benefits.

Mr. Mwenje: No, Mr. Deputy Speaker, Sir. We want an answer!

Mr. Deputy Speaker: If a Question is deferred, it means you have another chance to ask it.

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

Mr. Deputy Speaker: Order, hon. Dr. Ochuodho! When an hon. Member has risen on a point of order and it is being dealt with, you have no business standing up on another point of order. Mr. Mwenje, I am deferring this Question because the Minister is not there. So, hon. Ayoki has another chance to ask it. That has been the tradition. If you want to name a Minister, do it as per the Standing Orders, and I have no problem. I do not name hon. Members; you name them. So, if you want to name him, follow the Standing Orders. For the time being, you have not done it.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. I am seeking the Chair's guidance. An hon. Member has suggested that a Minister be named for not taking the House seriously, by not coming to the House to answer the Question. I wish to second that proposal, so that it may be debated. Let there be sanctions for Ministers who do not take the House business seriously. Could we now debate the naming of the Minister for Medical Services?

Mr. Deputy Speaker: The Standing Order No.88 deals with disorderly conduct. If we are going to proceed on the basis that if a Minister does not turn up in the House to answer Questions, then we term that as gross misconduct, or if an hon. Member does not turn up to ask a Question that is also disorderly conduct, we will be ending up with an empty House. But we want the business of the House to proceed. More often than not, hon. Members are absent when they are supposed to ask Questions.

(Loud consultations)

Order! There is no argument! So, if you want to name any hon. Member, the Chair must be satisfied that there has been disorderly conduct. For the time being, the Chair is not satisfied. Let me also tell you that this is a habit that must come to an end. If it takes naming a Minister to bring it to an end, it shall be done.

Question No.602

CONVERSION OF KICC GROUNDS INTO CAR PARK

Mr. Kihoro asked the Minister for Local Government:-

(a) If he is aware that the only green open space in Central Nairobi, which is opposite Parliament Buildings, was paved and converted into a car park after the Comesatex exhibition;

(b) is he further aware that this is the only remaining planned open space which could be used as a stop by visiting upcountry people, especially children, for rest and rehearsals during festivals; and,

(c) If he could intervene and restore the space to its former use?

The Assistant Minister for Local Government (Mr. Salim): Mr. Deputy Speaker, Sir, the answer given to me is not satisfactory. So, I would like to apologise for the second time, and request that this Question be deferred.

Mr. Kihoro: Mr. Deputy Speaker, Sir, I would have liked to hear the answer that the Assistant has in his possession. This is a very important Question and I do not mind any answer because also we can walk across Parliament Road and see exactly what is happening under that tent, where we have got already 300 kiosks.

Mr. Deputy Speaker: Order! The assistant Minister has said that he does not find the answer he has to satisfactory.

Mr. Maore: Let us hear it!

Mr. Deputy Speaker: Hon. Maoka Maore, since when did Mr. Kihoro appoint you his spokesman?

(Laughter)

Hon. Assistant Minister, have you given a copy of the answer to hon. Kihoro?

The Assistant Minister for Local Government (Mr. Salim): Mr. Deputy Speaker, Sir, since the answer is not satisfactorily, I do not have it at the moment.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, while I respect the ruling by the Chair, I think here we have a situation which we need clarified. Hon. Kiangoi is responsible for Questions pertaining to Central Province and Nairobi and not the Assistant Minister here. Can he give us this answer so that we can ascertain whether the Ministry is ready to come and give us an answer?

Mr. Deputy Speaker: That Question is directed to the Ministry of Local Government and whether we have the Minister or his Assistant Minister, is immaterial so long as the answer comes from that Ministry. I sympathise with this--

Mr. Kihoro: We need an apology!

Mr. Deputy Speaker: He has already apologised! The Assistant Minister apologised for, first, being late and, secondly, for having an unsatisfactory answer.

An. hon. Member: He does not have an answer!

Mr. Deputy Speaker: Order! Hon. Assistant Minister, do you have an answer?

The Assistant Minister for Local Government (Mr. Salim): Mr. Deputy Speaker, Sir, I do not have an answer.

Mr. Kihoro: Mr. Deputy Speaker, Sir, it is good that you have decided to defer the Question. I asked this Question in July and there are developments taking place across the street that relate to this Question. I think the delay will defeat the purpose of asking this Question. So, I propose that this Question be brought up this afternoon.

Mr. Deputy Speaker: This afternoon is not possible because the Order Paper for this afternoon is already done.

Mr. N. Nyagah: On a point of order, Mr. Deputy Speaker, Sir. Here is an issue which borders on the integrity of an hon. Member. The Assistant Minister says that he does not have a satisfactory answer. When the Chair intervenes and says that we should have a look at that answer, he says he does not have an answer. Is the Chair satisfied that we are being taken seriously as a House by the Assistant Minister?

Mr. Deputy Speaker: Order! I have already deferred that Question, and so we should go to Questions by Private Notice.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

WITHDRAWAL OF VISA REQUIREMENTS FOR EUROPEANS

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

(a) Could the Minister explain under what circumstances the Government recently decided to withdraw visa requirements for European countries?

(b) Could the Minister re-introduce the visa requirement?

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

(a) The Government took this measure as an incentive to rejuvenate tourism in the country.

(b) We are seriously considering re-introducing the visa requirement for these countries.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, it is true that this country is losing Kshs480 million from European countries excluding Germany and Italy. If the two are included, we would lose Kshs600 million every year. This is money enough to maintain our foreign missions in all the European countries. Kenyans are paying Kshs3.5 million every day to only American and British Embassies. Considering the cost that we are undergoing by paying Kshs1.2 billion every year to only two Embassies, and that this Government, because of its habit of boot licking decided to waive visa requirements without considering the losses that Kenya would experience, could this Minister explain in details which benefits of waiver he is talking about?

Maj. Madoka: Mr. Deputy Speaker, Sir, as I said, we considered the various financial implications and we decided to waive visa requirements then. We have re-considered this and we are in the process of re-introducing the visa requirement. We do not wish to continue with the waiver.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I am pleased to hear the Minister say that we are re-considering to re-introduce the visa requirements for European countries. While he is doing that, could he also look at the visa requirements for going to the United States. He should look at the indignities visited upon Kenyans who attempt to get visas to go to the United States. I dare say that it is easier to go to Heaven than to get a visa to go to the United States!

Maj. Madoka: Mr. Deputy Speaker, Sir, we have heard of that complaint and we have initiated discussions to see how best we can ease the situation there.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I wonder if the Minister is aware that the reason for the reduction in the number of tourists into the country is not due to the visa requirement, but because of the insecurity. Can the Minister confirm or deny this? He should also tell us what impact his withdrawing the visa requirement has had on the number of tourists coming to Kenya, if any?

Maj. Madoka: Mr. Deputy Speaker, Sir, I have not got the exact statistics, but I know it helped to increase the number of tourists.

Ms. Karua: Mr. Deputy Speaker, Sir, it must be taken that there has been no increase in the number of tourists entering this country. Could the Minister assure this House that he will look into the policy of allowing some nationals from some countries to come to Kenya without visas, and particularly, based on reciprocal basis? In situations where Kenyans have to obtain visas to travel to certain countries, nationals of those countries should also be subjected to the same treatment.

Maj. Madoka: Mr. Deputy Speaker, Sir, the earlier answer that I gave stated that we are re-considering the issue of visas and we will look into all those aspects.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, it is true that a tourist coming from any European country, who cannot afford paying only Kshs4,000 has no business coming to Kenya and pretending that he is a tourist. It is also true that most of these people are drug dealers. Some of them also come here to stay and our foreign office is not taking into consideration all these things. They are competing with us here - both Indians and the Europeans - work permits and the proper documentation required by this country. We are experiencing a lot of problems in those Embassies---

Mr. Deputy Speaker: Order, ask your question!

Mr. Kiunjuri: Could this Minister accept or deny that Kenya is having problems in paying its members of staff and for offices in most of its Embassies?

Mr. Deputy Speaker: Mr. Minister, could you accept or deny that the Government is having problems paying your members of staff in our Embassies abroad, as a result of the withdrawal of the visa fees?

Maj. Madoka: Mr. Deputy Speaker, Sir, I deny.

Dr. Ali: Mr. Deputy Speaker, Sir, with all the insecurity and the problems in this country, we know that

tourists are not going to come to this country. It is also a fact that you can see the weakness of the answer, that the Government is not able to pay the staff and for the buildings in our Embassies abroad. So, could the Minister re-introduce the visa requirements immediately so that the Government is able to maintain our Embassies abroad?

Maj. Madoka: Mr. Deputy Speaker, Sir, first of all, let me say that, the waiver of visa requirement was not only for European countries. We did include Canada, USA, Japan and even New-Zealand. In the past, we had a problem with security, but now, I can say that, we have taken care of that. Most of the incidents that you hear of, do not involve tourists.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, the Minister has not answered the question! Those countries have imposed visas on Kenyans. The question is: When will the Government do likewise, bearing in mind that we had a visa requirement that was revoked?

Maj. Madoka: Mr. Deputy Speaker, Sir, I am not going to say when. We are reviewing the situation and we will take appropriate action at an appropriate time.

CLOSURE OF TARU SECONDARY SCHOOL

(Mr. Mkalla) to ask the Minister for Education:-

- (a) Is the Minister aware that Taru Secondary School has been closed?
- (b) Is he further aware that China Road Company has been working at Taru Quarry, without taking into consideration environmental and health conditions of the area residents and, that, stones and dust have made the learning process in the school impossible?
- (c) What urgent action is the Minister taking to re-open the school in order for studies to resume?

Mr. Deputy Speaker: I believe the hon. Member and the Minister have reached an agreement that this Question be deferred, because the hon. Member is not satisfied with the answer.

(Question deferred)

CITY COUNCIL'S FAILURE TO PAY WORKERS

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

- (a) Since the Nairobi City Council has been unable to pay its worker's salaries for the last two months, what action is the Ministry taking to pay their dues without any further delay?
- (b) Could the Minister table a list of all external debt collectors, including that of lawyers engaged by the Nairobi City Council, and indicate how much they have recovered and remitted to the Council?
- (c) How much have the lawyers been paid by the Nairobi City Council as fees?

The Assistant Minister for Local Government (Mr. Salim): Mr. Deputy Speaker, Sir, I would like to apologise to hon. N. Nyagah, and ask that this Question be deferred to tomorrow afternoon.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, this is not good enough! This Question is by Private Notice! He should be able to be a man enough and say that he is not responsible for answering Questions pertaining to Nairobi and Central Province! He should tell us where the Minister or the Assistant Minister responsible to answer this Question are? I am extremely dissatisfied!

The Assistant Minister for Local Government (Mr. Salim): Mr. Deputy Speaker, Sir, the responsibility of who answers the Questions pertaining to the Ministry does not arise. The answer given to me was not satisfactory and I apologise to the whole House. I seek the indulgence of this House that the Question be deferred to tomorrow afternoon!

Mr. N. Nyagah: On a point of order, Mr. Deputy Speaker, Sir. We want this House to be taken seriously! The Assistant Minister took me outside the House, and told me that he did not have an answer! He is now telling this House that he has an answer that is not satisfactory! Could he table the answer that is unsatisfactory?

Mr. Deputy Speaker: Order! I think it is fair to say this: That, if you are unable to answer a Question, the most honourable thing to do is to say so. It sits in our stomachs a lot better. If a Minister stood up and said: "I am sorry, hon. Members, I cannot answer this Question because I am not prepared to do so. I am not well briefed to do so", is fine! But to come in the House with an answer in your hands and then say that the

answer is not satisfactory is simply not good enough! As I have said repeatedly, a Minister is personally responsible for the answer he brings to this House. So, you cannot come to the House with your own answer, and tell us that it is not satisfactory!

However, since because you are new, we will allow you to get away with it this time. But next time round, we will not accept that excuse! I do want the Minister himself to come and give an explanation. This is because two times in a row establishes a system. We do not want a system where we are continually told the answers are not satisfactory. So, I will let you get off with it this time. But we would like the Minister to explain to us why these Questions have not been answered, when they are Questions by Private Notice! He had more than 48 hours within which to answer them. So, please, do take that responsibility seriously. Next time, if hon. Members stands up and asks that you should be named, I will allow it!

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

Mr. Deputy Speaker: Order! There is no point flogging a dead horse!

(Question deferred)

CONFISCATION OF MRS. KITHEKA'S GOODS

(Mr. Musila) to ask the Minister for Local Government:-

(a) Is the Minister aware that on 28th August, 1999, five employees of the Mwingi County Council raided a kiosk owned by Mrs. Agnes Kakima Kitheka, and confiscated goods worth Kshs19,239.90, while demanding payment of licence fees?

(b) Under what law was this confiscation done?

(c) Could the Minister order the Clerk to the Council to return the confiscated goods and refrain from illegally confiscating goods belonging to wananchi, whenever they fail to produce licences?

Mr. Deputy Speaker: Mr. Musila's Question is deferred because he has been asked to go and chair a Committee meeting.

(Question deferred)

ALLOCATION OF GOVERNMENT HOUSES TO MR. FRANCIS BAYA

Dr. Kulundu: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Why has the Ministry allocated Government houses to a Mr. Francis Baya and nine others in Kakamega Municipality, at the expense of the civil servants now residing in those houses?

(b) What is the Ministry doing to stop the eviction of the affected civil servants?

Mr. Deputy Speaker: Is anybody here from the Ministry for Lands and Settlement?

Dr. Kulundu: Mr. Deputy Speaker, Sir, in view of the seriousness of this Question to my constituents, some of whom are threatened with eviction from Government houses, I take it that the Minister's absence is meant to subvert justice! Could we go ahead and name the Minister?

Mr. Keynan: On a point of order, Mr. Deputy Speaker, Sir. I would like to concur with the sentiments of the other hon. Members. Kenyans are crying for justice! Our motherland Kenya is crying for mercy! Every now and then, the very people who have sworn to protect the Constitution are the first ones to break it. Is it in order for us here to be told every day that a Minister is not there? This culture of perpetual lying and egocentrism is what is leading to the crumbling of our nation! We would like the Chair to make it imperative upon those people to come and treat this House with the seriousness it deserves. Otherwise, we are lying to the Kenyans who come here---

Mr. Deputy Speaker: Order! When you stand up on a point of order, you should raise a point of order! You should not give a speech!

Now, clearly, there is nobody from the Ministry of Lands and Settlement. It be fair to Dr. Kulundu, if it were possible to put this Question on the Order Paper this afternoon, I would have done it. But it is not possible now. I will make sure that it is on the Order Paper tomorrow afternoon. But, I will also make sure that the Minister or his Assistants are here, first to explain why they have not been here today to answer this Question and,

secondly, to indicate to them the anger of the House on these frequent absences, and then answer the Question. So, I cannot say we name the Minister when he is not here, and earlier on, I had shown some leniency to another Assistant Minister. So, today is a day when we are fairly lenient. Let us allow him to get away with it.

Next Order!

(Question deferred)

OIL SPILL ON MOMBASA BEACHES

Mr. Maitha: Mr. Deputy Speaker, Sir, I would like to seek a Ministerial Statement from the Minister for Environment and Natural Resources with regard to the oil spill which is spoiling our **[Mr. Maitha]** beaches, especially around Shanzu, Dolphin and Bamburi areas. We want to know who did it or who is responsible for it.

Mr. Deputy Speaker: Anybody from the Ministry of Environment and Natural Resources? Although the Minister is not here, we shall still hold him responsible.

Next Order!

MOTION

ESTABLISHMENT OF MOMBASA OLD TOWN CONSERVATION AUTHORITY

THAT, in view of the historical and cultural significance of the Mombasa Old Town; considering the fact that the area is a centre of tourist attraction in Mombasa Island; and bearing in mind that property developers may soon invade the area, this House calls upon the Government to immediately establish Mombasa Old Town Conservation Authority as a parastatal body under a specific Act of Parliament so as to make the Authority independent from the National Museums of Kenya.

(Mr. Maitha on 3.11.99)

(Resumption of Debate interrupted on 3.11.99)

Mr. Kihoro: Mr. Deputy Speaker, Sir, I arise to second this very important Motion that was moved by hon. Maitha last Wednesday.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, by seconding this Motion, I will show the importance of setting up this Authority that is going to preserve the history of Mombasa in terms of buildings and history, and also the history of Lamu which is also very closely associated with Zanzibar. It is very true that Kenya has got very recent towns. Nairobi was founded in 1898 as a stopover during the building of Kenya-Uganda Railway. But the history of Mombasa goes back to the 10th Century AD. In 1505, the population of Mombasa was 10,000 people, but there was no Nairobi to talk about at that point in time. So, it is very important that we set up this Authority, so that we do not have Mombasa Old Town decaying like other coastal towns, for instance, Kisumu. This Authority will be very important in terms of preserving and conserving the various aspects that are so important and historic in Mombasa.

Mr. Temporary Deputy Speaker, Sir, the importance of the Swahili culture in Mombasa and along the 300 miles of coastline cannot be taken for granted. There are also other associated people in the coastal region. The Mijikenda, also, have got part of their history that has been brought out very clearly in the construction and the history of Mombasa. So, the Authority will be very important in terms of conserving the history of Mombasa, and also the culture of the coastal people, the Swahili and the Mijikenda. Some of the buildings that are in the Mombasa Old Town date back to about 300 years ago. If you look at Fort Jesus, it was built from 1593 to 1597, and it is one of the most important tourist attractions in Mombasa. So, it is important that as we think about

tourism in this country and how to improve the economy of this country, we take advantage of this very important national asset that we have in Mombasa, which goes back to the 15th Century, and which can be conserved by this Authority.

Mr. Temporary Deputy Speaker, Sir, it is also important that as we talk about Mombasa and Lamu towns, we talk about local tourism. That is the only sure way we are going to be able to unite the people in this country. Local tourism is one of those things that would be encouraged if that Authority is set up in Mombasa. It is important to note that there are some people who can travel all the way from Mandera or Lokitaung to the Coast. I know that it is like a dream to think about local tourism in this country being done privately, but this is something which is being done by other countries. The country cannot only afford to have an internationally based tourist industry; we can also have a locally based tourist industry. Mombasa Old Town is going to be very important if it is conserved by this Authority as proposed by the Motion. It is also important to understand that, currently, there is an office that has been set up; the Mombasa Old Town Conservation Office. I do submit that this office is totally inadequate for the purposes of conserving the various aspects that are so important. That office has been set up by the National Museums of Kenya, which is also set up under the Antiquities and Monuments Act, Cap.215 of the Laws of Kenya, but this will not help in terms of doing what it takes to conserve Mombasa Old Town. There are various aspects that need to be taken into account. We want to have a regulatory body which is going to look at the land and the buildings in the Mombasa Old Town and also in Lamu, and any other relevant structures that could be within the 300-mile strip. We want to ensure that the architecture is neat in Mombasa Old Town. We also need to ensure that we have by-laws that are going to protect not only the buildings, but also the open spaces that exist in this area. This Authority will be very important in preventing the construction of other buildings that will interfere with the present set-up of Mombasa Old Town.

Mr. Temporary Deputy Speaker, Sir, it is also important that we regulate traffic movement within this area, and the Authority that is down there on the ground is the only one that is able to do so. Certain regulations should be put in place, and the infrastructure and special projects need to be set up. There should be building guidelines for people who want to modify their buildings. The present office has been interfering with freehold properties in a way that is a bit casual. It is important that we have this very specialised Authority that is going to make sure that whatever is going to be done is going to preserve this Mombasa Old Town for posterity. It is important to accept that this generation has got a responsibility towards the coming generations in this country. Whatever demands there are about certain properties in this era of grabbing and looting, it is important that some of the very important cultural and natural heritage is going to be conserved for the future, and for the sake of the up-coming Kenyan generations. There is the concept of the inter-generational equity, that we should not over-consume in the process of being alive today. We have got an obligation to leave this world in a better shape than we found it. It is important to have that equity reflected in the Authority that this Motion is proposing for Mombasa Old Town, so that the history and culture of that town is conserved for posterity. We will be reneging on our obligations if we failed to do what it takes at this point, to set up this Authority.

It is important to point out that money that can be raised by the Authority to conserve the Mombasa Old Town can only be done properly if we have set up this Authority the way it should be. There is some money that could be available from UNESCO, and I do understand that some money has already been released to conserve Mombasa Old Town. But the Authority that is going to be set up, as proposed by this Motion, is going to be very important in terms of connecting all those funding groups from overseas, which would assist in a big way in terms of preserving the culture. There is the World Heritage Convention, and the Authority would be able to approach it to enable the buildings to be conserved for posterity. Money can also come from the European Union, the United Nations Development Programme, and also the World Conservation Union, who would be available to assist in terms of conserving the unique historic and cultural aspects of Mombasa. It is important that we set up this Authority because it is going to assist this generation. One hundred to 200 years down the line, we can be proud in future to talk about an authority that was set up at this point to conserve a very unique inheritance that we have got, which we also have a duty to pass on to future generations.

Mr. Temporary Deputy Speaker, Sir, I beg to second this very important Motion. Thank you.

(Question proposed)

Mr. Badawy: Asante sana, Bw. Naibu Spika wa Muda. Nimesimama kuunga mkono Hoja hii ambayo ina maana sana na inastahili kutiliwa nguvu kwa upande wa utendakazi wa hii Old Town Conservation Programme. Sisi Wakenya tunawajibika zaidi, hasa sisi viongozi, kutilia maanani mradi huu kwa sababu ikiwa wageni kama European Union na mashirika mengine yasiyokuwa ya kiserikali yanadhamini uhifadhi wa mji wetu wa Old Town, Mombasa, na sehemu nyingine za Pwani, inakuwa ni wajibu wetu sisi zaidi kudhamini jambo hilo

kuliko mtu mwingine. Na kule kudhamini lazima kuwe katika usimimazi mwema. Hii ni kwa sababu ijapokuwa kuna hii Old Town Conservation Programme, ambayo iko chini ya National Museums of Kenya, lakini usimimazi, kama alivyoeleza aliyeleta Hoja hii, uko chini ya National Museum of Kenya, ambayo hakika ina majukumu mengine kadha wa kadha.

Kwa hivyo, jukumu hasa la kusimamia uhifadhi wa Mombasa Old Town na Lamu, ambayo pia ina mradi kama huu, mbali na Gedi ambapo National Museums of Kenya imeanzisha mradi kama huu kwa kadri fulani, linafaa liendelea hata katika sehemu nyingine za miji ya Pwani; pale mjini Mombasa, kama pande za Changamwe na jirani; sehemu za Malindi, Bajuni Island kule Faza, na kadhalika. Kwa hivyo, jambo hili litakapokuwa limegundulila zaidi, inaonekana ni wazi kwamba kwahitajika kuwe na halmashauri ambayo itakuwa inajihusisha hasa na mradi kama huu. Na kama walivyoeleza waliotangulia kuzungumza, ni kwamba itakapokuwa ni halmshauri ya peke yake inayohusika na jambo kama hili, itavutia zaidi wafadhili. Wafadhili watathirika zaidi na kujitolea kuangalia mambo haya kwa sababu, mbali na historia ya uwekaji hesabu mwema na kujishughulisha kwa National Museums of Kenya katika miradi tofauti tofauti, umahsusi wa jambo kama hili ukikabidhiwa halmashauri ambayo itakuwa na utaalaamu na wataalamu wanaoelwa wanafanya kitu gani, utaipa sura mpya na usimimazi mwema. Kwa hivyo, naunga mkono fikira ya kwamba kuwe nahalmashauri, hata kama itakuwa bado chini ya Wizara hii ya Utamaduni, na chini ya National Museums, kwa sababu inahusika na utamaduni na mambo ya kikale kadri fulani; wao nao pia watakuwa ni kama jicho katika jambo kama hilo.

Bw. Naibu Spika wa Muda, ni muhimu sana tutilie nguvu mambo ya utamaduni katika taifa letu. Vile imeonekana umuhimu wa kuhifadhi vitu vinavyohusiana na utamaduni, ule utamaduni wenyewe kwa upande wa lugha, mavazi, desturi na ada ni lazima pia utiwe nguvu kiasi cha kwamba ijapokuwa tuna Wizara ya Utamaduni na Mambo ya Jamii, lakini ukweli ni kwamba hatujayapa umuhimu sana mambo ya utamaduni. Utamaduni wetu mpaka sasa tumeulenga katika mambo ya ngoma tu, kiasi cha kwamba hata tukiulizwa: "Vazi letu la kitaifa la kitamaduni ni vazi gani?", nafikiri hatuwezi kujibu. Ningetaka Bunge hili liwe ni kielelezo na lianze hivi sasa kufikiria tutatilia nguvu namna gani mambo ya utamaduni wa taifa letu la Kenya kwa kuanzisha kamati. Kama mambo haya ya utamaduni hivi sasa yanaangaliwa katika moja ya departmental committees za Bunge hili, lakini ukweli ni kwamba umuhimu wa utamaduni katika taifa hili katika kuhifadhi mila, desturi, na historia yetu unastahili kwamba kutakuwa na kamati ya Bunge na idara maalum ya Serikali ambayo itakuwa inahudumia mambo ya utamaduni kijumla.

Bw. Naibu Spika wa Muda, utamaduni, hasa kwa upande wa Pwani ikiwa tunazungumzia Mombasa Old Town, Lamu, Gedi na sehemu nyingine za Pwani, lazima tuhifadhi sana kutokana na mawimbi ya utalii, athari za utalii na mambo ya kigeni. Hii ni kwa sababu ikiwa tutahifadhi majumba ya Old Town peke yake, na mila, desturi, mavazi yetu, lugha na miendo ya watoto wetu iwe ni mwendo ya kigeni kuhusu mavazi, mambo ya nywele na kuvaa ornaments, basi itakuwa hatujafanya kazi. Itakuwa tuna nyumba ambayo haina watu wenye mila na desturi. Kwa hivyo, natilia nguvu kwamba Serikali na Idara ya Utalii zijadiliane na Wizara inayohusika na mambo ya utamaduni kuona kwamba kuna uhifadhi wa utamaduni. Hii ni kwa sababu ikiwa taifa hili litategemea utalii kwa mapato peke yake na tuache uimalize kabisa utamaduni wetu, kiasi cha kwamba tutakuwa na taifa la vijana ambao hivi sasa tumewaona wanaingilia katika mambo ya kulevya ambayo si mila ya kiafrika; wanaingilia katika mavazi ambayo hayana sura za kiafrika wala sura ya kiaina yoyote, itakuwa sisi tunashindwa kuhifadhi utamaduni wetu.

Kumezungumzwa na Bw. Kihoro, aliyeunga mkono Hoja hii, ya kwamba kuna haja ya kuangalia maswala ya ardhi, yaani land tenure kwa kimombo. Ni kweli kabisa. Si haki ikiwa tutataka kupitisha sheria au by-laws za mabaraza ya munisipali za kuhifadhi na kuwalinda watu katika kutumia majumba yao, na iwe hatutazingatia haki yao katika zile ardhi. Iwe ni katika kuuza, kuongeza, kugawanya, na hata katika ile haki aliyoeleza mhe. Maitha, katika kupendekeza ya kwamba si haki watu wakatazwe kufanya mabadiliko ya majumba yao kwa namna ambayo kiuchumi, wataona kwamba italetu mapato zaidi, na wakati huo huo, mabaraza ya wilaya yawe yatakuwa hayana huruma kwa kuwafikiria mapato yao watapunguza namna gani kwa njia ya kuwapunguzia kodi; kwa njia ya kuwapa kama ni kiunua mgongo mwisho wa mwaka, na kadhalika. Hiyo ni njia moja ambayo itawapa watu motisha wa kuona umuhimu wa kuhifadhi utamaduni katika majumba yao na kadhalika.

Bw. Naibu Spika wa Muda, nachukua nafasi hii kuiomba Wizara inayohusika iangalie isiachie mzigo huu wafadhili. Hivi sasa European Union imejitokeza kusaidia, wajaribu kuzungumza, kuelewana na kuyashawishi yale mataifa mengine ambayo yamekuwa na athari katika utamaduni wa Kiswahili kama Portugal, Oman na hata wafadhili wa aina nyingine. Tusiachie European Union peke yake kwa sababu utamaduni wa Kiswahili ni mchanganyiko wa mambo mengi ya makabila mengi, na wa utamaduni wa sehemu nyingi kabisa. Pia tusiachie watu ambao hawajatia mchango wowote katika utamaduni huu.

Na nikizungumza hivi, kitu kinachonifurahisha katika kuhifadhi utamaduni wa Kiswahili ni kuwa hii inaenda kinyume na zile fikira za watu wengine kwamba hakuna Uswahili au Waswahili. Na itakuwaje kwamba

kutakuwa kuna utamaduni unanasibishwa na kabila au watu fulani, watu wale wawe hawana lugha, kabila au kitambulisho cha aina yoyote kutambulikana kwamba hawa ni watu wa asili fulani? Labda Hoja nyingine itakapokuja siku nyingine, kama ya mwenzangu kuhusu hasa lugha ya Kiswahili, tutaongea zaidi juu ya mambo kama haya. Lakini kwa hivi sasa, napongeza fikira ya wale walioona umuhimu wa kuukuza na kuhifadhi utamaduni wa Kiswahili, na natilia mkazo kwamba juhudi hii inataka iendelee zaidi ya ile sehemu ambayo ina majumba makubwa; yale yaliyojengwa katika karne ya 10 mpaka ya 16, kwa sababu utamaduni wa Kiswahili unaenda mpaka kwenye nyumba za makuti. Utamaduni wa Kiswahili unaonekana katika mipangilio ya majumba; ni watu waliotambua kwamba ni lazima kuwe na choo na jiko mbali na nyumba. Kwa hivyo, utamaduni huo na uhifadhi huo wa utamaduni wa Kiswahili polepole tungeomba halmashauri itakayokuweco ifikirie ni namna gani itaupeleka katika sehemu zote ambazo zinaonekana utamaduni wa Kiswahili, na zile zitakazohusika katika kila jambo la utamaduni wa Kiswahili. Kama nilivyosema, isiwe ni katika majumba makubwa yaliyoko Old Town na Lamu pekee yake. Iwe tutaangalia namna ya kuhifadhi utamaduni wa Kiswahili katika hali ya utamaduni na katika kila mada inayohusiana na utamaduni wa Kiswahili.

Kwa haya niliyozungumza, naunga mkono Hoja ambayo ni muhimu sana, kuwe na halmashauri maalum ya kusimamia mambo ya utamaduni huu, si kwa Mombasa Old Town peke yake, lakini hasa iende kule Lamu, Malindi na katika zile sehemu zote ambazo zina athari za utamaduni wa Kiswahili na Uswahili.

Naunga mkono.

Prof. Anyang'-Nyong'o: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this very important Motion that the hon. Maitha has brought to the House. It is really high time that we took very seriously the conservation of cultures, particularly, the coastal culture which is rich in history and which will provide this nation with a very rich heritage.

Mr. Temporary Deputy Speaker, Sir, hon. Maitha has informed us that the European Union has already put forth Kshs400 million for the conservation of the Old Town in Mombasa, and the Swahili culture. This is merely seed money to help the Government realise that it has an important task that it should undertake by injecting more resources into efforts to conserve the Swahili culture, as well as the rich historical heritage endowed in a place like Old Town Mombasa, Lamu, Malindi, the Gedi Ruins and so on.

Mr. Temporary Deputy Speaker, Sir, if we cast our minds back, we will realise that when the Portuguese and the Arabs came to the Coast, it was with an evil intention of colonising these parts of Africa. But that colonisation, nonetheless, led to a tremendous transformation of coastal life in Kenya, not just in terms of material culture like buildings and the construction of infrastructure, but also in terms of language transformation which endowed us with Swahili, which has become a very important language in bringing together the peoples of Eastern, Central and Southern Africa. When the late Mwalimu Julius initiated the establishment and extension of the Swahili culture in Tanzania, he laid a very important foundation into the emergence of one of the most united nations in Africa, the Tanzanian nation. At the University of Dar es Salaam, the Swahili Institute was established, and it has become a very important centre of transmitting the Swahili Language and culture in Tanzania and to the rest of Africa.

Mr. Temporary Deputy Speaker, Sir, Kenya has stood in an extremely unique position, where it is the only country in Eastern Africa, apart from the Islands of Zanzibar and Pemba, which has one of the richest heritage of the Swahili culture in terms of the Portuguese and Arab components. This has been seen

not just in the Old Town of Mombasa, but in the Gedi Ruins and Lamu.

Mr. Temporary Deputy Speaker, Sir, you will remember that every year, there is a very important event that takes place in Lamu the Lamu Dhow Racing. That is the racing of dhows; the kind of boats that are reminiscent of the old culture along the Coast of using dhows as means of transportation. That kind of activity is one of the events that should be incorporated into the conservation of the Swahili culture in Mombasa. It needs a sustaining material base, which I think the Mombasa Old Town Conservation Authority would provide. It is within Mombasa that eventually, it will have to spread and incorporate Malindi, Lamu, Gedi and other areas that other speakers have touched on in their contributions.

Mr. Temporary Deputy Speaker, Sir, if we cast our minds even further, we will find that in a place like Mexico, the Mexican Government has established a very important language centre in Tasco, which is a silver mining city, away from Mexico City. It has attracted a lot of scholars from all over the world going to learn the Spanish language and Mexican Culture in Tasco. This is the kind of thing that should happen in the Old Town of Mombasa. However, the Mombasa Old Town Conservation Authority will not only be established to ensure that those buildings and those streets in the Old Town survive history, but we do hope that an institute will be established in the Old Town of Mombasa, which I would propose can be called the Mombasa Old Town Swahili Institute, as a centre of learning, cultural transmission and as a centre of history. That would make the Old Town

of Mombasa to be one of the richest, or one of the most important cultural centres in Africa.

Mr. Temporary Deputy Speaker, Sir, this is a very unique opportunity that the Kenyan Government should seize and implement. We know for certain that there has been a lot of neglect of the Old Town in Mombasa. If you go to the Old Town in Mombasa, you will find that the buildings are peeling off; the roads have not been repaired for some time, and there is graffiti written on the walls. More buildings, which should not really come up in any different architecture but the architecture of the Old Town, have come up to spoil the cultural significance of the Old Town.

Mr. Temporary Deputy Speaker, Sir, hon. Maitha is saying that we do not want to have this dukawalla architecture coming up in the Old Town of Mombasa. We do not want to have these very greedy land grabbers coming up in the Old Town and putting up skyscrapers which have very little cultural relationship with the old buildings in the Old Town of Mombasa.

QUORUM

Mr. Kitur: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum in the House. This is a very important Motion and we should not continue without quorum.

The Temporary Deputy Speaker (Mr. Poghisio): Certainly, there is no quorum. Ring the

Division Bell!

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Order! Hon. Members, due to lack of quorum, the House is adjourned until this afternoon at 2.30 p.m.

The House rose at 10.45 a.m.