

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 29th September, 2005

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

**The Minister for Labour and Human Resource Development** (Dr. Kulundu): Mr. Speaker, Sir, can we go back to Order No.5 please?

**Mr. Speaker:** What is wrong with that Order? Do you want to lay some Papers on the Table?

**The Minister for Labour and Human Resource Development** (Dr. Kulundu): Mr. Speaker, Sir, I want to give Notice of a Motion.

**Mr. Speaker:** It is okay!

**Hon. Members:** Where was he when that Order was being called out?

**The Minister for Labour and Human Resource Development** (Dr. Kulundu): I was just at the door!

**Mr. Speaker:** Order, Dr. Kulundu! Address the Chair!

**The Minister for Labour and Human Resource Development** (Dr. Kulundu): Mr. Speaker, Sir, I beg to lay the following Papers on the Table.

In accordance with Standing Order No.101---

**Mr. Speaker:** Order, Mr. Minister! I advise you to approach the Clerks-at-the-Table for further advice. Could you approach the Clerks-at-the-Table?

*(Dr. Kulundu consulted with the  
Clerks-at-the-Table)*

Next Order!

### QUESTION BY PRIVATE NOTICE

#### ILLEGAL ALLOCATION OF GEORGE KAPTEN MEMORIAL PARK

**Capt. Nakitare:** Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that Kamukunji/George Kaptan Memorial Park in Kitale Town has been illegally allocated to private individuals?

(b) Is he further aware that members of the public have vowed to demonstrate against the allottees and forcefully remove them from the said public park?

(c) If the answers to "a" and "b" above are in the affirmative, what is the Minister doing to ensure that the park is reverted back to public use to prevent conflicts?

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

(a) I am aware that Kamukunji/George Kapten Memorial Park in Kitale Town has been illegally allocated to private individuals.

(b) I am not aware that the members of the public have vowed to demonstrate against the allottees.

(c) The Ministry has directed Kitale Municipal Council to repossess Kamukunji/George Kapten Memorial Park immediately.

**Capt. Nakitare:** Thank you, Mr. Speaker, Sir. I thank the Assistant Minister for the eloquent answer he has given this House. The plot in question has a history since Independence. This is where our first Member of the Legislative Council (Legco) held his meetings and the people could sit, chat and organise their affairs there. On part "b" of the Assistant Minister's answer, he has said that he is not aware that members of the public have vowed to demonstrate against the allottees. Father Dowlan was arrested when he confronted the allottees of the plot. On part "c" of the Question---

**Mr. Speaker:** Order, Capt. Nakitare! The provisions of Standing Order No.35(3) read:-  
"A Question shall not be made the pretext for a debate."

Put your question!

**Capt. Nakitare:** Thank you, Mr. Speaker, Sir, for your guidance. What will the Assistant Minister do if the Kitale Municipal Council does not comply with his order?

**Mr. Kamanda:** Mr. Speaker, Sir, we have directed the Kitale Municipal Council to repossess the plot in question. That council will go by our direction.

**Mr. Rotino:** Mr. Speaker, Sir, part "a" of the Question says that the plot has been illegally allocated to private individuals. Could we know the individuals who have been allocated that prime plot in Kitale Town?

**Mr. Kamanda:** Mr. Speaker, Sir, that plot was allocated to a Mr. Nicodemus Mogaka under the business name of "Mariba Enterprises" in 1994. However, the proper procedure was not followed during the allocation.

**Capt. Nakitare:** Mr. Speaker, Sir, how soon will the Kitale Municipal Council implement the directive of the Ministry?

**Mr. Kamanda:** Mr. Speaker, Sir, councils operate through committee meetings. That issue will be resolved within a month once the Kitale Municipal Council holds a full council meeting.

**Mr. Rotino:** On a point of order, Mr. Speaker, Sir. Since the Assistant Minister has said that the proper procedure was not followed during the allocation of that plot, could I be in order to request him to revoke the allocation?

**Mr. Kamanda:** Mr. Speaker, Sir, that is what we have directed the Kitale Municipal Council to do.

## ORAL ANSWERS TO QUESTIONS

*Question No.654*

DISTRICT REGISTRAR OF PERSONS  
UNIT FOR HABASWEIN

**Mr. Speaker:** Mr. Abdirahman not here? His Question is dropped!

*(Question dropped)*

*Question No.330*NON-PAYMENT OF SALARY TO  
MR. ANDREW K. CHUMO

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

(a) whether he is aware that Mr. Andrew K. Chumo, (PF/No.87108669) was not paid his salary and other emoluments for the period 1st July, 1998 to 27th January, 1999; and,

(b) what he is doing to ensure that the claimant is paid all his dues.

**The Assistant Minister, Office of the President** (Mr. M. Kariuki): Mr. Speaker, Sir, this Question does not fall under my docket. Mr. Shitanda is supposed to answer it but I do not see him here. However, I undertake to provide an answer on Tuesday next week.

**Mr. Speaker:** Mr. Choge, what is your reaction?

**Mr. Choge:** Mr. Speaker, Sir, you can defer the Question for an hour or two so that the Assistant Minister can come and answer it.

**Mr. Speaker:** Do you know where the Assistant Minister is?

**Mr. Choge:** Mr. Speaker, Sir, I do not know where he is. It is the duty of the Government to provide the Ministers on the Front Bench.

**Mr. Speaker:** Mr. Choge, you are absolutely right! Mr. M. Kariuki, do you know where your colleague is?

**The Assistant Minister, Office of the President** (Mr. M. Kariuki) Mr. Speaker, Sir, I have no idea where he is. I was pleading with the Chair to defer the Question to Tuesday next week so that I can answer it even if Mr. Shitanda will not be here.

**Mr. Speaker:** Mr. M. Kariuki, I know you do very well on your docket. Is it right that the House should wait for Ministers?

**The Assistant Minister, Office of the President** (Mr. M. Kariuki): Mr. Speaker, Sir, I apologise for this. I do not know what could have happened to Mr. Shitanda because he is usually punctual.

**Mr. Speaker:** Mr. Choge, it appears as if I have no choice other than to defer this Question. I will defer it to Tuesday next week.

**Mr. Choge:** Mr. Speaker, Sir, the Question can be deferred to Tuesday next week, but I hope he will not be absent.

**Mr. Speaker:** Thank you.

*(Question deferred)*

*Question No.499*

## COMPLETION OF SOGOET BRIDGE

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

- (a) whether he is aware that the contractor, who was awarded the tender to build Sogoet Bridge abandoned the site before completing the bridge; and,
- (b) what he is doing to have the bridge completed.

**The Minister for Roads and Public Works** (Mr. Raila): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that there was a contractor who was awarded the contract to build Sogoet Bridge and abandoned the site before completion.

(b) The bridge is actually a culvert consisting of two lines of 900mm diameter pipes of 16 metres total length. This structure was constructed and completed by the Ministry engineers in the last financial year using direct labour at a cost of Kshs381,600.

**Mr. Salat:** Mr. Speaker, recently we commissioned a water project within the same area which cost over Kshs11 million. This bridge is supposed to be used to ferry the materials to the site. The contractors of the water project are saying that the bridge cannot accommodate a truck which is supposed to ferry the materials to the site. The Minister has said that the bridge has been completed and yet I know that it is not. Is he satisfied that the amount which was used on the bridge is enough because it is not complete?

**Mr. Raila:** Mr. Speaker, Sir, this is unclassified road. The works I am talking about were completed in November, 2004. The construction period was three months and the source of funds was the Constituency Development Fund (CDF). I know that the hon. Member sits in the District Roads Board (DRC). I am surprised that he is not aware that it was the CDF funds which were used to do that particular road. I know that there is an approach to the bridge itself that requires some finishing. However, I am sure that funds can be allocated from the CDF and the DRC to complete the little work that is left.

**Capt. Nakitare:** Mr. Speaker, Sir, the Minister has said that the contractor abandoned the project. What actions did he take against the contractor because the project went through the procurement exercise?

**Mr. Raila:** Mr. Speaker, Sir, I know that the hon. Member is not *mpumbavu*!

**Mr. Speaker:** Mr. Minister, what have you said?

**Mr. Raila:** Mr. Speaker, Sir, I have said that the construction work was done using false account and, therefore, there was no contractor.

*(Laughter)*

**Dr. Kibunguchy:** On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to call an hon. Member *pumbavu*?

**Mr. Speaker:** Mr. Minister, did you say that?

**Mr. Raila:** Mr. Speaker, Sir, I am sure the HANSARD will bear me witness. I said that I know that the hon. Member is not a *mpumbavu*.

**The Minister for Health** (Mrs. Ngilu): On a point of order, Mr. Speaker, Sir. That is very unparliamentary, whether it is said in Parliament or outside. Could the Minister withdraw the remark and apologise?

**Mr. Speaker:** I am completely in a dilemma! If you call somebody not a *mpumbavu*, you are not insulting him. However, Mr. Raila, how did the business of *pumbavu* come in, in the first place?

**Mr. Raila:** Mr. Speaker, Sir, when I was answering the Question, I said that this work was done by the Ministry's engineers using direct labour and I gave the costs. The hon. Member said that I said that the contractor had abandoned the site, but I never talked about any contractor. That is why I said that I am sure he just did not understand what I was saying. So, I said that he was not a *mpumbavu*.

**Mr. Speaker:** If that is the context in which you used that word, that is being insulting to an hon. Member. You must apologise!

**Mr. Raila:** Mr. Speaker, Sir, if I had said that the hon. Member is a *mpumbavu*, I would have

insulted him, but I said that he is not a *mpumbavu*. Therefore, that is not an insult.

**Mr. Speaker:** Order, Mr. Raila! By inference, you are challenging his intellectual capacity.

*(Laughter)*

I must take charge of this and we must be serious. Hon. Raila, I will not accept that. Will you please withdraw that remark?

**Mr. Raila:** Mr. Speaker, Sir, if I say that you are not stupid, is that an insult?

**Mr. Speaker:** Order, Mr. Raila! In fact, what would lead you to tell me that I am not stupid? It is generally assumed, until otherwise proven, that I am not stupid.

**Mr. Raila:** Mr. Speaker, Sir, therefore, there is nothing wrong with reminding you that you are not stupid. If this will satisfy the hon. Member's ego, I am willing to withdraw. Therefore, I beg to withdraw the remark.

**Mr. Speaker:** Order, hon. Members! In the interest of the orderly conduct of the business of this House, I will urge all the hon. Members, henceforth, to desist from using any words, language or even signs that may be construed as being insulting of another hon. Member. So, can we proceed on that basis? That should end the matter!

**Mr. Salat:** Thank you, Mr. Speaker, Sir, for giving that warning and I hope that everybody inside and outside this House will heed to it.

**Mr. Serut:** On a point of order, Mr. Speaker, Sir. Is hon. Salat in order to say that you have control over the hon. Members outside this Chamber?

**Mr. Speaker:** Order, Mr. Serut! You know very well that hon. Members and the public take Mr. Speaker very seriously. So, they take me very seriously when I say that.

**Mr. Salat:** Mr. Speaker, Sir, I would like to inform the Minister that we will not use the CFD money to construct this bridge. I have been to the site and the bridge is not complete. Could the Minister consider allocating some money to complete this bridge?

**Mr. Raila:** Mr. Speaker, Sir, I know that the hon. Member for Bomet is a very intelligent person. This is an issue that can be addressed. Instructions are going to be given to my engineers in the field to ensure that work on the bridge is completed.

*Question No. 463*

EXCLUSION OF INDIVIDUAL TEA  
FACTORIES FROM PROCUREMENT  
OF GOODS AND SERVICES

**Mr. Mwanicha** asked the Minister for Agriculture:-

(a) whether he is aware that the procurement of major goods and services for all tea factories in Kenya is done through the Kenya Tea Development Agency at the headquarters with minimal involvement of the Directors of the individual tea factories; and,

(b) what step he is taking to ensure that individual factories take full charge of the purchases for major goods and services like tea collection lorries, tractors, factory machinery and furnace oil.

**The Assistant Minister for Agriculture** (Mr. Akaranga): Mr. Speaker, Sir, having looked at the answer provided here, I wish to seek the indulgence of the House, so that I could reply to this Question next Thursday.

**Mr. Speaker:** Why?

**The Assistant Minister for Agriculture** (Mr. Akaranga): Mr. Speaker, Sir, there is certain important information which has not been provided in the answer.

*(A stranger walked into the Chamber)*

**Mr. Sambu:** On a point of order, Mr. Speaker, Sir. There is a stranger in the House. Somebody is walking behind the Benches on the Government's side.

*(Loud consultations)*

**Mr. Speaker:** Order, hon. Members! Will you sit down all of you? I am in charge of this House. Who is that? Can you find out who he is and let me know?

**Mr. Wanjala:** There is no security here!

### COMMUNICATION FROM THE CHAIR

#### STRANGER IN THE HOUSE

**Mr. Speaker:** Order, hon. Members! Order! Order! I would like to take this opportunity to thank hon. Sambu for being hawk-eyed and bringing to the attention of the Chair a breach of the rules of the House. Indeed, no stranger, and I repeat, no stranger is allowed to come through that door while the House is sitting or to access the Chamber from any other direction. That is a lapse in security. I understand that he is a public officer who is supposed to come to listen to Debate here, probably recently recruited, I am told.

*(Loud consultations)*

Order! The problem with some hon. Members is that they have the propensity to forever trivialize everything! I think that the public servant just strayed and missed the way. I have asked that he be given necessary guidance. I want public servants to seek advice from my staff on how to access this Chamber. I give further direction to the Serjeant-At-Arms to ensure that all entrances to this House are properly manned and strangers given proper directions as to where to go.

Thank you, Mr. Sambu.

*(Resumption of Oral Answers to Questions)*

Next Question, Mr. Mwanacha!

**Mr. Mwanacha:** On a point of order, Mr. Speaker, Sir. I would like to know the fate of my Question.

**Mr. Speaker:** Yes, indeed, Mr. Akaranga had requested to answer it next week and I was asking for your reaction.

**Mr. Mwanacha:** Mr. Speaker, Sir, my reaction is that the tea industry is on the verge of collapse because farmers are not making anything out of their farming business, especially from tea. I accept that the Assistant Minister should take the time he needs to give this House an answer befitting this Question.

Thank you.

**Mr. Speaker:** Very well, Question deferred up to next week!

*(Question deferred)*

*Question No. 570*

NUMBER OF REP-FUNDED PROJECTS IN  
UGENYA CONSTITUENCY

**Archbishop Ondiek** asked the Minister for Energy:-

(a) how many projects were initiated under the Rural Electrification Programme in Ugenya Constituency in the Financial Year 2004/2005; and,

(b) what projects are listed for implementation under the programme in the constituency in the Financial Year 2005/2006.

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

(a) The number of projects approved and fully funded by the Government under the Rural Electrification Programme in Ugenya Constituency in the Financial Year 2004/2005 are two, namely Simero and Aboke market centres, at an estimated cost of Kshs5.5 million and Kshs3.5 million, respectively. However, the Kenya Power and Lighting Company (KPLC) is as yet to commence construction due to a number of reasons, including lack of adequate materials.

(b) The projects that are listed for implementation under the programme in the constituency in the Financial Year 2005/2006 include Kanyaundo School and Kanyaundo Water Supply as recommended by the Siaya District Development Committee.

**Archbishop Ondiek:** Mr. Speaker, Sir, I thank the Assistant Minister for the installation of electricity in Aboke Market and Mauna Dam. What I would like to find out is when those materials are going to be taken there, so that this construction could take place?

**Mr. Kiunjuri:** Mr. Speaker, Sir, we have enough supplies and by mid next month, we shall be able to distribute those materials, not only to this constituency, but all over the country.

**Mr. Sambu:** Thank you Mr. Speaker, Sir. Could we know from the Assistant Minister when the various donor-funded schemes will come into effect, specifically the French Government-funded schemes?

**Mr. Kiunjuri:** Mr. Speaker, Sir, we signed the agreement for the French programme on 19th May, 2005, and we are expecting--- So far, they have already started the survey works and by January, 2006, they will roll out the programme.

**Mr. Omingo:** Thank you Mr. Speaker, Sir. It is not only in Ugenya that this issue of lack of implementation of the programme under the KPLC is taking place. In my constituency, there are two programmes which were actually approved and given to the KPLC. Could the Assistant Minister state what he is doing with all the pending Rural Electrification Programme projects nationally, including Nyatike Health Centre?

**Mr. Kiunjuri:** Mr. Speaker, Sir, the problem we had is that we have been having problems with the procurement procedures whereby, in any case, you tender for materials, then somebody comes up with an appeal, and that takes us almost another six months to start the process once again. But I have already said that we have received enough materials and we shall be able to distribute them equally all over the country.

**Mr. Abdirahman:** Thank you, Mr. Speaker, Sir. Just yesterday in this very House, we heard that Government funds are being returned back to the Treasury, and you could hear the Assistant Minister speaking out again that, because of poor procurement procedures, they are not able to procure those goods in time. What steps will they take to ensure that Government funds are utilized

appropriately and Kenyans are not denied services because of inefficiency of those people?

**Mr. Kiunjuri:** Mr. Speaker, Sir, you remember very well that we passed the new law on procurement, and that will make it possible, not only for the Ministry of Energy, but also for all other Government Ministries to speed up their procurement.

**Archbishop Ondiek:** Mr. Speaker, Sir, I would like to find out from the Assistant Minister where he got this name "Kanyaundo Water Supply", because it is too strange to me. There is only Jera Secondary School and Jera Market, not Kanyaundo.

**Mr. Kiunjuri:** Mr. Speaker, Sir, we always receive names from the various district development committees, where hon. members are supposed to sit. If we are misled, then this is not from the Ministry of Energy but from the district development committees. However, we shall take the hon. Member's concern into consideration because he is briefing me that he would like the priority to go to Jera Market and Jera Secondary School. If this is corrected, then we shall act on it.

**Mr. Speaker:** Next Question by Dr. Khalwale!

*Question No. 327*

LAND REGISTRARS FOR KAKAMEGA/LUGARI AND BUTERE-MUMIAS DISTRICTS

**Dr. Khalwale** asked the Minister for Lands and Housing:-

- (a) whether he is aware that land transactions in Kakamega, Lugari and Butere-Mumias districts have almost come to a halt due to shortage of personnel; and,
- (b) when the Minister is going to post land registrars to ease the crisis.

**The Assistant Minister for Lands and Housing** (Mr. Mungatana): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that land transactions in Kakamega, Lugari and Butere-Mumias districts have come to a halt due to shortage of staff. There is a Land Registrar in Kakamega who is rendering services in the three districts.

(b) Because of increase of land transactions in the area, the Ministry has sent a second Land Registrar to Kakamega District to improve on the service delivery.

Thank you, Mr. Speaker, Sir.

**Dr. Khalwale:** Mr. Speaker, Sir, when I filed this Question, there was only one land registrar. I want to thank the Assistant Minister for posting another land registrar after being provoked by this Question. However, the Land Registrar, Kakamega, is in charge of Kakamega, Lugari and Butere-Mumias districts. On daily basis, he signs search certificates, title deeds, attends land disputes and administers the office. Could the Assistant Minister tell us when he is going to ensure that each of the three districts have a land registrar?

**Mr. Mungatana:** Mr. Speaker, Sir, the hon. Member has acknowledged that we have done something. However, we still have a shortage of land registrars, not just in Butere-Mumias and Lugari districts, but across the country. The Ministry is currently in the process of recruiting new officers in land registry level II and III. We are in the process of sorting out this issue with the Directorate of Personnel Management (DPM). As soon as we get authority, we shall roll out. I am sure that by then, the hon. Member will see another person posted there.

**Dr. Kibunguchy:** Mr. Speaker, Sir, it is not just a question of land registrars but there is a problem of land in these districts. There is also the problem of land boards and tribunals that we have set up. These people are not being paid their allowances. As we speak, members of the land boards and tribunals in Lugari have boycotted work. Could the Assistant Minister tell us what programmes or plans they have put in place so that the land boards and tribunals are paid their sitting allowances promptly?



**Mr. Mungatana:** Mr. Speaker, Sir, the hon. Member will remember that we had provided some funding which managed to sort out some parts of the country in terms of arrears for those members of the tribunal who had not been paid. In the Budget that we presented to this House, we did not get the full amount that we required because of restrictions and adjustments from the Treasury. As a Ministry, we have sought private partners and other donors to come in. Through the GJLOS Programme, we expect to get funding and hopefully clear some of the payments that are backdated including the current ones. That is what we are doing as a Ministry.

**Mr. Khamisi:** Mr. Speaker, Sir, as the Assistant Minister tries to recruit more staff for the offices in the regions, could he also assure this House that they will also try to reshuffle the staff in these areas? Some of them have overstayed and they have become a burden to the population in those areas.

**Mr. Mungatana:** Mr. Speaker, Sir, just before we had the current reshuffle, through the Permanent Secretary who used to be in our office, we had done a readjustment and reposting of various officers around the country taking into account the sentiments of the hon. Members. Some officers had overstayed at their stations and we will continue doing to do so. If there is a specific officer who the hon. Member has in mind, we would be willing to address it if there is evidence accompanying that statement.

**Mr. Sambu:** Mr. Speaker, Sir, one of the reasons why there are less land transactions now is because of the rule that was issued by the Minister for Lands and Settlement which contravenes the Constitution in as far as ownership of property is concerned. In areas like Kakamega, agricultural land is down to two or three acres. Would the Assistant Minister tell the House what offence is committed if a farmer wants to sell off half an acre or even one acre of his land and why the buyer cannot get a title deed yet the land is agriculturally productive?

**Mr. Mungatana:** Mr. Speaker, Sir, with due respect to the hon. Member for Mosop, the land transactions have not really reduced. Evidence is that they are increasing. Having said that, I stood in this House and explained the policy that we have adopted. I explained that in areas where there is a problem in terms of reduced food productivity, the policy of the Ministry is to try and restrict sub-division so that we can continue to maintain productivity in terms of food production. That policy is in good faith! We are just discouraging and we will not issue title deeds to areas that we feel will threaten the survival of this nation if we start sub-dividing to a level where the land becomes unproductive. That is all I explained to this House. I hope that it is taken in all the good faith.

**Mr. Omamba:** Mr. Speaker, Sir, in my constituency---

**An hon. Member:** You are not Dr. Khalwale!

*(Laughter)*

**Mr. Speaker:** Order, Mr. Omamba! I gave Dr. Khalwale the opportunity to ask the last question.

**Dr. Khalwale:** Mr. Speaker, Sir, the net effect of the shortage of land registrars is that land disputes and court cases in respect of land take a very long time and, therefore, frustrating farmers. Could the Assistant Minister tell us what inter-Ministerial relationship he has with the Ministry of Justice and Constitutional Affairs to ensure that court cases affecting land get priority at Kakamega Law Courts when they appear before the magistrate?

**Mr. Mungatana:** Mr. Speaker, Sir, the hon. Member knows that the registrars have a right to settle disputes in law. Therefore, when they come before our registrar, we will do what we can within our ability to ensure that those matters are sorted out as soon as possible. However, when members of the public opt to go to court to follow up their disputes, I cannot assure the hon. Member that we shall finalise those disputes in court as soon as possible. We will sell his expressed fears and his concern to

the Ministry of Justice and Constitutional Affairs. I am sure they will act on those concerns.

*Question No.302*

GOVERNMENT'S ABDICATION OF  
TRAINING MIDDLE LEVEL COLLEGES

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

(a) whether he is aware that the Ministry has abdicated its responsibility of training Kenyans in middle level colleges to mushrooming private commercial enterprises; and,

(b) what steps he will take to reverse this trend.

**The Assistant Minister for Labour and Human Resource Development** (Mr. A.M. Khalif): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that my Ministry has abdicated its responsibility. However, my Ministry is mandated to manage vocational training institutions and community based polytechnic as follows, for instance, the National Industrial and Vocational Training Centre, the Kenya Textile Training Institute, the Kisumu Industrial Training Centre, Mombasa Industrial Training Centre and Athi River Vocational Training Centre.

My Ministry, through the Directorate of Industrial Training, registers trainers under the Industrial Training Act, Cap.237, who offer training to people already employed by the Industrial Training Levy contributed by employers in the country. In the case of school leavers, it caters for those who have entered into a training contract with specific employers.

(b) My Ministry, in collaboration with other Government agencies, is currently undertaking TIBETA reforms to [**The Assistant Minister for Labour and Human Resource Development**] address the training issues in all other sectors. We have proposed the following:-

The establishment of a cumulative process of key stakeholders to dialogue on ways and means of developing a credible and comprehensive skills training, certification arrangement and middle level institutions.

We have also proposed the establishment of necessary legal framework for this purpose on the basis of recommendations emerging from the consultations. The middle-level colleges and private commercial institutions are registered, supervised and regulated by the Ministry of Education, Science and Technology.

**Mr. Leshore:** Mr. Speaker, Sir, I would like to thank the Assistant Minister for his very elaborate answer.

**Mr. Speaker:** Order! Order! Could somebody adjust the microphone for Mr. Leshore?

*(Mrs. Ngilu crossed the Floor and  
adjusted Mr. Leshore's microphone)*

*(Laughter)*

**Mr. Leshore:** Thank you, Minister.

**Mr. Speaker:** Order! Order! I know that the Minister was being of good service to this House. But, proceed to the Bar, Minister.

*(Mrs. Ngilu went to the Bar  
and bowed to the Chair)*

**Mr. Speaker:** I thank you for helping Mr. Leshore, Minister.

**Mr. Leshore:** Mr. Speaker, Sir, I would like the Assistant Minister to tell the House what he is doing to re-open most of the village polytechnics which have been closed down over the years.

**Mr. A.M. Khalif:** Mr. Speaker, Sir, my Ministry has asked for money to assist the polytechnics all over the country.

**Maj. Madoka:** Could the Assistant Minister tell us how money is collected annually through the training levy?

**Mr. A.M. Khalif:** Mr. Speaker, Sir, we collect less than Kshs10 million.

**Mr. Rotino:** Mr. Speaker, Sir, I do not know whether the Ministry realises that village polytechnics are very important instruments for development in this country. We should have a policy guideline on how village polytechnics and other polytechnics in this country are going to be revived. The Ministry must give us a systematic policy even on how much it intends to give to polytechnic each year. They should not let them die.

**Mr. A.M. Khalif:** Mr. Speaker, Sir, we have already developed policy guidelines for the polytechnics. We will soon table it in this House.

**Mr. Speaker:** Last question, Mr. Leshore!

**Mr. Leshore:** Mr. Speaker, Sir, I would like the Minister to tell us when they last expanded middle-level colleges like the ones referred to here? Over the years, these colleges have never been expanded. When is the Government going to expand them to cater for the training of more Kenyans?

**Mr. A.M. Khalif:** Mr. Speaker, Sir, we could not do so because of some budgetary constraints. However, we intend to do so.

**Mr. Speaker:** Very well. Next Question, Mr. J.K. Kilonzo!

*Question No.343*

WITHHOLDING OF NZIU RANCHING  
CO-OPERATIVE SOCIETY AUDIT REPORT

**Mr. J.K. Kilonzo** asked the Minister for Co-operative Development and Marketing:-

(a) whether he is aware that the last audit for Nziu Ranching Co-operative Society in Mutito Constituency was undertaken in 1993 but since then the society has been dormant and unable to raise the audit fees amounting to Kshs34,110;

(b) whether he is further aware that members now want to revive the society but cannot proceed without the information contained in the audit report which has been retained for non-payment of fees; and,

(d) whether he could waive the fees and release the report to the society.

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

(a) I am aware.

(b) I am not aware. However, the Ministry is in the process of reviving all dormant societies, including Nziu Ranching Co-operative Society Limited. We have directed the District Co-operative Officer, Kituyi, to do an inspection of the society with a view of coming up with measures that will accelerate the society's revival.

(c) The issue of audit fees is being addressed. We are awaiting a report from the District Co-operatives Officer, so that we can have the way forward.

**Mr. J.K. Kilonzo:** Mr. Speaker, Sir, I would like to thank the Assistant Minister for that answer. However, I wish to request him to waive the audit fees and release the report because

members of the society have been meeting but they cannot make headway unless they have the report. So, if possible, I would like him to waive this fees and release the report.

**Mr. Kenneth:** Mr. Speaker, Sir, once we get the District Co-operative Officer's report, we shall waive the fees.

**Mr. J.K. Kilonzo:** Mr. Speaker, Sir, I would like the Assistant Minister to tell us when he intends to get the report from the District Co-operative Officer. You realise that the report has been withheld since 1993. Moreover, the members of the society want to proceed with their activities. What other assistance, in terms of cattle, would the Ministry wish to give the ranch once it is revived.

**Mr. Kenneth:** Mr. Speaker, Sir, we can consult with the hon. Member, so that the report can be released within two weeks and the audit fees waived. On the issue of further development, arising from what the District Co-operative Officer's report will indicate, we should be able to liaise with the Livestock Development Fund, through the Ministry of Livestock and Fisheries Development, to ensure that the particular society is assisted.

**Mr. Speaker:** Very well. We will now go back to the Question by the Member for Migori.

*Question 634*

RAMPANT CORRUPTION AT  
MIGORI DISTRICT HOSPITAL

**Mr. Owino** asked the Minister for Health:-

- (a) whether she is aware that there is rampant corruption at Migori District Hospital where medicine meant for the hospital is being sold to outsiders by the hospital staff;
- (b) whether she is further aware that the hospital does not have a qualified surgeon and that patients requiring surgical services are sent either to the neighbouring private hospitals or to Homa Bay District Hospital, 80kilometres away; and,
- (c) what action she has taken to arrest the situation.

**The Minister for Health** (Mrs. Ngilu): Mr. Speaker, Sir, before I reply, let me take this opportunity to congratulate Ms. Amina for having had a safe delivery and come back to Parliament. Welcome back.

*(Applause)*

I would like to urge that when this Chamber is renovated, let there be a provision somewhere for us lady hon. Members to keep our babies. It is important.

**Mr. Speaker:** Indeed, it is!

**The Minister for Health** (Mrs. Ngilu): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that at Migori District Hospital there was one incident which occurred on 6th July, 2005, where the Government arrested two ladies in possession of Government property, namely, 89 pairs of gloves and 13 packets of medicine each containing 1,000 tablets. I think the gloves were going to be used by women operating hair salons. Interdiction of the suspected officer has taken place and is awaiting a court case. The district hospital has re-assessed and revised internal control measures, including deploying a qualified store person to manage the stores. We have also contracted a security firm to offer security services. Staff in the hospital have also been sensitised on the Government's position of zero-tolerance to corruption and pilferage.

(b) I am also aware that Migori District Hospital has no qualified surgeon and that patients requiring surgical services are sent to Homa Bay. This is because Migori District Hospital is newly upgraded to district hospital status and lacks essential infrastructure for surgical operations.

(c) My Ministry has set aside Kshs9,650,000 for the improvement of the physical infrastructure, and Kshs4 million for purchase of medical equipment for the hospital, this financial year. Once the construction work is complete, the theatre will be fully-operational and a surgeon will be deployed to the hospital to give this service.

**Mr. Owino:** Mr. Speaker, Sir, the information that has been given to the Minister is not correct. The correct position on the ground is that 189 pairs of gloves and 100 packets, each containing 1,000 medicinal tablets, were found with the said thieves. Migori is a border district. Several people cross over to Kenya from Tanzania, to buy the drugs. Could the Minister confirm that the practice will not continue? The Ministry has interdicted only one person but I know that there are several people who are involved in this practice.

**Mrs. Ngilu:** Mr. Speaker, Sir, I thank the hon. Member for that information. The number I have here with me is 89 pairs of gloves and not 189. However, I will go back to check whether there were 89 or 100 pairs of gloves. I know that when drugs are stolen from our hospitals they cross the border. But I would like to assure the hon. Member that stealing of drugs from our hospitals will be a thing of the past because we have more drugs now in our health facilities, especially in the rural areas.

**Mr. Omamba:** Mr. Speaker, Sir, I come from Migori District. Therefore, I know my people are suffering a great deal. The Minister says that they have set aside funds for the improvement of the physical infrastructure. Could she tell this House when work will start?

**Mrs. Ngilu:** Mr. Speaker, Sir, work will begin immediately because we have the resources.

**Mr. Ogur:** Mr. Speaker, Sir, theft of this extent cannot be done, organised and managed by one thief. That large quantity of drugs cannot be carried by one thief. This is because many of the other people who are not thieves would have seen him or her. Therefore, the Minister must know that there are more than one thief. One thief is not able to go to the pharmacy and carry those big sacks of drugs and equipment. What will the Minister do to make sure that those thieves will go away and never to remain in Migori District?

*(Laughter)*

**Mrs. Ngilu:** Mr. Speaker, Sir, I think the hon. Member does not realise that 200 gloves are not too many. The packets that were carried away were not too many for two ladies to carry. However, the person who organises for these gloves to come out is only one person; the store keeper. We have interdicted the person and tightened security. We have actually hired a private security firm to ensure that these thieves do not continue with their business in our hospital.

**Mr. Speaker:** Very well. I will finish now with Mr. Owino who asked the Question.

**Mr. Owino:** Mr. Speaker, Sir, I think this is the third time I am asking this Question about a surgeon in this House. I have always been promised that a surgeon will be posted within the financial year. The Minister has promised and given some figures here that once this money is used, we will be able to have a surgeon. Could she really confirm that there will be equipment because the necessary infrastructure is in place? What is lacking is the equipment. Could she confirm that there will be equipment, so that a surgeon can be posted there within this financial year?

**Mrs. Ngilu:** Mr. Speaker, Sir, yes, I can confirm that we have set aside Kshs14.65 million that will be used to buy equipment to ensure that the theatre is operational. When that is done, then we can post a surgeon. Otherwise, there is no need to post a surgeon when there is no equipment and theatre. That is what we will do first.

**Mr. Speaker:** Thank you. That concludes Question Time.

Next Order!

**BILLS***First Readings*

THE SEXUAL OFFENCES BILL  
THE NATIONAL SOCIAL SECURITY  
PENSIONS TRUST BILL  
THE KENYA MARITIME AUTHORITY BILL

*(Orders for First Readings read - Read  
the First Time - Ordered to be  
referred to the relevant  
Departmental Committees)*

*Second Reading*

THE RETIREMENT BENEFITS  
(AMENDMENT) BILL

**The Assistant Minister for Finance** (Mr. Obwocha): Mr. Speaker, Sir, I beg to move that The Retirement Benefits (Amendment) Bill be now read a Second Time.

The main purpose of this amendment to the Retirement Benefits Act is basically to facilitate registration of the administrators of the pension schemes or funds. Secondly, savings by members will be allowed to be used as mortgage security. Finally, other amendments which appear in this Amendment Bill are basically to clean up the Retirement Benefits Act.

Mr. Speaker, Sir, the Retirement Benefits industry controls over Kshs150 billion worth of assets through over 1,300 occupational pension schemes, 11 individual retirement benefits schemes and the National Social Security Fund (NSSF). Those schemes are regulated by the Retirement Benefits Authority, which was established by the Retirement Benefits Act which was enacted in 1997. The Act, amongst many other things, regulates and supervises the establishment and management of the retirement benefits schemes. It protects the interests of members and sponsors of retirement benefits schemes. It also develops the retirement industry. It advises the Minister for Finance in matters relating to retirement benefits and implements all Governments policies related thereto.

The authority enforces the Retirement Benefits Act which *inter alia*, requires that the schemes have properly constituted boards of trustees, including up to 50 per cent member representation. It must have a scheme, trust deed and rules that comply with the law. It must also have appointed registered custodians who hold the assets of the schemes on behalf of members. It must also have appointed independent professional registered managers who will undertake investments on behalf of the schemes. It will invest in accordance with the investment guidelines provided for in the law. It will also prepare annual audited accounts and provide summaries of those accounts to members. It will also provide members with annual benefits statements and also hold annual general meetings for members.

Mr. Speaker, Sir, since the enactment of the Retirement Benefits Act, the retirement benefits industry has experienced tremendous growth. It has made a major contribution in the development of capital markets in the country, hence the mobilisation of long term domestic savings.

The Retirement Benefits (Amendment) Bill, proposes a number of amendments to the Retirement Benefits Act, in order to strengthen the supervisory powers of the Retirement Benefits

Authority.

## QUORUM

**Mr. Abdirahaman:** On a point of order, Mr. Speaker, Sir. This is a very important Bill, but we do not have a quorum. I wonder whether you are able to see that.

**Mr. Speaker:** It is apparent on its face that we do not have numbers. Mr. Clerk, do we have a quorum?

Order, hon. Members. The hon. Members at the Bar, you either go out or sit down! Make a decision! Well, I understand we only have 15 hon. Members in the House. That is way below the quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**Mr. Speaker:** Order, hon. Members! We now have a quorum.

Mr. Obwocha, please, proceed!

**The Assistant Minister for Finance** (Mr. Obwocha): Mr. Speaker, Sir, before I was interrupted by lack of quorum, I was saying that the Retirement Benefits (Amendment) Bill provides the authority with supervisory power. If I can just highlight some of the Clauses that we are seeking to amend, Clause 2 gives the definition of the administrator in order to facilitate registration and regulation of the administrators by the Retirement Benefits Authority. It introduces the definition of trust corporation and gives the definition of trust, including a trust corporation. That is in order to allow the scheme to utilise professional trust corporations to act as trustees of the scheme.

Clauses 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 are amendments to the Act to facilitate registration and regulation of administrators by the Retirements Benefits Authority. Despite the extraordinary improvements in the schemes' trusteeship and the investment custody and transparency that have occurred since the enactment of the Retirement Benefits Act, one area that has lagged behind is that of scheme administration. Out of nearly 1,000 formal complaints lodged at the Authority today, majority of them result from poor administration. A primary cause of that is because administrators do not require to be registered by the authority. Whereas self administration will be allowed to continue, especially for schemes, it is important that all firms providing external administration services to schemes be registered and regulated by the authority.

Mr. Speaker, Sir, Clause 7 gives the Authority powers to approve the appointment of trustees of retirement benefits schemes and to reject the appointment of a trustee for reasons other than those currently provided for in the Act.

Mr. Speaker, Sir, Clause 20 proposes an administrative change so as to provide for a minimum quorum of three members for hearings of the Retirement Benefits Appeals Tribunal established under this Act.

Mr. Speaker, Sir, Clause 21 seeks to criminalise the failure by employers to remit employee contributions to a scheme. The timely remittance of contributions to schemes is very vital in determining the members' eventual benefits because funds are made available at the earliest time for investment. Despite the provision in the regulations requiring schemes to treat unmerited contributions as civil debts which can be recovered through civil courts, the problem of unremitted contributions continues to bedevil many schemes.

Mr. Speaker, Sir, finally, for housing, proposals in the Retirement Benefits (Amendment) Bill, the Minister, on June 8, 2005, amended the Retirement Benefits (Occupational Retirement Benefits Scheme) Regulations through Legal Notice No.57 to allow retirement benefits to be assigned for purposes of securing mortgage loans issued by an institution approved by the Retirement Benefits

Authority. However, assigning of retirement benefit savings as direct loans to its members or as security for a loan acquired from a third party is strictly prohibited by Section 38 of the Retirement Benefits Act. Now that the industry has been streamlined and confidence restored, the Authority proposes to relax this rule and permit retirement benefits to be assigned for housing loans in a regular manner. This will yield three advantages which are as follows:

First, it is in line with the aspirations of the Economic Recovery Strategy for Wealth and Employment Creation (2003). The core aim of the Government policy is to facilitate the construction of 150,000 housing units annually.

Second, it is a means to an end in meeting the Authority's social agenda of reducing old age poverty. By owning a house at retirement, a sense of human dignity, comfort and pride is instilled and both the living costs up as source of non-pension income which boosts the retirement income as well as tax revenue.

Thirdly, it will boost the demand for housing, which has been reducing over time suppressed by the rampant poverty and subsequent inability of Kenyans to raise the necessary collateral needed for housing loans. Whereas Kenyans are willing to own houses and other buildings, they cannot afford because of the prerequisites of financial institutions. So, by allowing individual members of retirement benefit schemes to assign their benefits for housing loans, housing demand will increase with associated economic linkages in the cement production and transport industries.

Mr. Speaker, Sir, in this regard, the Authority is proposing that the following clauses be incorporated into the Retirement Benefits (Amendment) Bill 2005:

Section 30 of the Retirement Benefits Act will be amended by inserting a proviso which reads:

"Provided that notwithstanding the prohibition above, accrued benefits in a scheme may be assigned and used by a member to secure a mortgage loan from such institutions and on such terms as may be approved by the Authority from time to time".

Also by inserting the following paragraph:

"The Minister shall, in consultation with the Authority, make regulations to govern the procedure for such assignments of benefits".

Mr. Speaker, Sir, as I have said, these amendments are just a skeleton to try and register or streamline the registration of administrators and provide savings by members and avail them to the members to have them as collateral security when they are building houses.

Mr. Speaker, Sir, finally, I know there is a controversial legal notice about the age limit of withdrawing the benefits but our Ministry is addressing this issue and will bring it to the House at the appropriate time.

With those few remarks, I beg to move and request hon. Amos Kimunya, the Minister for Lands and Housing, to second this Bill.

**The Minister for Lands and Housing** (Mr. Kimunya): Thank you, Mr. Speaker, Sir. I stand to second this important Bill, the Retirement Benefits (Amendment) Bill, which seeks to strengthen our pensions management and to give back the credibility of the retirement scheme.

Mr. Speaker, Sir, we all appreciate the role of better managed pension schemes which will ensure that the future of the retirees and their incomes are entrenched and the people can retire in peace knowing that they will be able to get their money. We all know that when you streamline the management, the people will be able to predict their future incomes and happily retire even earlier knowing that they have some dependable income they can rely on.

Mr. Speaker Sir, of more relevance to people who are about to retire is the question: Do they have a home to retire to? We have seen in the past attempts of using funds vested in the National Social Security Fund (NSSF) and other pension schemes being misused. Money was used to purchase quarries and other land that had turned to be useless in what should have been another scheme but was misused. By allowing for these pension funds which are future streams of income available to retirees



and also allowing them to be leveraged against mortgages to own houses, we can almost guarantee there are people who will not only retire but will retire in a home that they can bequeath to their children.

This practice is available and it is happening elsewhere and I will be very happy if this happens so that we can have enough money to go and build houses especially for the poorest of the poor. Here, I am referring to the workers who live in Kibera and who have nowhere to go and yet by the time they retire, with the little money they have, they cannot even afford a home in their home areas. These huge amounts that are being charged by pension schemes, I am sure, will help us when this law goes through and I would urge all hon. Members to support this Bill so that we can give the retirees better managed funds for them to rely on.

Mr. Speaker, Sir, while I am at this, I beg the indulgence of the House to deviate a bit and also touch on something that has been very touchy and that is on the land on which perhaps these people will be building their houses or will be retiring to. You may recall the following representations from the public on the dangers of sub-division of agricultural land to unviable sizes. We did issue a *Kenya Gazette* notice on 2nd June, 2005 and which my Assistant Minister did allude to a little earlier in his contributions while answering a Question this afternoon. The spirit of this notice was to regulate sub-division of agricultural land so that we do not end up with a situation where our agricultural productivity is compromised by the small parcels of land.

It was also meant to be a stop-gap measure when the national land policy was being formulated which would then provide further specific guidance on land use and sub-divisions in the different agricultural zones; depending on their productivity. Unfortunately, we have noted that this noble initiative that was meant to safeguard the country's agricultural productivity and food security has fallen victim to the politicisation that we have seen during the current ongoing debate on the constitutional referendum.

A lot of misinformation and inaccuracies have been peddled out there and, as a result, unnecessary tension has been occasioned on our people. Most of them have been told that they will lose their land if it is less than two-and-half acres. To avoid further misinformation on this initiative that is being lost, my Ministry has decided on a few things today. I would like to share these with the House so that hon. Members can go out to announce to the people that we will be rescinding the Gazette Notice No.64 of 2nd June, 2005. We hope that people will now rest in peace and use their agricultural land fully in order to boost production rather than subdividing it and eventually building structures where they would otherwise grow crops such as coffee, tea, bananas and maize.

Mr. Speaker, Sir, I believe that the Retirement Benefits (Amendment) Bill speaks for itself. I wish not to talk much about it, but only ask hon. Members to support this initiative so that we can manage well the pension funds belonging to retirees.

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

*(Question proposed)*

**Mr. Muite:** Mr. Speaker, Sir, in supporting this Bill, I would like to make the following brief contribution.

We need to respect the rights of workers. They are the ones who contribute money for their retirement and so they are best placed to make judgement on when they want their money. Neither the Ministry of Finance nor the Retirement Benefits Authority (RBA) should be paternalistic in thinking that they know best how to manage the money on behalf of those who have contributed it. It is a gross injustice to tell workers who want to retire early, for whatever reason, that they cannot access their money until they reach a particular age. Whose money is it? The money belongs to the contributors. So, if a contributor wishes to access that money in order to try his or her hand in business who are we

or who is the Government to deny the worker that opportunity?

Mr. Speaker, Sir, are we suggesting that the workers who have contributed this money, and they want to retire, should live in poverty until they reach a particular age before they can access their money? It is their money and they must be left alone to access it immediately. I hope that the Departmental Committee on Finance, Planning and Trade will be proposing amendments at the Committee Stage because if it does not do so, some of us are going to propose them.

We want fairness to our workers. I am not sure that there is not a hidden selfish agenda by major companies who want to continue using money deposited by their workers in their own investments and then plough it back. That is the objective in suggesting that no worker will be able to access his or her money until they reach a particular age.

The Departmental Committee on the Administration of Justice and Legal Affairs has received numerous representations from workers. Even when I go to my office in Kabete, I get these complaints from many workers; be they from the insurance or banking industries. If workers retire before attaining the age of 55, the law must permit them to access their money. There is a lot of dissatisfaction today across the entire Republic because of the proposal that workers will not access their money when they retire early.

Mr. Speaker, Sir, I support this Motion and I would like to put the Minister on notice that if that amendment is not proposed by the Committee on Finance, Planning and Trade I shall be proposing it. With those few remarks, I beg to support.

**Mr. Abdirahman:** Mr. Speaker, Sir, I am sure that the hon. Muite has raised a very important issue with regard to the workers' accessibility to their own money. I support the Bill because it intends to enhance the administration and management of resources that workers contribute in this country. However, there is a history that money deducted from the income of individual contributors does not reach the intended destinations in good time. Again, benefits are not given to individuals when they are due. I am talking from a point of reference because huge investments in this country which were carried out, particularly by organisations such as the National Social Security Fund (NSSF) on behalf of the workers, were not viable. We really need to guard these resources against such misuse.

With those few remarks, I support the Bill with the amendments that have been proposed.

**Dr. Shaban:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. In the past, we know that the pension schemes in the country have really been misbehaving until there was need to create the RBA. The Authority was meant to regulate pension schemes and offer guidelines on how they should be run in this country. I do not think they were meant to harass workers in this country in collusion with the Ministry of Finance. It is very unfair for them to insist that workers cannot access their money until they attain a certain age. Now, workers who are 30 years old and who have been laid off in the private sector and some parastatals have to wait until they are 55 years old to access their own contributions and those of their employers. I think that is very unfair and the RBA must do what it must do. The Ministry of Finance should be able to protect the workers in this country.

It is very wrong for someone who is 30 years old and who has been sent home, with only Kshs5,000 in his pocket, to be told that he can only access his Kshs2 million when he attains the age of 55 years. They are condemned to die of hunger and they are not supposed to do any business because the Ministry of Finance thinks so and at the same time the RBA tells them that its hands are tied by the Ministry of Finance. Therefore, this Bill can only be acceptable to everybody if that amendment is introduced and the workers are made to feel safe as far as their contributions are concerned.

**Mr. Mwandawiro:** Ahsante sana, Bw. Spika, kwa kunipa fursa hii ili nami nizungumzie Mswada huu unaohusu malipo ya uzeeni na jinsi yanavyoweza kutumiwa ili yawasaidie watu wanaoyachangia na wanaoyahitaji kabisa.

Ikiwa kweli tuna lengo la kuwasaidia wafanyakazi ili wakati wanapong'atuka kutoka kazini

waweze kupata malipo ya uzeeni ambayo yatawawezesha kuishi maisha bora, basi sharti Wizara ya Fedha ishirikiane kikamilifu na Wizara ya Leba. Mishahara ya wafanyakazi wengi katika Serikali na wengine wanaofanya kazi katika makampuni ya watu binafsi ni midogo sana. Hata mchango unaowekwa ni mdogo sana na matokeo ya posho ya uzeeni huwa madogo sana. Kwa hivyo, ni vyema kama Wizara za Fedha, Leba na yote kwa ujumla yangeangalia maswala ya ajira na mishahara ya wafanyakazi, ili mapato yaweze kuongezeka. Ni lazima Wizara ya Leba ikishirikiane na ile ya Fedha zihakikishe kwamba kila mfanyakazi anasajiliwa, ili muajiri wake alazimishwe kumuwekea pato la posho la uzeeni. Vile tulivyo sasa, wafanyakazi wengi wa makampuni ya kibinafsi kama vile baa na maduka wamewachiliwa na Serikali. Wenye biashara hizo wananyonya watu tu. Ingekuwa vizuri kama tungekuwa na sera za kuhakikisha kwamba kila mtu anayeajiri mtu ni lazima amlipie kiwango cha mishahara wake kwa Serikali, na Serikali ifanye vile inavyoweza ili kuhakikisha kwamba imeweka posho la uzeeni. Jambo hili linafaa kufuatwa na waajiri wote, wawe ni wa vibarua katika sehemu za mashambani, ama wale wanaofanya kazi za nyumbani, wafanyakazi wa baa, au watu wanaofanya kazi katika mikahawa. Ni lazima wawekewe pato fulani la siku zijazo na kiwango kidogo cha mishahara kizingatiwe. Tukifanya hivyo, watu wengi watafaidika.

Hivi sasa, nchi yetu inaelekea katika mfumo wa ubepari. Hatuwajali wananchi! Hii ndiyo sababu watu wengi wanatajirika haraka sana. Hii ni kwa sababu leba hailipwi na pia watu wengine wananunua matatu na kuwaajiri watu ambao hawawalipi chochote. Watu wenye biashara ndio wanaotajirika haraka. Serikali na Wizara ya Leba haifanyi juhudi ya kuwalinda wafanyakazi na kuhakikisha kwamba kila mtu ambaye ameandikwa analipwa. Badala ya kufanya hivyo, Serikali inawasaidia wanyonyaji, kwa sababu tumekubali mfumo wa unyonyaji. Watu wanaajiri wengine bila kujali maisha ya wafanyakazi ya uzeeni. Waajiri hujali maisha yao tu.

Naunga mkono Hoja hii, nikizingatia kwamba ina lengo la kuhakikisha kwamba wafanyakazi watakapozeeka watapata posho lao la uzeeni. Ni muhimu kwetu kuzingatia hali ya mishahara ya wafanyakazi. Tunafaa kuhakikisha kwamba tuna sera za kuhakikisha kwamba kila muajiri anawajibika kwa kumuwekea muajiriwa wake posho la uzeeni.

Kwa maneno hayo, naunga mkono.

**Dr. Kibunguchy:** Thank you, Mr. Deputy Speaker, Sir. I stand to support this Bill. I would like to also go on record saying that I am very delighted by the announcement by the Minister for Lands and Housing, to rescind the Gazette Notice that had brought a lot of resentment, especially in my area of Lugari. Where I come from, many people own land, much less than 2.5 acres. There was a lot of apprehension on the ground that it would have been impossible for fathers to bequeath their children portions of land. I am glad and would like to congratulate the Minister. Obviously, I am sure he said this with the background of the raging campaigns in mind. However, if we can get some of our issues solved with the referendum issues at the moment, it would be good. The announcement relieves a lot of apprehension from our people.

I would also like to support the sentiments expressed by hon. Muite, that once people set aside money for retirement, then it is up to them to decide when to use it. There should be no restriction from anyone on how the money should be used.

I would like to talk about pensions in general. I know in this House, we have talked about pensions, left, right and centre. People who have retired have many problems accessing their final dues. I would like to ask the Minister to put mechanisms in place to ensure that it is easier for people to access their pensions. Some people have worked for over 30 to 40 years, but when they retire, they have to move from office to office trying to get their final dues. It becomes even worse, if the worker dies and his dependants have to chase for the final dues. It becomes a nightmare! I would like to ask the Ministry to make it possible--- I am glad to say that the NSSF is not as bad as it used to be because it is computerised and one can access information very fast. I would like the Department of Pensions to move into that direction, so that it is easier to access information about people who have

retired and want their benefits.

With those few remarks, I beg to support.

**The Assistant Minister for Local Government** (Mr. Tarus): Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to contribute to this Bill. I am glad that the Minister for Finance has found it important to ensure that there is a time limit for employers to remit reductions from employees. We have noticed more often than not, most institutions take a lot of time to remit pensions deducted from employees. As if that is not enough, when employees retire, we have also found out that it takes a long time for their pensions to be paid. I am glad that this Bill has also indicated that if the pension deducted is not remitted, it will attract a compound interest. I can see an indication of 3 per cent, although it should have been made higher than that. It is, nevertheless, important to ensure that those who do not remit employees deductions are penalised because they have no reason to retain money that has been deducted from employees. I have also seen an amount payable on failure to remit the deductions---

### QUORUM

**Mr. Marende:** On a point of order, Mr. Deputy Speaker, Sir. It appears to me as if there is clearly no quorum in this House. Is it in order for us to continue with debate when there is no quorum?

**Mr. Deputy Speaker:** Yes, indeed, there is no quorum and we are quite few. I order the Division Bell to be rung.

*(The Division Bell was rung)*

### ADJOURNMENT

**Mr. Deputy Speaker:** Order, hon. Members. As you can see, we have not been able to realise a quorum. Therefore, the Chair has not alternative, but to adjourn the House for lack of quorum. This House, therefore, stands adjourned until Tuesday, 4th October, 2005, at 2.30. p.m.

When we resume Mr. Tarus will have 15 minutes to contribute.

The House rose at 4.20 p.m.